



**MINUTES OF
COUNCIL MEETING, NOVEMBER 3, 2009**

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

Council met in Committee-of-the-Whole closed to the public at 6:37 p.m. and in open session at 7:14 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present:

Councillors R. Alakas, D. Alexander (6:40 p.m.), M. Belcastro, F. Campion, P. Chiochio, M. Dzugan, J. Larouche, P. Grenier, R. Letourneau, S. O'Dell, and B. Sharpe.

Members of the Staff and Others Present:

City Manager, C. Stirtzinger

Acting City Clerk, C. Mintoff

Deputy Clerk, B. Nistico-Dunk

Chief, Fire & Emergency Services, D. Prevost

General Manager, Engineering, Public Works & Transportation Services/City Engineer, S. Iannello

General Manager, Financial & Corporate Services/Treasurer, B. Silvestri

General Manager, Human Resources, R. Mantesso

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

General Manager, Planning & Development Services, D. Thorpe

Manager, Traffic & Parking Operations, D. Ferguson (6:37 p.m. – 7:07 p.m.)

09-25 Moved by Letourneau and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:37 p.m. to consider:

- a) the security of the property of the municipality or local board;
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
- g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.

CARRIED

(Councillor Grenier was not present during Committee-of-the-Whole discussions on a litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board).

09-25 Moved by Letourneau and Alexander

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:07 p.m. without report.

CARRIED

DELEGATIONS:

09-28 Peter Papp, Executive Director, and Paul Leon, Campaign Chair, United Way of South Niagara addressed Council regarding the 2009 United Way of South Niagara Campaign Strategy.

99-110 D. Bruce Timms, Regional Councillor, Chair, Greater Niagara Circle Route Committee addressed Council regarding the East Side Trail.

PUBLIC MEETING PURSUANT TO SECTION 357 - TAX WRITE-OFFS

- No one was present to speak to this matter.

There being no submissions the hearing was concluded.

BOARDS, AGENCIES, COMMISSIONS REPORTS

09-4 Councillor Grenier, Chair of the Budget Review Committee provided an update on the Budget Review Committee meeting of October 27, 2009.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

97-49 A By-law to authorize the entering into an agreement for physician services.

99-110 D. Bruce Timms, Regional Councillor, Chair, Greater Niagara Circle Route Committee – East Side Trail.

01-108

09-161 Gen. Mgr., Planning and Development Services, D. Thorpe – The City of Welland-Downtown Improvement Incentives Programs: Helen Pylypuk – 78 & 80 King Street.

02-160 A By-law to govern the proceedings and conduct of Council and the Committees thereof and to repeal By-law 2007-178.

02-160

02-172 A By-law to adopt a policy for the providing of Public Notice Pursuant to the *Municipal Act, 2001*; and to repeal By-law 2007-181.

06-62 Gen. Mgr., Planning and Development Services, D. Thorpe – Withdrawal of Draft Plan Approval for the Riverbend Subdivision, west side of Riverside Drive, south of Waterview Court, municipally known as 290 Riverside Drive (File: 26T-14-05004).

