



MINUTES OF
COUNCIL MEETING, MARCH 19, 2013
CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET

Council met in open session at 7:03 p.m. on the above date.

His Worship Mayor Barry Sharpe in the Chair.

Members Present:

Councillors F. Champion, M. Carl, P. Chiochio, 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
General Manager, Infrastructure Services/City Engineer, S. Iannello
General Manager, Corporate Services/City Treasurer, K. Douglas (7:09 p.m.)
General Manager, Human Resources, R. Mantesso
General Manager, Integrated Services, B. Fenwick
Planning Supervisor, S. Mabee (until 9:21 p.m.)
Deputy Fire Chief, B. Kennedy

THE FOLLOWING ITEMS WERE ADDED:

- 13-3** Letter from Pam Swick Janjac, Development Officer, Port Cares, regarding the request to sell raffle tickets in the City of Welland.
- 13-6** Letter from Michael Sherman, Vice President, Transgender Niagara - request to declare the week of March 31, 2013 to April 6, 2013 as "Transgender Awareness Week".

AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORTS

- 06-84** Doug Rapelje, Chair, Senior Citizens Advisory Committee addressed Council regarding its annual report.
- 13-4** Councillor Fortier, Chair, Budget Review Committee, provided a verbal update on the Budget Review Committee meeting of March 12, 2013 and added a motion arising from the March 19, 2013 meeting.

PUBLIC MEETING PURSUANT TO SECTION 357/358 OF THE MUNICIPAL ACT, 2001 - TAX WRITE-OFFS

- No one spoke

There being no submissions the hearing was concluded.

13-1 Moved by McLeod and Chiocchio
 THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Special Council Meeting of February 26, 2013 and Regular Council Meeting of March 5, 2013, as circulated.

CARRIED

06-75 Moved by Grenier and Larouche
 THAT THE COUNCIL OF THE CITY OF WELLAND receives the Treasurer's Statement attached to Report FIN-2013-08 in accordance with the Development Charges Act, 1997 as amended; and further THAT Welland City Council instructs the City Treasurer to forward a copy of this Statement to the Minister of Municipal Affairs within 60 days of giving this report to Council as per Section 43(3) of the *Development Charges Act, 1997*.

CARRIED

06-84 Moved by Chiocchio and Grimaldi
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Doug Rapelje, Chair, Senior Citizens Advisory Committee regarding its annual report.

CARRIED

08-143 Moved by Campion and Grimaldi
 THAT THE COUNCIL OF THE CITY OF WELLAND directs the Health Care Committee (HCC) to investigate whether establishing a birthing centre at the Welland Hospital Site would be possible, in the event that Obstetrics/Gynaecology Services are transferred to the new St. Catharines Hospital Site.

CARRIED

12-129 Moved by Larouche and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of Catalina Excavating Inc. of Stoney Creek, Ontario, as detailed in Report ENG-2013-07 for the Lincoln Plaza Sewer Separation, at the quoted price of \$285,454.60 plus applicable taxes; and further THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to enter into contract with Catalina Excavating Inc., to execute the construction.

CARRIED**12-133** Moved by Grenier and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND endorses the position of Association of Municipalities of Ontario (AMO), Large Urban Mayor's Caucus of Ontario (LUMCO), Mayors and Regional Chairs of Ontario (MARCO) regarding Interest Arbitration particularly with respect to the ability to pay, and asks all lower-tier area municipalities within Niagara to also support this position; 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 same.

CARRIED**12-138Z** Moved by Grimaldi and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND grants Draft Approval to the Woods View Estates Plan of Subdivision (File: 26T-14-12001) being, Part of Lot 241 Thorold as in RO160624, City of Welland, based upon a Plan prepared by Upper Canada Consultants, dated August 7, 2012 consisting of twelve (12) lots for single detached dwellings and three (3) lots for semi detached dwellings (6 units total), subject to the following Conditions:

