



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

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

Council met in open session at 7:02 p.m. on the above date.

His Worship Mayor Barry Sharpe in the Chair.

Members Present:

Councillors F. Champion (7:05 p.m.), M. Carl (7:20 p.m.), P. Chiocchio, T. DiMarco, D. Fortier,
P. Grenier, M.A. Grimaldi, J. Larouche, R. Letourneau, D. McLeod, M. Petrachenko and B. Wright.

Members of Staff and Others Present:

City Manager, C. Stirtzinger

City Clerk, C. Kosmack-Raby

Deputy Clerk, L. Bubanko

Chief, Fire & Emergency Services, D. Prevost (until 9:26 p.m.)

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

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

General Manager, Human Resources, R. Mantesso (until 9:26 p.m.)

General Manager, Integrated Services, B. Fenwick (until 9:26 p.m.)

Planning Supervisor, S. Mabee (until 8:38 p.m.)

Manager of Budgets and Financial Reporting/Deputy Treasurer, J. Johnson

Regional Councillor P. Kormos (until 9:26 p.m.)

THE FOLLOWING ITEM WAS DELETED:

06-84 Doug Rapelje, Chair, Senior Citizens Advisory Committee re: annual report.

AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORTS:

99-43

05-118 Perry Orosz, Director of Customer Service and Employee Relations, and Jason Biesma, Conservation, Demand and Key Projects Manager, Welland Hydro addressed Council regarding the Energy Conservation and Management Demand Programs.

13-4 Councillor Fortier, Chair, Budget Review Committee, provided a verbal update on the Budget Review Committee meeting of February 26, 2013.

09-75 Councillor Grenier, Chair, Technical Advisory Committee addressed Council regarding the Welland International Flatwater Centre (WIFC) construction project update.

10-108 Councillor Petrachenko, Member, Facilities Management Review Team, provided a verbal update on the Committee's meeting of February 21, 2013.

13-1 Moved by McLeod and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of February 5, 2013 and Special Council Meeting of February 12, 2013, as circulated.

CARRIED

99-43

05-118 Moved by Chiocchio and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Perry Orosz, Director of Customer Service and Employee Relations, and Jason Biesma, Conservation, Demand and Key Projects Manager, Welland Hydro regarding the Energy Conservation and Management Demand Programs.

CARRIED

99-99 Moved by Grimaldi and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND, as requested by the Welland Recreational Canal Corporation (WRCC), approves a \$35,000 advance of the 2013 permissive grant allocation for the WRCC for its 2013 Illuminaqua Season in order to secure performers for the events as outlined in the WRCC correspondence dated February 27, 2013.

YEAS: Councillors Larouche, Petrachenko, Carl, Grenier, McLeod, Wright and Mayor Sharpe.

NAYS: Councillors DiMarco, Letourneau, Chiocchio, Campion, Grimaldi and Fortier.

CARRIED

02-85 Moved by Grenier and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated February 8, 2013 regarding Report ICP 8-2013, Accessibility for Ontarians with Disabilities Act (2005) - proposed draft Built Environment Standard.

CARRIED

04-57 Moved by Chiocchio and Wright

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated February 8, 2013 regarding Report ICP 6-2013, Places to Grow ("PG2"), Proposed Amendment 2.

CARRIED**05-118** Moved by Grenier and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report ENG-2013-02 on the 2013/2014 Energy Conservation Program; and further

THAT Welland City Council approves the 2013 Energy Conservation for facilities as outlined in Report ENG-2013-02; and further

THAT Welland City Council, subject to final budget approval, includes in the 2013 capital budget an amount of \$41,000 to complete the lighting works for the Museum funded by \$20,000 transfer from the operating and \$21,000 from the surplus of the Main Arena upgrades capital project as outlined in Report ENG-2013-02; and further

THAT Welland City Council, subject to final budget approval, includes in the 2013 operating budget an amount of \$2,830 to complete the lighting works for the smaller facilities and \$10,000 to complete the energy audits for the larger facilities as outlined in Report ENG-2013-02.

CARRIED**09-75** Moved by Carl and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Councillor Grenier, Chair, Technical Advisory Committee regarding the Welland International Flatwater Centre (WIFC) construction project update.

CARRIED**10-108** Moved by Carl and Wright

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the verbal report by Councillor Petrachenko, Member, Facilities Management Review Team regarding its meeting of February 21, 2013.

CARRIED**10-130** Moved by Chiocchio and Wright

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from Niagara Regional Housing (NRH) dated January 25, 2013 regarding the NRH 2012 4th Quarterly Report to Council.