- 06-148** Gen. Mgr., Planning and Development Services, D. Thorpe – Request for Part Lot Control Exemption – Lots 1 to 14 (inclusive) and Blocks 15 and 16 Registered Plan 59M-378 – Shipview Court Subdivision (File: 26T-14-06005).
- 06-148** A By-law to exempt certain lands from Part Lot Control – located on Shipview Court, in the Shipview Court Estates Subdivision (Plan 59M-378) City of Welland.
- 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 3rd day of November, 2009.
- 09-3** Acting City Clerk, C. Mintoff – Lottery License.
- 09-4** Gen. Mgr., Financial & Corporate Services/Treasurer, B. Silvestri – Application for Tax Write-Offs – Section 357.
- 09-13** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Transit Update 2009.
- 09-13** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Universal Bus Pass Agreement with Brock University Students Union Inc.
- 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 enrolment for the period September 1, 2009 to April 30, 2011.
- 09-13** A By-law to authorize the purchase of one mid-size low floor bus from Leeds Transit.
- 09-15** A By-law to amend By-law 2007-90, being a By-law to establish an Emergency Management Program Committee and to appoint a Community Emergency Management Coordinator.
- 09-16** A By-law to authorize the entering into a Letter of Understanding with The Canadian Union of Public Employees (C.U.P.E.) Local 1115 for the period from January 1, 2010 to March 31, 2011.
- 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.
- 09-22** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Administrative Update to By-law 89-2000.
- 09-22** A By-law to amend definitions of By-law 89-2000, being a By-law Regulating Traffic and Parking within the City of Welland.
- 09-28** Peter Papp, Executive Director, and Paul Leon, Campaign Chair, United Way of South Niagara re: the 2009 United Way of South Niagara Campaign Strategy.
- 09-48** A By-law to authorize the acceptance of tender and the entering into a contract with Baiocco Construction Corp. for the Centre Street Sanitary Sewer and Watermain Construction and Wellington Street Realignment “A Community Adjustment Fund Project”.
- 09-147** A By-law to authorize the acceptance of tender and the entering into a contract with Rankin Construction Inc. for the Thorold Road Intersection and Roadway Improvement Phase 1; and to retain AECOM for construction administration services “An Infrastructure Stimulus Fund Project”
- 09-159** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Forks Road Bridge Rehabilitation Study – Retention of Engineering Consultant Services “An Investing in Ontario Project”.
- 09-159** A By-law to authorize the retention of Ellis Engineering Inc. to provide engineering consultant services for the Forks Road Bridge Rehabilitation Study “An Investing In Ontario Project”.
- 09-160** Notice of Motion – Councillor Letourneau re: Create a “Site Alteration By-law” which prohibits the dumping of fill, removal of topsoil, and the alteration of the grade of property in a manner that would or will adversely affect adjacent private or public properties.

09-1 Moved by Larouche and Alakas
 THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Special Council Meetings of October 13, 2009 and October 27, 2009 and Regular Council Meeting of October 20, 2009, as circulated.

CARRIED

99-110 Moved by Larouche and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by D. Bruce Timms, Regional Councillor, Chair, Greater Niagara Circle Route Committee regarding East Side Trail; and further

THAT Welland City Council refers the presentation to staff to discuss with the affected municipalities the creation of a consistent enforceable by-law for use of the East Side Trail.

CARRIED**01-108****09-161** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Application for the Downtown Improvement Incentive Programs – Façade Restoration and Improvement Loan in the amount of \$7,245.00 at 0% interest rate to be issued upon project completion and occupancy, to the satisfaction of the City, to Helen Pylypuk for land known municipally as 78 & 80 King Street, for the restoration and improvement of the building facade; 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 \$983.59 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 \$1,014.85 for the Regional portion of the taxes; and further

THAT Welland City Council directs that the Applicant 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**06-62** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND withdraws Draft Plan Approval for the Riverbend Subdivision (File: 26T-14-05004) located on the west side of Riverside Drive, south of Waterview Court, municipally known as 290 Riverside Drive.

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

THAT THE COUNCIL OF THE CITY OF WELLAND approves the exemption to Part Lot Control for a period of 5 years for Lots 1 to 14 (inclusive) and Blocks 15 and 16, Registered Plan 59M-378 (east of Vanier Drive, north of Lincoln Street) to realize the proposed development of these lands for thirty (30) semi-detached and three (3) street townhouse dwelling units; and further

THAT Welland City Council authorizes staff to prepare the necessary By-laws.

CARRIED**06-156** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to proceed with a new contract with the Welland Humane Society, 2010 to 2013, as recommended by the Budget Review Committee.

CARRIED**09-3** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves the following Lottery License:
79 Lynton Davies Air Cadets - Break Open Tickets.

CARRIED

09-4 Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves the write-off of taxes in the amount of \$5,873.48 as contained in Report FIN-2009-15 for the reduction or cancellation of taxes, pursuant to Section 357 of the Municipal Act, 2001.

CARRIED

09-9 Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves that all costs associated with the two streetlights located at Tanguay Hall, technically referred to as 2N21 and 2N22, be the responsibility of the property owner, as recommended by the Budget Review Committee.

CARRIED

(Councillor Letourneau asked to be recorded as opposed to this Resolution)

09-13 Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report TRANS-2009-14 – Transit Update 2009 for information purposes.

CARRIED

09-13 Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND gives approval for the City of Welland (Welland Transit) to enter into an agreement with the Brock University Students Union (BUSU), representing the student enrollment of Brock University to provide a Universal Student Pass service for the school terms of September to April for the school year 2009 - 2010 and 2010 – 2011.

CARRIED

09-22 Moved by Campion and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND 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 to hold a meeting to present the designs and then prepare a report for consideration by Council.

