



**MINUTES OF  
COUNCIL MEETING, NOVEMBER 17, 2009**

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

Council met in Committee-of-the-Whole closed to the public at 6:50 p.m. and in open session at 7:12 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:**

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

Acting City Clerk, C. Mintoff

Deputy City Clerk, B. Nistico-Dunk

Chief, Fire & Emergency Services, D. Prevost

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, Parks, Facilities & Leisure Services, R. Morwald (7:12 p.m. – 8:14 p.m.)

**09-25** Moved by Belcastro 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 6:50 p.m. to consider:

- a) personal matters about an identifiable individual, including municipal or local board employees; and
- b) a proposed or pending acquisition or disposition of land by the municipality or local board.

**CARRIED**

**09-25** Moved by Sharpe and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:03 p.m. without report.

**CARRIED**

### **PRESENTATIONS:**

Councillor Jim Larouche presented a plaque to Drew Alakas in recognition of his recent National Champion Victory at the Canadian National Grass Drag Racing Championship, in Harrowsmith, Ontario.

John Dunn, Fire Prevention Officer made a presentation regarding Smoke Alarm Program in Welland with guest speaker; John Iconomopolos, survivor of the 28 State Street house fire.

### **BOARDS, AGENCIES, COMMISSIONS REPORT**

**05-141** George Doros, Chair of the Arts and Culture Advisory Committee addressed Council regarding its policy for the City of Welland.

**09-12** Councillor Larouche, Nominating Committee Chair, addressed Council regarding appointments to the following:

- Chair of Integrated Services; and
- Vice Mayors.

**09-1** Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of November 3, 2009 and Special Council Meeting of November 10, 2009, as circulated.

**CARRIED**

**97-118**

**04-114**

**05-65**

**06-49** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves the assumption of the Whispering Pines, Plan 59M-328, Promenade Richelieu, Plan 59M-346, Clare Avenue Estates Phase 2, Plans 59M-343 and Cedar Park Estates Phases 1, 2 and extension (59M-226 & 59M-256) subdivisions, and further THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to execute same.

**CARRIED**

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

Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND refers back to staff Report FIN-2009-16 regarding a policy for water and tax inserts and for inclusion of information from discussions with the Niagara Community Foundation with respect to their possible involvement.

**CARRIED**

**04-48**

Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the written estimate of Trillium Railway Company Limited, as detailed in Report ENG-2009-51 for Brown Road Trillium Rail Crossing Signalization and Improvement – Part of Centre Street Sanitary Sewer and Watermain Construction and Wellington Street Realignment CAF funded project, at the quoted value of \$407,520.09 including applicable PST; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to acknowledge and recognize the Brown Road Rail Signalization works as per CAF funding approval by the Government of Canada.

**CARRIED**

**04-124**

Moved by Sharpe and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information REPORT ENG-2009-50 on the Third Quarter Update of 2009 for the Universal Water Metering Program.

**CARRIED**

**05-141**

Moved by Alakas and Alexander

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by George Doros, Chair of the Arts and Culture Advisory Committee relative to its policy for the City of Welland.

**CARRIED**

**05-141**

Moved by Alakas and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Arts and Culture Policy as presented by the Arts and Culture Advisory Committee and attached as Appendix I in Report PFLS-2009-14, and further

THAT Welland City Council approves the revised Terms of Reference for the Arts & Culture Advisory Committee attached as Appendix II in Report PFLS-2009-14, and further

THAT Welland City Council directs staff to transfer the balance of the 150th Anniversary Legacy Fund to an Arts & Culture reserve account to support future Arts and Culture initiatives, and further

THAT Welland City Council directs staff to identify the resources that will support the development of a strategy for the implementation of the Arts and Culture Policy, and further

THAT Welland City Council approves renaming Parks, Facilities and Leisure Services to be Parks, Facilities, Recreation & Cultural Services.

**CARRIED**

**05-158**

Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report PF&LF 2009-17, Woodlawn Road Sportsplex and Arenas Project for information; and further

THAT Welland City Council terminates the RFP process for the Woodlawn Road Sportsplex and Arenas Submissions, as reported to City Council on June 16, 2009; and further

THAT Welland City Council directs staff to continue to explore alternate sources of funding, partnerships, and opportunities for both sport field and arena development.

**CARRIED**

**06-156** Moved by Grenier and Belcastro  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives Report Traf-2009-25 Trap Neuter Return (TNR) Program for information.

**CARRIED**

**08-152** Moved by Grenier and Belcastro  
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the removal of the Holding (H) Symbol on lands municipally known as 397 Thorold Road to permit a commercial school in accordance with Zoning By-law 2008-107; and further  
 THAT Welland City Council authorizes Staff to prepare the necessary By-laws.