CARRIED**12-93** Moved by Chiocchio and Wright

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the Decision delivered by Blair S. Taylor dated February 25, 2013 with respect to 529 South Pelham Road.

CARRIED**12-139Z** Moved by McLeod and Carl

THAT THE COUNCIL OF THE CITY OF WELLAND approves a By-law to amend Zoning By-law 2667, as amended, to rezone the property at 136 Milkweed Trail from the existing R1 – Single Detached Dwelling – First Density zone to a site specific R1-X7 – Single Detached Dwelling – First Density zone to recognize the existing single detached dwelling as being on a lot not having frontage on a public street; and further

THAT Welland City Council approves a By-law to amend Zoning By-law 2667, as amended, to rezone the property at 188 Milkweed Trail from the existing R1 – Single Detached Dwelling – First Density zone to a site specific H-R1-X7 – Single Detached Dwelling – First Density zone to permit the development of the property for a single detached dwelling on a lot without frontage on a public street; and further

...continued...

12-139Z...cont'd...

THAT Welland City Council directs that prior to lifting the Holding (H) symbol, the Owner/Applicant shall:
(i) Establish to the City's satisfaction that full municipal services will be extended to service the property at 188 Milkweed Trail.

CARRIED

13-4 Moved by Grimaldi and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the verbal report by Councillor Fortier, Chair, Budget Review Committee, regarding its meeting of February 26, 2013.

CARRIED

13-4

13-37 Moved by Fortier and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND approves, as recommended by the Budget Review Committee, the following:

- 1) The 2013 Water and Wastewater Revenue and Expenditure Budget estimates (Schedules 'A' & 'B'); and
- 2) The 2013 Water and Wastewater Capital Budget (Schedule 'C'); and
- 3) The 2013 Water and Wastewater Rate Structure (Schedule 'D'); and
- 4) The 2013 Water Haulage Variable Rates be increased to \$1.09/m³; and further

THAT Welland City Council directs staff to prepare the necessary By-law to establish the 2013 Water and Wastewater billing rates effective April 1, 2013.

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13-4

13-37 Moved by Grimaldi and Fortier

THAT THE COUNCIL OF THE CITY OF WELLAND amends the 2013 Water/Wastewater Budget as presented in Report FIN-2013-05 by reducing Utility Cuts from \$241,900 to \$141,900 in Schedule 'A' – Water Operating Budget, and reducing Utility Cuts from \$241,900 to \$141,900 in Schedule 'B' – Wastewater Operating Budget.

CARRIED

FOLLOWING THE VOTE ON THE AMENDING MOTION, THE MAIN MOTION WAS PUT AS AMENDED AND

CARRIED

13-4 Moved by Chiocchio and Wright

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated January 18, 2013 regarding Report CSD 01-2013 - 2013 Levy Dates and Amounts.

CARRIED

13-14 Moved by Chiocchio and Wright

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report FIN-2013-06 with respect to 2012 Remuneration and Expenditures covering Members of Council.

CARRIED

13-27 Moved by Carl and Chiocchio
 THAT THE COUNCIL OF THE CITY OF WELLAND, as requested by the Welland Rose Festival Inc. (Rose Festival), approves a \$10,000 advance of the 2013 permissive grant allocation for the Rose Festival in order to allow them to begin preparations for the 2013 Rose Festival Parade and cover related expenses as outlined in the Rose Festival correspondence dated October 22, 2012.

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13-27 Moved by Fortier and Letourneau
 THAT THE COUNCIL OF THE CITY OF WELLAND defers the request from Welland Rose Festival regarding a \$10,000 advance of the 2013 permissive grant allocation to the next Budget Review Committee Meeting.

CARRIED

13-37 Moved by Grimaldi and Wright
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated February 1, 2013 regarding Report PW 106-2012 - Water & Wastewater - 2013 Budget, Rate Setting and Requisition Report.

CARRIED

13-52 Moved by Grimaldi and Letourneau
 THAT THE COUNCIL OF THE CITY OF WELLAND accepts the proposal from Cole Engineering Group Ltd. for Sanitary Sewer Flow Monitoring Services, as presented in Report ENG-2013-03; and further THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to enter into contract with Cole Engineering Group Ltd., to perform the flow monitoring services at the tender price of \$249,000 plus applicable taxes; and additional flow monitoring as required, and dictated by engineering services, subject to approval of the 2013 Water/Wastewater Capital Budget.

CARRIED

BY-LAWS

Moved by Fortier and Grenier
 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, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

13-37

BYL 2013 - 19

A By-law to adopt the Water and Wastewater Operating and Capital Budgets with resulting rate structure for the 2013 billing year, effective April 1st, 2013.

