



**MINUTES OF
COUNCIL MEETING, DECEMBER 15, 2009**

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

Council met in Committee-of-the-Whole closed to the public at 5:01 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 (5:06 p.m.), M. Belcastro, F. Campion, P. Chiocchio, M. Dzugan, P. Grenier, J. Larouche, R. Letourneau, S. O'Dell (5:45 p.m.), B. Sharpe and L. Van Vliet (5:03 p.m.)

Members of the Staff and Others Present:

City Manager, C. Stirtzinger
Acting City Clerk, C. Mintoff
Deputy City Clerk, B. Nistico-Dunk
Chief, Fire & Emergency Services, D. Prevost
General Manager, Engineering, Public Works & Transportation Services/City Engineer, S. Iannello (5:20 p.m.)
General Manager, Financial & Corporate Services/Treasurer, B. Silvestri
Manager, Budgets and Financial Reporting/Deputy Treasurer, K. Douglas (until 8:58 p.m.)
General Manager, Human Resources, R. Mantesso
General Manager, Parks, Facilities, Recreation & Cultural Services, B. Fenwick
General Manager, Planning & Development Services, D. Thorpe

(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 property matter).

(Joe Lyng and Jacquelyn Elston, Walker Industries, were present during Committee-of-the-Whole discussions for the purpose of training and educating members of Council).

09-25 Moved by Dzugan and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 5:01 p.m. to consider:

- the security of the property of the municipality or local board;
- a proposed or pending acquisition or disposition of land by the municipality or local board;
- labour relations or employee negotiations;
- a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act (MFIPPA); and
- for the purpose of training and educating Members of Council.

CARRIED

(Councillor Alakas was not present during Committee-of-the-Whole discussions on a labour relations matter)

(Councillor Grenier was not present during Committee-of-the-Whole discussions on a security of property matter)

09-25 Moved by Larouche and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:57 p.m. with report.

CARRIED

BOARDS, AGENCIES, COMMISSIONS REPORTS

07-88 Patrick Kennedy and Ron Shishido, Dillon Consulting Limited addressed Council regarding the Official Plan.

09-15 Fire and Niagara EMS addressed Council regarding Medical Assistance calls.

09-4 Councillor Grenier, Chair of the Budget Review Committee provided an update on the Budget Review Committee meeting of December 8, 2009.

09-1 Moved by Larouche and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of December 1, 2009 and Special Council Meeting of December 8, 2009, as circulated.

CARRIED

99-99 Moved by Grenier and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information that the Welland Recreational Canal Corporation (WRCC) approves the proposed WRCC Operating and Capital Budgets for 2010; and further

THAT the Budget Review Committee recommends that Welland City Council approves, under By-law #1999-32, the 2010 WRCC Operating Budget; and further

THAT the Budget Review Committee recommends that Welland City Council approves, under By-law #1999-32, the 2010 WRCC Capital Budget.

CARRIED

99-99

Moved by Larouche and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Historic Sites and Monuments Board of Canada (the Board) advising that the application for designation of the Welland Canals Heritage Corridor Cultural Landscape (the Site) as a national historic site is being held in abeyance until the St. Lawrence Seaway Management Corporation lends its support to the Board's evaluation of said Site.

CARRIED**03-38****03-40**

Moved by Larouche and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves the proposed new user fees and fee increases for 2010 (Appendix I); and further

THAT Welland City Council accepts the list of user/service fees attached to this report (Schedule A) save and except for items under 32050 – summer camps – which would remain at 2009 rates; and further

THAT Welland City Council directs staff to amend the appropriate By-laws.

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

Moved by Larouche and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves a policy that the water and tax inserts be used only for the dissemination of information originating from the Corporation.

CARRIED**05-51**

Moved by Larouche and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND repeals the current City of Welland Purchasing By-law, No. 2004-181, and in its place adopts the new Purchasing Policy as outlined in Report FIN-2009-18 and directs the Clerk to prepare the necessary By-law.

CARRIED**06-84**

Moved by Larouche and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to terminate the Request for Proposal (RFP09-05) for the Design/Build of the Welland Community Wellness Complex; and further

THAT Welland City Council directs staff to issue a revised Request for Proposal for the Design/Build of the Welland Community Wellness Complex.

CARRIED**06-97**

Moved by Larouche and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report ENG-2009-53 as a Program Update on the Broadway Avenue Sanitary Sewer Drainage Area Basement Flooding Prevention Program; and further

THAT Welland City Council authorizes Staff to develop and implement a Sewer and Drainage By-law, requiring mandatory disconnection of foundation and roof drains to the Sanitary Sewer for the Broadway Avenue Sanitary Sewer Drainage Area.