**CARRIED**

**09-4** Moved by Grenier and Belcastro  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the capital project close out reports for the following projects:

- Memorial Park Redevelopment Plan
- Photocopier – HPCM8060 Color MFP
- Aqueduct Park Playground
- Bugar Park Baseball Netting and Poles
- Winstonville Park Playground
- Dunkirk Park Playground
- Sanitary Sewers - Hellems/Bugar PH3 08-10
- Merritt Island Accessible Washrooms
- Lyons Creek Culvert (Bridge Rehabilitation)
- Windsor Avenue Area
- McAlpine Avenue Drainage Study; and further

THAT Welland City Council approves staff recommendations for the capital project surpluses and deficits.

**CARRIED**

**09-12** Moved by Letourneau and Sharpe  
 THAT THE COUNCIL OF THE CITY OF WELLAND appoints Councillor Dzugan as Chair of Integrated Services as recommended by the Nominating Committee until November 30, 2010.

**CARRIED**

**09-12** Moved by Letourneau and Sharpe  
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the recommendation of the Nominating Committee and appoints the following as Vice Mayor for two (2) month terms of office, for the period commencing December 1, 2009 and ending November 30, 2010:

December 1, 2009 to January 31, 2010 - Councillor Larouche

February 1, 2010 to March 31, 2010 - Councillor Van Vliet

April 1, 2010 to May 31, 2010 - Councillor Grenier

June 1, 2010 to July 31, 2010 - Councillor Chiochio

August 1, 2010 to September 30, 2010 - Councillor Belcastro

October 1, 2010 to November 30, 2010 - Councillor Dzugan.

**CARRIED**

**09-13** Moved by Grenier and Belcastro  
 THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the Mayor and City Clerk to sign the agreement between Welland Transit, and Calloway Reit (Welland) Inc. and Canadian Tire Real Estate Limited, for the provision of Transit Services to the Smart Centre; and further  
 THAT Welland City Council authorizes the City Clerk to prepare the necessary by-law.

**CARRIED**

**09-13** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a "Governance Agreement for the Joint Procurement of Specialized Transit Buses; and further

THAT Welland City Council authorizes the Mayor and City Clerk to sign the Confirmation Agreement, and the Purchaser and Information sheet, as well as any other documents necessary to bind the City of Welland to the Joint Procurement of Specialized Transit Buses Agreement.

**CARRIED**

**09-13**

**09-46** Moved by Van Vliet and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND approves the purchase of One (1) New Full Size Three Quarter Ton 4x4 Single Axle Regular Cab Pick-up Truck Complete with 8' Western, Arctic or Boss "V" type Snow Plow from Forbes Bros GM, being the lowest bidder at a tendered price of \$41,342.40 PST included; as per the 2009 Transit Capital Budget (TRANS-2009-16); and

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to purchase five (5) new One Half Ton Cargo General Motors Type Vans from Forbes Bros GM the lowest bidder meeting required specifications (ENG-2009-49); and

THAT THE COUNCIL OF THE CITY OF WELLAND authorize Staff to purchase one (1) New Asphalt Zipper and one (1) New Tandem Dump Truck with Plow, Wing and Sander and further approve and authorize staff to purchase the equipment in 2009 as per Draft # 4 of the 2010 Fleet Budget Provisions, subject to the Council approval of the 2010 Enterprise Budget (ENG-2009-48).

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**09-13**

**09-46** Moved by Grenier and Alexander

THAT the motions related to reports TRANS-2009-16, ENG-2009-49, and ENG-2009-48, moved as a block, be separated and voted on individually.

**LOST**

**FOLLOWING THE LOST VOTE ON THE MOTION TO SEPARATE THE MOTIONS MOVED AS A BLOCK, THE MAIN MOTION WAS PUT IN ITS ORIGINAL FORM AND .....**

**CARRIED**

**09-13** Moved by Van Vliet and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the proposal from Grey Island Inc. for the purchase and installation of an Automated Stop Announcement System for Welland Transit as well as the annual expenditures for ongoing operation related to air time and licensing fees.; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into an agreement with Grey Island Inc. for the installation of an Automated Stop Announcement System on Welland Transit buses.

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**09-13** Moved by Campion and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND refers back to staff Report TRANS-2009-19 regarding the automated transit stop announcement system for further investigation.

**CARRIED**

**09-15** Moved by Belcastro and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives for the information the presentation by John Dunn, Fire Prevention Officer, regarding Smoke Alarm Program in Welland with guest speaker John Ionomopolos, survivor of the 28 State Street house fire.

**CARRIED**

**09-19** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report PF&LS-2009-15 Investigation of Banning Smoking in City Owned Parks During Games for information purposes; and further THAT Welland City Council directs staff to prepare a draft By-law and education program for Council's consideration prior to the 2010 summer sports season.