CARRIED

09-22 Moved by Grenier and Belcastro

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

REMOVE THE FOLLOWING:

General Wording & Definitions:

"Accessible Parking Permit" means a person with a disability parking permit issued by the Ministry of Transportation pursuant to the Highway Traffic Act and the regulations made thereunder, or a permit, numbered plate, or other marker or device, issued by another jurisdiction and recognized under said Act;

"disabled parking space" means a parking space or zone marked by a sign indicating such space is for the sole use of vehicles displaying a valid permit, in accordance with the requirements of the Highway Traffic Act and regulations made thereunder and this by-law;

"disabled sign" is a sign consisting of the symbol for the disabled to be used for the purpose of designating parking spaces for the sole use of vehicles operated by or conveying disabled persons;

...continued...

09-22...cont'd.

- 3.4.1 Disabled Parking
- 3.4.1.1 No person shall park a vehicle in a designated parking space in a public parking area, unless a valid accessible parking permit is properly displayed,
- (a) affixed to the sun visor on the driver's side of the vehicle with the visor turned down; or
- (b) on the driver's side of the dashboard of the vehicle.
- 3.4.1.2 Any person who is qualified and holds a valid permit may park at any parking space in the City of Welland as follows without depositing money:
- (a) at a municipal parking lot operated by a parking ticket dispenser for up to three (3) hours,
- (b) at a municipal parking lot or on-street parking stall operated by a parking meter for the length of time of that specific parking meter but not to exceed a time of three (3) hours.
- 3.4.1.3 No public parking area owner or operator shall authorize any person to park a vehicle which does not properly display a valid accessible parking permit in a designated parking space.
- 3.4.1.4 The disabled signs referred to in this by-law shall conform with Ontario Regulation 581 made under the Highway Traffic Act as shown in Schedule XXXVIII (signage);
- 3.4.1.5 A disabled sign shall be permanently mounted as follows:
- (a) on a post located at the front end of a designated on-street parking space; or
- (b) on a post located at the point marking the midpoint in width of the parking stall.
- 3.4.1.6 Every owner or operator shall ensure that the designated parking spaces as required shall be:
- a) 4.4 metres in width;
- b) of the same length as the other parking spaces in the same public parking area (5.6 metres);
- c) hard surfaced;
- d) level;
- e) the number of spaces required must conform to City By-law 2667 and By-law 1538;

...continued...

09-22...cont'd.**ADD THE FOLLOWING:****General Wording & Definitions:**

"**disabled person parking permit**" means a person with a disability person parking permit issued by the Ministry of Transportation pursuant to the Highway Traffic Act and the regulations made there under, or a permit, numbered plate, or other marker or device, issued by another jurisdiction and recognized under said Act;

"**disabled parking space**" means a parking space marked by a disabled person parking permit sign indicating such space is for the sole use of vehicles displaying a valid disabled person parking permit, in accordance with the requirements of the Highway Traffic Act and regulations made thereunder and this by-law;

"**disabled person parking permit sign**" is a sign consisting of the symbol for the disabled to be used for the purpose of designating parking spaces for the sole use of vehicles operated by or conveying disabled persons;

3.4.1 Disabled Person Parking

3.4.1.1 No person shall park a vehicle in a disabled parking space, unless a valid disabled person parking permit is properly displayed,

(a) affixed to the sun visor on the driver's side of the vehicle with the visor turned down; or

(b) on the driver's side of the dashboard of the vehicle.

3.4.1.2 Any person who is qualified and holds a valid disabled person parking permit may park at any parking space in the City of Welland as follows without depositing money:

(a) at a municipal parking lot operated by a parking ticket dispenser for up to three (3) hours,

(b) at a municipal parking lot or on-street parking space operated by a parking meter for the length of time of that specific parking meter but not to exceed a time of three (3) hours.

3.4.1.3 No public parking area owner or operator shall authorize any person to park a vehicle which does not properly display a valid disabled person parking permit in a designated parking space.

3.4.1.4 The disabled person parking permit signs referred to in this by-law shall conform with Ontario Regulation 581 made under the Highway Traffic Act as shown in Schedule XXXVIII (signage);

...continued...

09-22...cont'd.