CARRIED**07-88**

Moved by Dzugan and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND receives the Presentation from Dillon Consulting with respect to the Second Draft of the New Official Plan; and further

THAT Welland City Council directs Staff to proceed with the Public Hearing Process for the New Official Plan for early 2010.

CARRIED

09-4 Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the 2010 Enterprise Operating Budget, in principle, which results in a 2.99% budget increase and net effective tax rate increase of 1.99% (including 1% growth); and further

THAT Welland City Council accepts the 2010 Enterprise Capital Budget, in principle, in the amount of \$15,659,100; and further

THAT Welland City Council directs staff to prepare notice and by-laws for the adoption of the 2010 Enterprise Operating and Capital Budgets once assessment growth is determined; and further

THAT Welland City Council authorizes staff to proceed with 2010 expenditures and commence capital projects pre-approved by Council as recommended by the Budget Review Committee.

CARRIED**09-4** Moved by Larouche and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CM-2009-07, the Year to Date – Budget Performance to the end of September 2009 – Quarter 3 (Q3) as recommended by the Audit Review Committee.

CARRIED**09-4** Moved by Larouche and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves the proposal from RBC Royal Bank to provide banking services to the City of Welland, being the highest net revenue position of the four (4) proposals received; and further

THAT Welland City Council directs the Clerk to prepare the necessary By-law to enter into a contract for a three (3) year term commencing February 1, 2010, with an option to extend banking services up to two (2) additional years on a mutually acceptable basis.

CARRIED**09-4** Moved by Larouche and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the Treasurer to borrow, on an interim basis, up to \$6,000,000.00 to meet current and capital expenditures for the year 2010 while awaiting permanent funding by way of taxation, Provincial/Federal grants, and Regional debentures; and further

THAT Welland City Council directs the Clerk to prepare the necessary By-law.

CARRIED**09-5** Moved by Grenier and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND approves the following allocation of \$239,200 for 2010 Permissive Grants:

Niagara College	\$ 50,000
The Hope Centre	\$ 70,000
Women's Place of South Niagara Inc.	\$ 10,000
Safe Communities	\$ 5,000
Rose Festival & Parade Events	\$ 40,000
Peninsula's Tastiest Party (Niagara Food Festival)	\$ 40,000
Children's Safety Village	\$ 5,200
Waiving of Fees & In-Kind	\$ 19,000
	<u>\$239,200</u>

as recommended by the Budget Review Committee.

(Councillor Van Vliet asked to be opposed to this motion)

(Councillor Campion and Mayor Goulbourne did not take part in the consideration and discussion of same, and refrained from voting thereon, as they are employed by Niagara College).

CARRIED

09-5 Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives the request from Sean Kennedy, Vice President, Student & Community Relations, CEO, Niagara College Foundation requesting support from the City of Welland of \$250,000 over 5 years for the Niagara College Welland Campus transformation to achieve the College's \$90M Master Plan; and further

THAT Welland City Council approves granting \$50,000 per year for 5 years to the Niagara College Welland Campus transformation, based on the development of a more formal Memorandum of Understanding as recommended by the Budget Review Committee.

(Councillor Campion and Mayor Goulbourne did not take part in the consideration and discussion of same, and refrained from voting thereon, as they are employed by Niagara College).

CARRIED

09-13 Moved by Larouche and Belcastro

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.

CARRIED

09-13 Moved by Alexander and Chiochio

THAT THE COUNCIL OF THE CITY OF WELLAND supports the request by the Town of Fort Erie that they be included in the Niagara Peninsula Rail Service Expansion (GO Transit) – Class Environmental Assessment Study and Preliminary Design.

CARRIED

09-15 Moved by Grenier and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentations by Denys Prevost, Chief, Welland Fire & Emergency Services; John Cunnane, Niagara Region, Director, Emergency Services Division; and, Steve Van Valkenburg, Associate Director, Niagara Emergency Medical Services regarding medical assistance calls within Welland and throughout Niagara Region.

CARRIED

09-15 Moved by Larouche and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report F&ES-2009-04 Response to Medical Assistance Calls; and further

THAT Welland City Council reaffirms the continued delivery of Tiered Medical Assistance services by the Welland Fire & Emergency Services Department, at the current level of service; and further

THAT Welland City Council refers for comment from Regional Councillors representing Welland the possibility of cost recovery from the Region for Medical Assistance Calls.

