



**MINUTES OF
COUNCIL MEETING, FEBRUARY 5, 2013**

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

Council met in Committee-of-the-Whole closed to the public at 6:20 p.m. and in open session at 7:04 p.m. on the above date.

His Worship Mayor Barry Sharpe in the Chair.

Members Present:

Councillors F. Campion, M. Carl, P. Chiochio, T. DiMarco, D. Fortier, P. Grenier, J. Larouche, R. Letourneau, D. McLeod, M. Petrachenko and B. Wright.

Members of Staff and Others Present:

City Clerk, C. Kosmack-Raby

Deputy Clerk, L. Bubanko

Acting City Manager/General Manager, Infrastructure Services/City Engineer, S. Iannello

General Manager, Corporate Services/City Treasurer, K. Douglas

General Manager, Human Resources, R. Mantesso

General Manager, Integrated Services, B. Fenwick

Transit Manager, A. Stockwell

Manager, Recreation and Culture, R. Morwald (until 7:43 p.m.)

Planning Manager, R. DiFelice (until 7:15 p.m.)

13-25 Moved by Letourneau and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:20 p.m. to consider:

- personal matters about an identifiable individual, including municipal or local board employees;
- 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
- for the purpose of educating or training members of Council.

CARRIED

13-25 Moved by McLeod and Letourneau

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

AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORTS:

13-4 Councillor Fortier, Chair, Budget Review Committee - meetings of January 22 and 29, 2013.

08-143 Councillor Campion, Chair, Health Care Committee - meetings of January 29 and February 5, 2013.

13-1 Moved by Chiocchio and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of January 15, 2013 and Special Council Meeting of January 22, 2013, as circulated.

CARRIED

99-99 Moved by Wright and DiMarco

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Welland Recreational Canal Corporation (WRCC) 2013 Operating Budget in the amount of \$565,000 as recommended by the Budget Review Committee.

CARRIED

02-160 Moved by Carl and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Code of Conduct Policy for Members of Council as outlined in Report HR-2013-01.

CARRIED

04-124 Moved by Fortier and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the tender of Olameter for municipal water meter reading services for the period February 2013 to December 31, 2015 as per the provisions of Request for Tender RFT12-22; and further

THAT Welland City Council directs the Clerk to prepare all necessary By-laws to enter into contract with Olameter for the provision of water meter reading services from 2013 to 2015 inclusively at the projected tender price of \$79,176.96 in accordance with the provisions of the Request for Tender RFT12-22.

CARRIED

08-143 Moved by Petrachenko and Wright

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the verbal report by Councillor Campion, Chair, Health Care Committee, regarding its meetings of January 29, and February 5, 2013.

CARRIED**08-143** Moved by Campion and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND strongly urges the Niagara Hospital System (NHS) to refrain from making any decision with respect to moving Maternal & Child Care Services and In-Patient Paediatrics from the Welland Hospital Site and Greater Niagara General Hospital (GNGH) Site until the New St. Catharines Hospital Site has been in full operation for six (6) months; and further

THAT Welland City Council urges Dr. Kevin Smith and the Local Health Integration Network (LHIN) to permit the new NHS Board of Directors, once appointed, to be given an opportunity to review and provide input on the decision to move the aforementioned services from the Welland Hospital Site and GNGH Site to the New St. Catharines Hospital Site; and further

THAT Welland City Council requests that the Tripartite Review Committee established by the Ministry of Health & Long Term Care, involving the LHIN, the NHS, and the Region reconvenes as soon as possible in order to complete the review it was tasked to do; and further

THAT Welland City Council directs that this motion be forwarded to all Niagara Region municipalities seeking their support for this motion at their very earliest opportunity, and so inform Dr. Smith, the LHIN, Minister Matthews; Premier-elect Kathleen Wynne, and MPP's Tim Hudak and Andrea Horwath of such support.

CARRIED**09-90** Moved by Wright and DiMarco

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the Memorandum of Oral Decision delivered by Blair S. Taylor dated January 18, 2013 with respect to 130 Niagara Street and 32 Seeley Street.

CARRIED**12-19** Moved by DiMarco and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report R&C-2013-01 regarding the booking process for all City of Welland facilities.

CARRIED**13-4** Moved by Campion and Carl

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the verbal report by Councillor Fortier, Chair, Budget Review Committee, regarding its meetings of January 22 and 29, 2013.

CARRIED**13-4** Moved by Wright and DiMarco

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the due dates for the 2013 Interim Municipal Tax Levy as follows:

First Installment due: March 1, 2013

Second Installment due: May 1, 2013; and further

THAT Welland City Council approves the amounts to be levied in accordance with Section 317 of the *Municipal Act, 2001* that being 50% of the total levy for the year 2012 (\$35,533,835).