1. That the Owner enter into a Subdivider's Agreement with the City of Welland to be registered on Title.
2. That no grading or construction work shall commence on site until such time as the Subdivider's Agreement has been entered into, all financial security is in place and the plan and all documentation has been registered on title.
3. That all necessary easements required for utility and servicing purposes be granted to the appropriate Authority free of all encumbrances.
4. That the Owner shall pay to the City cash-in-lieu of parkland dedication in accordance with current City standards/policy.
5. That the Owner agrees to undertake, and submit to the City's satisfaction, a Subsurface Geotechnical Investigation that assesses the suitability of the soil for the development proposed and make recommendations, where appropriate.
6. That the Owner shall undertake the necessary studies to determine the location and status of any gas wells located on the subject lands. The Owner will be required to satisfy the City of Welland that any gas wells are properly capped.
7. The Owner shall pay to the City of Welland, upon execution of the Subdivider's Agreement, \$300.00 per dwelling unit for the installation of trees with the road allowance by City staff.
8. The Owner shall pay to the City of Welland, upon execution of the Subdivider's Agreement:
 - i) \$600.00 for 2 "cobra head" streetlight fixtures to be installed on First Avenue.
 - ii) \$4,200.00 for 7 decorative streetlight fixtures to be installed on Trent Avenue.
 - iii) \$450.00 for the installation of new street name signs at the intersections of Trent Avenue and First Avenue and Brant Avenue.
9. That the Owner agrees, in the Subdivider's Agreement, to install sidewalks along the frontage of the property along First Avenue and Trent Avenue in accordance with City standards and to the satisfaction of the City.
10. That the Owner shall agree in the Subdivider's Agreement, in words satisfactory to Canada Post:
 - i) To include in all Offers and Agreements of Purchase and Sale or Lease a statement that advises the prospective purchaser/lessee that business mail delivery will be from a designated Centralized Mail Box, and that the Developer/Owner will be responsible for officially notifying the purchasers of the Centralized Mail box locations prior to the closing date.
11. The Owner further agrees to:
 - i) install a concrete pad in accordance with the requirements of, and in the locations to be approved by Canada Post to facilitate the installation of Community Mail Boxes;

...continued...

12-138Z...cont'd

- ii) identify the concrete pads on Engineering Servicing Drawings which are to be poured at the time of the sidewalk and/or curb installation within each phase of the Plan of Subdivision; and
 - iii) determine the location (municipal easement adjacent to lot 15) of all centralized mail facilities in co-operation with Canada Post and to post the location of these sites on appropriate maps, information boards and plans.
12. That the Owner submit a written undertaking to the Niagara Region Public Works Department (Development Services Division) acknowledging that draft approval of this subdivision does not include a commitment of servicing allocation by the Region of Niagara as servicing allocation for this subdivision will be assigned at the time of final approval of the subdivision for registration purposes and any pre-servicing will be at the sole risk and responsibility of the Owner/Developer. A similar clause shall be inserted into the Subdivision Agreement prepared for this development.
 13. That the Owner submit a written undertaking to the Niagara Region Public Works Department (Development Services Division) indicating that all offers and agreements of Purchase and Sale, which may be negotiated prior to or after registration of this Subdivision, shall contain a clause indicating that servicing allocation for this subdivision will not be assigned until the plan is registered and then only on a building permit by building permit basis. A similar clause shall be inserted in the Subdivision Agreement prepared for this development.
 14. That the design drawings and calculations for the water, sanitary sewer and stormwater drainage system required to service this development be submitted to the Niagara Region Public Works Department (Development Services Division) for review and approval.
 15. That prior to final approval of the plan of subdivision for registration, Ministry of the Environment Environmental Compliance Approvals for the storm and sanitary sewers shall be obtained from the Niagara Region Public Works Department (Development Services Division) through the Transfer of Review Program. Note: The stormwater management system proposed for this development will require the direct approval from the Ministry of the Environment.
 16. That prior to the granting of Approval for the Final Plan, City of Welland Integrated Services - Planning Division, will require written notice from the following upon their respective Conditions having been met satisfactorily:
 - a) Niagara Region for Conditions: 12, 13, 14, and 15.
 17. That if Final Approval is not given to this Plan within three (3) years of the approval date and no extensions have been given, Draft Approval shall lapse. If the Owner wishes to request an extension to Draft Approval, a written request, with reasons why the extension is required must be received by the City prior to the lapsing date; and further

THAT Welland City Council authorizes the Mayor to sign the Draft Approval and Final Approval Plans for the Woods View Estates Subdivision once all Conditions have been satisfied; and further