CARRIED

09-19 Moved by Chiochio and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report PFR&CS 2009-20 the Sports Tourism Fee Rebate Project for sports organizations who demonstrate a direct economic impact while holding a sports event or tournament in the City of Welland; and further

THAT Welland City Council direct staff to develop a Sports Tourism Fee Rebate Program for Council's consideration.

CARRIED

09-19 Moved by Larouche and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the application from Parks, Facilities, Recreation and Cultural Services to hold fireworks at the Merritt Island parking lot and activities at the Civic Square on December 31, 2009 to celebrate New Years Eve; subject to the applicant's completion of all conditions of the City of Welland's Fireworks By-law 2003-127; and further
 THAT Welland City Council delegates, in accordance with its Delegation of Powers Policy, to the Fire Chief (or designate), in conjunction with the approval of fireworks event applications, the authority to approve and support all future New Years Eve event applications by PFR&CS.

CARRIED

09-29 Moved by Larouche and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CCLS-2009-07 regarding the 2010 Council Meeting Calendar; and further
 THAT Welland City Council cancels the following regular Council meetings: January 5, 2010; March 16, 2010; September 7, 2010; November 2, 2010; January 4, 2011; and further
 THAT Welland City Council establishes the dates of Tuesday, July 13, 2010 and Tuesday, August 10, 2010 for Council meetings.

CARRIED

09-46 Moved by Sharpe and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND, authorizes Staff to purchase one (1) New Portable Asphalt Reclaiming/ Trenching Machine with Tandem Axle Trailer from the one lowest tender submitted, Asphalt Zipper Inc., for the tendered price of \$96,471.54 Canadian Funds subject to Council approval of the 2010 Enterprise Budget.

CARRIED

09-46 Moved by Grenier and Dzugan
 THAT THE COUNCIL OF THE CITY OF WELLAND, authorizes Staff to purchase one (1) New Cab and Chassis 60,000 lb GVWR Tandem Axle Truck Cab complete with dump spreader body, plow wing, harness equipment and on board liquid pre-wet system from Archer Truck, the lowest bidder at \$218,960.85, subject to Council approval of the 2010 Enterprise Budget.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

99-43 Moved by Alexander and Dzugan

Article 3.1 – Business of the Corporation

3.1 (a) Add (v) “generating renewable energy and participating in renewable energy projects, energy storage, district heating and other similar business activities as permitted by applicable legislation.”

3.1 (b) remove “and the Shareholder” at the end of the sentence
 The Article is changed to read:

“the Services Company may engage only in the following business activities entry into which is subject to the approval of the Board of the Corporation”

3.1 (b) (i) add “subject to Shareholder approval”

The Article is changed to read:

“subject to Shareholder approval, retailing electricity”

3.1(b) (iv) before “business activities...” add “investigate and research”

The Article is changed to read:

“investigate and research business activities that develop or engage the ability of the Services Company to carry on any of the activities contemplated by the other subsections of this Section 3.1 (b)”

...continued...

99-43...cont'd.

3.1 (b) add new article (v)

"subject to Shareholder approval, business activities that develop or engage the ability of the Services Company to carry on any of the activities contemplated by the other subsections of this Section 3.1(b): and"

3.1 (b) add new article (vi)

"generating renewable energy and participating in renewable energy projects, energy storage, district heating and other similar business activities as permitted by applicable legislation"

Article 9 – Matters requiring Shareholder Approval

9.12 add	"and" after Corp. before (ii)"
remove	"30,000" after (ii) and add "200,000" after (ii)"
add	"each of" after "for" and before "the Corporation"
remove	"and (iii) \$200,000 for"
add	"and Welland WiFi Corp." after "Welland Hydro Energy Services Corp."

The Article is changed to read:

"Enter into any joint venture, partnership, strategic alliance or other venture or transaction, including, without limitation, ventures in respect of the generation or co-generation of electricity, which would require an investment, or which would have a financial impact in any fiscal year greater than (i) 10% of the net book value of the assets of Welland Hydro-Electric System Corp; and (ii) \$200,000 for each of the Corporation, Welland Hydro Energy Services Corp. and Welland WiFi Corp. (each a "Transaction Threshold"). The amount of all Transactions which the Corporation or a Subsidiary concludes under this Subsection 9.12 and which is below the applicable Transaction Threshold ("Minor Transaction") shall be added together, and when any subsequent proposed Transaction would exceed the applicable Transaction Threshold when added to the aggregate of the Minor Transactions in any fiscal year, Shareholder approval shall be required as described herein, notwithstanding that the proposed Transaction may not, by itself, exceed the applicable Transaction Threshold;"; and further THAT Welland City Council directs the Clerk to prepare the necessary by-law.

