



**MINUTES OF  
COUNCIL MEETING, DECEMBER 1, 2009**

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

Council met in Committee-of-the-Whole closed to the public at 5:35 p.m. and in open session at 7:10 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

**Members Present:**

Councillors R. Alakas, D. Alexander, F. Campion, P. Chiochio, M. Dzugan, J. Larouche, P. Grenier, R. Letourneau, S. O'Dell, B. Sharpe and L. Van Vliet.

**Members of the Staff and Others Present:**

City Manager, C. Stirtzinger

Acting City Clerk, C. Mintoff

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, Recreation & Cultural Services, B. Fenwick

General Manager, Planning & Development Services, D. Thorpe

Records Clerk, C. Viger (7:10 p.m.)

Community Development Volunteer Coordinator, S. Dougherty (7:10 p.m.)

Manager, Economic Development, D. Degazio (until 7:10 p.m.)

(Bob Mahler, Chair, and Stephen Fischer, Manager Business & Operations, Welland Recreational Canal Corporation (WRCC), were present during Committee-of-the-Whole discussions on a proposed or pending acquisition or disposition of land by the municipality or local board matter).

(Ross Peever, President & CEO and Tim Clutterbuck, Chair, Welland Hydro Electric Holding Corp. were present during Committee-of-the-Whole discussions on a security of the property of the municipality or local board matter).

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

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:35 p.m. to consider:

- the security of the property of the municipality or local board;
- personal matters about an identifiable individual, including municipal or local board employees;
- a proposed or pending acquisition or disposition of land by the municipality or local board;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
- Under Section 239 (3.1) of the Municipal Act, 2001, as amended, for the purpose of training and educating members of Council.

**CARRIED**

*(Councillor Larouche was not present during Committee-of-the-Whole discussions on a security of the property of the municipality or local board).*

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

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:04 p.m. with report.

**CARRIED**

### **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 CORRESPONDENCE WAS DELETED:**

**99-90** Memo from Christine Mintoff, Acting City Clerk re: Welland Downtown Business Improvement Area – Request for an additional Board Member.

**99-90** A By-law to amend By-law 1999-51, being a By-law to designate a certain area as an improvement area (Welland Downtown Improvement Area) and to establish a Board of Management.

### **AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORT**

**09-167** Jaye Toulouse, Member of the Olympic Torch Relay Task Force addressed Council regarding an update on the Task Force's activities for the December 21, 2010 Torch Relay Community Celebration event.

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

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of November 17, 2009, and Special Council Meeting of November 24, 2009, as circulated.

**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 \$9,355.16 as contained in Report FIN-2009-20 for the reduction or cancellation of taxes, pursuant to Section 357 of the Municipal Act, 2001.

**CARRIED****09-22** Moved by Chiocchio and Larouche

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

**DELETE THE FOLLOWING:****General Wording & Definitions:**

3.13.11 no person shall park a heavy vehicle or detached trailer on any highway unless it is at the time being used to make a delivery or to provide a service;

**ADD THE FOLLOWING:****General Wording & Definitions:**

## Definitions

“**detached trailer**” means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, a mobile home, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn; and is not attached to a motor vehicle.

3.13.11 no person shall park a heavy vehicle on any highway unless it is at the time being used to make a delivery or to provide a service;

3.13.12 no person shall park a detached trailer on any highway without a city permit.

**ADD TO SCHEDULE “VI”**

<b>NO.</b>	<b>STREET ADDRESS</b>	<b>COMMON NAME</b>	<b>SKETCH DATE</b>
A - 76	125 Woodlawn Road	Niagara South Condominium Corporation #27	

**CARRIED****09-75** Moved by Sharpe and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND approves Report PFR&CS – 2009 – 19, 2015 Pan Parapan American Games – Joinder Agreement; and further

THAT Welland City Council directs staff to prepare the necessary by-law; and further

THAT Welland City Council authorizes the Mayor/City Clerk to sign the 2015 Pan Parapan American Joinder Agreement.

*(Councillor O’Dell asked to be recorded as opposed to this motion)*

**CARRIED**

**09-143** Moved by Campion and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report PFR&CS 2009-18 regarding the petition from residents of Barron Street, Woodcroft Crescent and Home Street requesting approval of the closure of the pathway that connects these three local roads; and further THAT Welland Council reserves its decisions in this matter until a neighbourhood meeting is conducted and the results forwarded to City Council for consideration.

*(Councillor Van Vliet did not take part in the consideration and discussion of same, and refrained from voting thereon, as the pathways terminates at the end of his driveway, and may affect the value of his home)*

**CARRIED**

**09-157** Moved by Chiocchio and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves the exemption request by Edgewater Properties Limited, for its Application for Condominium Approval for ninety-six (96), two-storey townhouse units, located at 195 Denistoun Street in accordance with Section 9(6) of the Condominium Act, Chapter 4, 1998, as amended subject to entering into a new Site Plan Control Agreement to incorporate updated securities.

**CARRIED**

**09-165** Moved by Van Vliet and Dzugan

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.

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**09-165** Moved by Sharpe and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND refers the matter to the February 9, 2010 General Committee Meeting.

**CARRIED**

**09-167** Moved by Grenier and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Jaye Toulouse, Member of the Olympic Torch Relay Task Force regarding an update on the Task Force's activities for the December 21, 2009, 2010 Torch Relay Community Celebration event.

**CARRIED**

### **BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE**

**09-10** Moved by Chiocchio and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Diane Zakraysek to serve on the Property Standards Committee and Dog Control Appeal Committee and that the term of said appointment shall expire December 31, 2012, in accordance with the Property Standards By-law.

**CARRIED**

**09-79** Moved by Chiocchio and Larouche  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report EDO-2009-04 regarding a pilot project with the Niagara Health System and McMaster Community and Rural Education Program; and further  
 THAT Welland City Council approves the Welland Economic Development Office entering into a one year Pilot accommodation project with the Niagara Health System and McMaster; and further  
 THAT Welland City Council approves staff of the Economic Development Office to enter into a 1 year lease arrangement for a 2 bedroom apartment; and further  
 That Welland City Council authorizes the Mayor and City Clerk to execute any necessary documents.

**CARRIED**

**10-45** Moved by Chiocchio and Grenier  
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the City's General and Transit Insurance renewal for the period December 31, 2009 to December 31, 2010 with Frank Cowan Company through the City's appointed broker of record, FE Coyne Insurance Brokers Ltd., at annual premiums (plus applicable taxes) as follows:

General	\$ 797,345.00
Transit	\$ <u>115,681.00</u>
MUNICIPAL TOTAL	\$ 913,026.00.

*(Councillor Larouche did not take part in the consideration and discussion of same, and refrained from voting thereon, as his employer is the broker of record for the City of Welland).*

**CARRIED**

## **BY-LAWS**

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

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

**09-75**

BYL 2009 - 172

A By-law to authorize the entering into a Joinder Agreement relating to the 2015 Pan Parapan American Games.

And that same be now read a first time.

**CARRIED**

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

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

**09-22**

BYL 2009 - 173

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

**09-1**

BYL 2009 - 174

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 1st day of December, 2009.

And that same be now read a first time.

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

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

**CARRIED****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, December 9, 2009 for inclusion on the next regular Council meeting agenda of December 15, 2009.**

Council adjourned at 8:36 p.m.

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

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**MAYOR**


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**ACTING CITY CLERK**