**CARRIED**

**09-19** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND endorses Report PF&LS-2009-16 outlining the opportunities of participating in the Niagara Peninsula Conservation Authority Simply Tree-Mendous Tree Challenge.

**CARRIED**

**09-22** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare a bylaw to implement the following parking initiatives:

- i) THAT staff install parking meters on the west side of King Street from approximately Sixth Street to Third Street, Monday to Saturday, 8am to 6pm at a fee of \$1.00/hour; and further
- ii) THAT staff install Authorized Parking Only signage at the Welland Arena; and further
- iii) THAT the rate of pay for all existing parking meters on King Street be increased to \$1.00/hour.

**CARRIED**

**09-164** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Niagara Region Report PWA 104-2009(CSD 131-2009) Water and Wastewater Common Rate Setting and Cost Recovery Review; and further

THAT Welland City Council endorses in principle, the Memorandum of Understanding (MOU) for Feasibility Study: Common Rate Structure for Niagara's Water and Wastewater Systems and authorizes the Clerk, upon receipt and approval of the cost of a Feasibility Study, to execute the said MOU.

**CARRIED**

## **BY-LAWS**

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

1. Moved by Alakas and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND now gives leave to introduce the following proposed By-laws entitled:

**05-141**

BYL 2009 - 170

A By-law to establish and adopt a City Policy governing Arts and Culture.

And that same be now read a first time.

**CARRIED**

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

2. Moved by Alakas and Dzugan  
 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.

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

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

**09-46**

BYL 2009 - 157

A By-law to authorize the purchase of five (5) new One Half Ton Cargo General Motors Type Vans from Forbes Bros GM.

**09-13**

BYL 2009 - 160

A By-law to authorize the purchase of one new full size Three Quarter Ton 4X4 Single Axle Regular Cab Pick-Up Truck with Plow.

And that same be now read a first time.

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

4. Moved by Chiocchio 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:**

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

**08-125Z**

BYL 2009 – 158

A By-law to amend Zoning By-law 2667 upon the application of D'Arcy Welland Holdings Limited to remove the Holding Symbol "H" from certain lands on the south side of Thorold Road, known municipally as 397 Thorold Road (File 2008-07).

**09-13**

BYL 2009 - 159

A By-law to authorize the entering into a Governance Agreement for the joint procurement of specialized transit buses for a term ending December 31, 2010.

...continued...

**BY-LAWS PRESENTED FOR FIRST READING...cont'd.:****09-22**

BYL 2009 - 161

A By-law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Traffic and Parking By-law 89-2000 at Seaway Mall; and to repeal By-law 2009-67.

**09-13**

BYL 2009 - 162

A By-law to authorize the entering into a Transit Services Agreement with Calloway Reit (Welland) Inc. and Canadian Tire Real Estate Limited for transit services at the Primeway Plaza.

**01-42**

BYL 2009 - 163

A By-law to assume Draper's Creek Estates Subdivision (Phase 1), Registered Plan 59M-320.

**05-65**

BYL 2009 - 164

A By-law to assume Clare Avenue Estates Subdivision (Phase 2), Registered Plan 59M-343.

**97-118**

BYL 2009 - 165

A By-law to assume Cedar Park Estates Subdivision (Phases 1 and 2), Registered Plan 59M-226; and to assume Cedar Park Extension Subdivision, Registered Plan 59M-256.

**06-49**

BYL 2009 - 166

A By-law to assume Whispering Pines Subdivision, Registered Plan 59M-328.

**04-114**

BYL 2009 - 167

A By-law to assume Promenade Richelieu Subdivision, Registered Plan 59M-346.

**2000-69**

BYL 2009 - 168

A By-law to assume Clare Avenue Estates Subdivision (Phase 1), Registered Plan 59M-288.

**04-48**

BYL 2009 - 169

A By-law to authorize the entering into an agreement with the Trillium Railway Company Limited to provide signalizing and improvement for the Brown Road Trillium Rail Crossing, part of the Centre Street CAF Project "A Community Adjustment Fund CAF-127 Project".

**09-1**

BYL 2009 - 171

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 17th day of November, 2009.

And that same be now read a first time.

**CARRIED**

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

6. 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, 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, November 25, 2009 for inclusion on the next regular Council meeting agenda of December 1, 2009.**

Councillor Van Vliet gave Notice of Motion of the following issues to be presented to Council at the December, 2009 Regular Council Meeting:

**09-165      *THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to design and implement a universal policy with regards to leaf clean-up in the City of Welland.***

Council adjourned at 8:40 p.m.

These Minutes approved and adopted by Motion of Council this 1<sup>st</sup> day of December, 2009.

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**MAYOR**


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**ACTING CITY CLERK**