CARRIED

09-15 Moved by Belcastro and Campion

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the Memorandum of Settlement resultant from collective bargaining between the Welland Professional Firefighters' Association and the Corporation of the City of Welland dated December 15, 2009; and further THAT Welland City Council directs staff to prepare the necessary by-law incorporating the terms of the Memorandum of Settlement and covering the period January 1, 2009 to December 31, 2011.

CARRIED

09-19 Moved by Larouche and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the recommendation of Report PFR&CS 2009-23 to allocate an amount not to exceed - \$60,000.00 - to rectify a Health & Safety issue at the Municipal Service Centre and to comply with an outstanding order from the Ministry of Labour; and further THAT Welland City Council directs staff to conduct this work as soon as possible and no later than March 31, 2010.

CARRIED

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

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

08-71

BYL 2009 – 175

A By-law to provide for drainage works known as the Balsam Street Drain, in the
 City of Welland.

And that the same be now read a first time.

CARRIED**BY-LAW PRESENTED FOR SECOND READING:**

2. Moved by Larouche and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND having been read a first time and considered:

08-71

BYL 2009 - 175

A By-law to provide for drainage works known as the Balsam Street Drain, in the
 City of Welland.

And that the same be now read a second time.

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:

09-46

BYL 2009 - 178

A By-law to authorize the purchase of one new Portable Asphalt
 Reclaiming/Trenching Machine with Tandem Axle Transport Trailer from Asphalt
 Zipper Inc.

09-46

BYL 2009 - 179

A By-law to authorize the purchase of one new Cab and Chassis 60,000LB.
 G.V.W.R. Tandem Axle Truck Cab complete with Dump Spreader Body, Plow
 Wing, Harness Equipment and On-Board Liquid Pre-Wet System from Archer
 Truck.

99-43

BYL 2009 – 190

A By-law to amend By-law 2001-159, by amending the Shareholder Declaration
 respecting the Welland Hydro-Electric Holding Corp., its Subsidiaries and
 Affiliates.

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

09-4

BYL 2009 - 176

A By-law to authorize RBC Royal Bank to provide banking services to the City of Welland for a three (3) year term.

09-4

BYL 2009 - 177

A By-law authorizing the temporary borrowing of up to \$6,000,000.00 to meet the Current and Capital Expenditures.

03-38**03-40**

BYL 2009 - 180

A By-law to amend By-law 2006-193, being a By-law to establish and regulate fees and charges for various services or activities and use of property as provided by the municipality; and to repeal By-law 2008-201.

05-51

BYL 2009 - 181

A By-law to establish and adopt a policy with respect to the procurement of goods and services; and to repeal By-law 2004-181.

09-22

BYL 2009 - 182

A By-law to amend definitions of By-law 89-2000, being a By-law Regulating Traffic and Parking within the City of Welland.

09-13

BYL 2009 - 183

A By-law to authorize the acceptance of a proposal from Grey Island Inc. for an automated Transit Stop Announcement System.

09-12

BYL 2009 - 184

A By-law to appoint certain Members of Council as Vice-Mayor for two (2) month terms of Office for the period commencing December 1st, 2009 and ending November 30th, 2010.

09-15

BYL 2009 - 185

A By-law to authorize an amendment to the existing agreement with the City of St. Catharines to provide computer-aided dispatch services for the Welland Fire and Emergency Services Department.

...continued...

BY-LAWS PRESENTED FOR FIRST READING...CONT'D.:**09-99**

BYL 2009 - 186

A By-law to authorize the entering into agreements of purchase and sale with various land owners to effect land acquisitions relating to the Thorold Road widening, in the City of Welland.

09-24

BYL 2009 - 187

A By-law to establish a Comprehensive Policy for all Non-Union Employees of the Corporation of the City of Welland respecting certain terms and conditions of employment; and to repeal By-law 10176, and all amendments thereto.

09-129

BYL 2009 - 188

A By-law to grant a License of Occupation to Express Café for the provision of food services at the Civic Square.

98-62

BYL 2009 - 189

A By-law to authorize the entering into an agreement with Zavcor Limited and others with respect to St. Andrew's Terrace Subdivision, Plan 59M-269.

09-1

BYL 2009 - 191

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 15th day of December, 2009.

And that same be now read a first time.

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

6. Moved by Larouche 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 amended, 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, January 13, 2009 for inclusion on the next regular Council meeting agenda of January, 19, 2010.

Council adjourned at 9:29 p.m.

These Minutes approved and adopted by Motion of Council this 19th day of January, 2010.

MAYOR

ACTING CITY CLERK