CARRIED

13-13 Moved by Grenier and Chiocchio
THAT THE COUNCIL OF THE CITY OF WELLAND approves the recommendations of Report TRANS-2013-01, 2013 Transit Study; and further
THAT Welland City Council authorizes the Mayor and City Clerk to sign the agreement between Schmied Communications and the City; and further
THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to enter into contract with Schmied Communications; and further
THAT Welland City Council be provided with a Terms of Reference and an outline for the study.

CARRIED

13-48 Moved by Wright and DiMarco
THAT THE COUNCIL OF THE CITY OF WELLAND approves the Exemption to Part Lot Control for Part of Lots 3029, 3030, 3031 and 3032, Plan 941 (629, 633 and 641 Broadway) for the existing and proposed development of four (4) semi-detached dwelling units; and further
THAT Welland City Council authorizes staff to prepare the necessary By-law.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

04-47 Moved by Wright and DiMarco
THAT THE COUNCIL OF THE CITY OF WELLAND appoints Mr. Marc Skelton to the Welland Public Library Board (replacing Ann Huffman) effective February 5, 2013 to November 30, 2014.

CARRIED

13-4 Moved by Wright and DiMarco
THAT THE COUNCIL OF THE CITY OF WELLAND approves the Extension Agreement for the property listed in Appendix I as attached to Report FIN-2013-03; and further
THAT Welland City Council directs the City Clerk to prepare the appropriate By-law to enter into an Extension Agreement.

CARRIED

13-13 Moved by Wright and DiMarco
THAT THE COUNCIL OF THE CITY OF WELLAND appoints Ms. Jennifer Howarth to the Welland Transit Advisory Committee (replacing Giulia Forsythe) effective February 5, 2013 to November 30, 2014.

CARRIED

13-19 Moved by Wright and DiMarco
THAT THE COUNCIL OF THE CITY OF WELLAND appoints Mr. Michael Drobot to the Market Square Advisory Committee (replacing Bonnie Fokkens) effective February 5, 2013 to November 30, 2014.

CARRIED

BY-LAWS

Moved by Grenier and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND having given due consideration to the following By-law, as reproduced in this evening's Council Agenda, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

04-124

BYL 2013 - 7

A By-law to authorize acceptance of tender and entering into contract with Olameter for municipal water meter reading services.

CARRIED

Moved by Wright and DiMarco

THAT THE COUNCIL OF THE CITY OF WELLAND having given due consideration to the following By-laws, as reproduced in this evening's Council Agenda, as amended, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

13-4

BYL 2013 - 6

A By-law to provide for interim tax levy for the year 2013 for the City of Welland.

13-48

BYL 2013 - 8

A By-law to exempt certain lands from Part-Lot Control – located on the north side of Broadway, west side of Crowther Avenue, City of Welland (Part of Lots 3029, 3030, 3031 and 3032, Plan 941) (629, 633 and 641 Broadway).

13-19

BYL 2013 - 9

A By-law to authorize extension of the Lease Agreement with Laurent Viger Construction Limited for lands adjacent to Memorial Park; and to amend By-law 2006-6.

13-22

BYL 2013 - 10

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 2012-134.

13-4

BYL 2013 - 11

A By-law to authorize an extension agreement with the registered owners of the property municipally known as 22 Albert Street.

13-1

BYL 2013 - 12

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 5th day of February, 2013.

CARRIED

NOTICE OF MOTION

In accordance with By-law 2009-144 passed on November 3, 2009, Councillor(s) must submit their NOTICE OF MOTION(s) in writing no later than Wednesday, February 13, 2013 for inclusion on the next regular Council meeting agenda of February 19, 2013.

Councillor Fortier gave Notice of Motion to the following issue to be presented to Council at the February 19, 2013 Regular Council Meeting:

02-160 WHEREAS certain members of Council have caused intentional defamation of character to another Councillor for the purpose of embarrassment, humiliation and discrediting said Councillor;
AND WHEREAS certain members of Council have, through published media articles, alleged that information from an In-Camera-Session was leaked to the media by said Councillor;
AND WHEREAS certain members of Council have used language that reflects the conduct and character, both in public and private sector, of said Councillor;
AND WHEREAS certain members of Council have been discourteous, libellous and slanderous to said Councillor.
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND pass the "motion of censure" to be deemed to have been delivered and that the individuals in question be censured "on record".

Council adjourned at 8:45 p.m.

These Minutes approved and adopted by Motion of Council this 5th day of March, 2013.

MAYOR

CITY CLERK