- 3.4.1.5 A disabled person parking permit sign shall be permanently mounted as follows:
- (a) on a post located at the front end of a designated on-street parking space; or
- (b) on a post located at the point marking the midpoint in width of the parking stall.
- 3.4.1.7 Every owner or operator shall ensure that the disabled parking spaces as required must conform to City By-law 2667 and By-law 1538;

ADD TO SCHEDULE "I"

SKETCH No.	LOCATION	COMMON NAME
A – 33	810 East Main Street	Club Social Inc.
A - 34	125 Woodlawn Road	Niagara South Condominium Corporation #27
A - 35	277 Plymouth Road	Rapelje Lodge
A - 36	178 King Street	Gateway Residential & Community Support Services of Niagara Inc.

CARRIED

09-28 Moved by Larouche and Alexander
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Peter Papp, Executive Director, and Paul Leon, Campaign Chair, United Way of South Niagara regarding the 2009 United Way South Niagara Campaign Strategy.

CARRIED

09-159 Moved by O'Dell and Larouche
 THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the single source appointment of ELLIS ENGINEERING INC, St Catharines, Ontario to proceed with Load Capacity Analysis and Rehabilitation/Replacement Analysis of the Forks Road Bridge, as detailed in Report ENG-2009-46 at the quoted upset limit of \$33,830.00 including applicable PST; and further
 THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a contract with ELLIS ENGINEERING INC, to execute the subject study.

CARRIED

09-160 Moved by Letourneau and Chiocchio
 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare and create a "Site alteration By-law" which prohibits the dumping of fill, removal of topsoil, and the alteration of the grade of property in a manner that would or will adversely affect adjacent private or public properties and report back to Council with their recommendations.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

09-13

BYL 2009 - 145

A By-law to authorize the entering into an agreement with Brock University Students Union to provide universal transit ridership for the student enrolment for the period September 1, 2009 to April 30, 2011.

09-159

BYL 2009 - 148

A By-law to authorize the retention of Ellis Engineering Inc. to provide engineering consultant services for the Forks Road Bridge Rehabilitation Study "An Investing In Ontario Project".

And that same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Dzugan and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-laws listed in the foregoing motion and, as reproduced in this evening's Council Agenda, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal same.

CARRIED

BY-LAWS PRESENTED FOR FIRST READING:

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

02-160

Byl 2009 - 144

A By-law to govern the proceedings and conduct of Council and the Committees thereof and to repeal By-law 2007-178.

09-16

BYL 2009 - 146

A By-law to authorize the entering into a Letter of Understanding with The Canadian Union of Public Employees (C.U.P.E.) Local 1115 for the period from January 1, 2010 to March 31, 2011.

...continued...

BY-LAWS PRESENTED FOR FIRST READING...cont'd.:**97-49**

BYL 2009 - 147

A By-law to authorize the entering into an agreement for physician services.

09-13

BYL 2009 - 149

A By-law to authorize the purchase of one mid-size low floor bus from Leeds Transit.

04-48

BYL 2009 - 150

A By-law to authorize the acceptance of tender and the entering into a contract with Baiocco Construction Corp. for the Centre Street Sanitary Sewer and Watermain Construction and Wellington Street Realignment "A Community Adjustment Fund Project".

09-15

BYL 2009 - 151

A By-law to amend By-law 2007-90, being a By-law to establish an Emergency Management Program Committee and to appoint a Community Emergency Management Coordinator.

09-22

BYL 2009 - 152

A By-law to amend definitions of By-law 89-2000, being a By-law regulating traffic and parking with the City of Welland.

02-160**02-172**

BYL 2009 - 153

A By-law to adopt a policy for the providing of Public Notice Pursuant to the Municipal Act, 2001; and to repeal By-law 2007-181.

09-147

BYL 2009 - 154

A By-law to authorize the acceptance of tender and the entering into a contract with Rankin Construction Inc. for the Thorold Road Intersection and Roadway Improvement Phase 1; and to retain AECOM for construction administration services "An Infrastructure Stimulus Fund Project".

06-148

BYL 2009 - 155

A By-law to exempt certain lands from Part Lot Control - located east of Vanier Drive, north of Lincoln Street, City of Welland (Lots 1 to 14, inclusive, and Blocks 15 and 16, Plan 59M-378).

09-1

BYL 2009 - 156

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 3rd day of November, 2009.

And that same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

4. Moved by Grenier 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, November 11, 2009 for inclusion on the next regular Council meeting agenda of November 17, 2009.

Council adjourned at 8:55 p.m.

These Minutes approved and adopted by Motion of Council this 17th day of November, 2009.

MAYOR

ACTING CITY CLERK