13-52

BYL 2013 - 20

A By-law to authorize entering into contract with Cole Engineering Group Ltd. for Sanitary Sewer Flow Monitoring Services 2013/2014.

12-139Z

BYL 2013 - 21

A By-law to amend City of Welland Zoning By-law 2667 (Gary Douglas Stickles, Natalie Brenda Stickles and Stanley L. Stickles - File 2008-09) 136 and 188 Milkweed Trail.

CARRIED

Moved by Chiocchio and Wright

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, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

13-53

BYL 2013 - 22

A By-law to authorize entering into agreement with 1865087 Ontario Limited and 1865099 Ontario Limited for construction of sanitary and storm sewers and structures on lands known municipally as 300 and 390 Lincoln Street.

13-54

BYL 2013 - 23

A By-law to authorize entering into contract for grass cutting services.

13-13

BYL 2013 - 24

A By-law to authorize extension of the agreement with Pattison Outdoor Advertising for bus shelter advertising; and to amend By-law 2010-142.

95-103

BYL 2013 - 25

A By-law to repeal By-law 2012-92, being a By-law to exempt certain lands from Part-Lot Control, located on the east side of St. Lawrence Drive, north of Quaker Road, City of Welland (Lot 32, Plan 59M-230, being Parts 1 to 4, Plan 59R-10741).

13-1

BYL 2013 - 26

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 March, 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, March 13, 2013 for inclusion on the next regular Council meeting agenda of March 19, 2013.

Councillor Grenier gave Notice of Motion to the following issues to be presented to Council at the March 19, 2013 Regular Council Meeting:

13-37 WHEREAS Welland experienced an extraordinary water leak in 2012, which cost the City an estimated \$490,000;
AND WHEREAS the current Region of Niagara water billing model includes a fixed cost component based on the three prior year's consumption.
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND requests the Region of Niagara to consider revising their billing model to mitigate the effect of extraordinary water losses and leaks and that the Mayor of Welland bring forward this matter at the earliest possible date.

12-133 WHEREAS interest arbitration has been a long standing issue between Municipalities and the Province of Ontario;
 AND WHEREAS AMO, LUMCO, MARCO, have asked for a more streamlined and transparent system of arbitration particularly on the issue of ability to pay.
 NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND endorses the position of the Municipal Organizations and asks all lower area municipalities within Niagara to approve this motion; and further
 THAT Welland City Council forwards this resolution and background material to all 4 Niagara Area MPP's for their comment and support of this legislative reform.

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

08-143 THAT THE COUNCIL OF THE CITY OF WELLAND directs the Health Care Committee (HCC) to pursue the possibility of establishing a birthing centre at the Welland Hospital Site in the event that Obstetrics/Gynaecology Services are transferred to the new St. Catharines Hospital Site.

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

13-4 WHEREAS the citizens of Welland can no longer support increased tax rates;
 AND WHEREAS the citizens of Welland can no longer support increased water rates;
 AND WHEREAS, the senior citizens of Welland can no longer afford to stay in their homes;
 AND WHEREAS the citizens of Welland can no longer afford to support non-essential infrastructure such as the Sports Complex, the Flatwater Centre and their resulting debt loads;
 AND WHEREAS the citizens of Welland are not fully aware that the suggested 3% increase in our tax bills are based on a blended rate with 41.02% paid to the Region, 17.82% paid to the School Boards and 41.16% paid to the City of Welland;
 AND WHEREAS the citizens of Welland are not fully aware that the City's portion of the proposed tax increase is actually 6.31%, not the 3% blended rate due to the averaging of the School and Regional taxes;
 AND WHEREAS small businesses are finding it challenging to operate their businesses in the City of Welland due to increased costs.
 NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND mandates all levels of management and staff to collectively and cooperatively formulate and implement methods of expenditure cutbacks which will result in savings to the taxpayers of Welland beginning 2014.

13-7 WHEREAS the citizens of Welland need to further understand the sequence of events which led us to this unfortunate loss of \$491,000;
 AND WHEREAS the citizens of Welland be provided with all information and steps taken to remedy this problem;
 AND WHEREAS the spike in water usage is not to be held against the citizens of Welland as part of the Region's 3 year average for water reconciliation rate structure;
 AND WHEREAS the City may have been aware of the leak due to a noticeable spike in consumption over and above the usual hot July days.
 NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND further investigate the major water leak which resulted in \$491,000 financial loss to the water users and taxpayers and report to Council the results of this investigation.

By unanimous consent, it was agreed to extend the Council Meeting curfew.

Council adjourned at 11:14 p.m.

These Minutes approved and adopted by Motion of Council this 19th day of March, 2013.

MAYOR

CITY CLERK