THAT Welland City Council approves an amendment to Zoning By-law 2667, as amended, to rezone lands at the northeast corner of First Avenue and Trent Avenue, more specifically described as Part of Lot 241 Thorold as in RO160624, City of Welland, from the existing Single Detached Dwelling – Second Density (R2) zone to a Single Detached Dwelling – Third Density (H-R3) and a site specific Multiple Dwelling – First Density (H-RM1-X4) zones to permit a plan of subdivision that consists of twelve (12) lots for single detached dwellings and 3 lots for semi-detached dwellings (6 units) for a total of 18 residential dwelling units; and further

THAT Welland City Council directs that, prior to the lifting of the Holding Symbol (H), the Owner inform the City in writing that the following items have been completed:

- The entire sanitary sewer system has been completed and tested and sanitary services have been installed to the front property line and that a video and written report of an internal examination of the sanitary and storm sewer systems is provided;
- The entire water system has been completed and tested and disinfected and water services have been installed to the front property line;
- The entire storm sewer system had been completed;
- The grading requirements and lot grading requirements of the City’s Land Development Policy have been met;
- All streetlights are in good working order and energized by the Welland Hydro-Electric Corp; and
- All street name signs are installed all to the satisfaction of the City Engineer.

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12-138Z Moved by Campion and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND refers Report P&B-2013-07: Draft Plan of Subdivision Application (File No. 26T-14-12001) Zoning By-law Amendment Application (File No. 2012-07) by Upper Canada Consultants on behalf of 2322767 Ontario Inc. for lands at 318 First Avenue (north side of Trent Avenue, east of First Avenue) back to staff for further study and report back at the Council meeting of April 2, 2013.

CARRIED

13-3 Moved by Larouche and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND grants permission to Port Cares to sell raffle tickets in the City of Welland under authority of Lottery License M720604.

CARRIED

13-4 Moved by Campion and Chiocchio

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 March 12, 2013.

CARRIED

13-4 Moved by Grenier and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND approves the write-off of taxes in the amount of \$21,491.60 as contained in Report FIN-2013-07 for the reduction or cancellation of taxes, pursuant to Sections 357 and 358 of the *Municipal Act, 2001*.

CARRIED

13-6 Moved by Larouche and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND declares the week of March 31, 2013 to April 6, 2013 as "Transgender Awareness Week" in the City of Welland as requested by Transgender Niagara.

CARRIED

13-19 Moved by Wright and Grimaldi

THAT THE COUNCIL OF THE CITY OF WELLAND approves Report R&C-2013-02 - Southern Tier Admirals Hockey Corporation request for ice allocation for the 2013/2014 Season; and further THAT Welland City Council directs staff to work with this organization in providing appropriate ice time for the Southern Tier Admirals Hockey Corporation (STAHC) to operate in the 2013/2014 Season.

CARRIED

13-27 Moved by Larouche and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND approves a \$10,000 grant advance of the 2013 Permissive Grant allocation for the Welland Rose Festival Inc. (Rose Festival) in order to allow them to begin preparations for the 2013 Rose Festival Parade and cover related expenses, as recommended by the Budget Review Committee.

CARRIED

13-27 Moved by Grimaldi and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND approves an additional \$10,000 grant advance of the 2013 Permissive Grant allocation for the Welland Rose Festival Inc., as recommended by the Budget Review Committee.

CARRIED

13-37 Moved by Grenier and Letourneau
 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 at Regional Council.

**CARRIED
 UNANIMOUSLY**

13-37 Moved by Fortier and Grimaldi
 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to further investigate the significant water leak of 782,920 m³, which resulted in an approximate \$490,000 financial loss affecting the water users and ratepayers and report the results of such investigation back to Council outlining how such losses can be prevented and mitigated in the future.

CARRIED

13-57 Moved by Grenier and Chiochio
 THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of 1526957 Ontario Ltd. o/a CTC Contracting of Welland, Ontario, as detailed in Report ENG-2013-06 for the Utility Cut Final Reinstatement 2013 at the quoted price of \$166,990.00 plus applicable taxes; and further THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to enter into contract with 1526957 Ontario Ltd. o/a CTC Contracting, to execute the construction.

CARRIED

BY-LAWS

Moved by Petrachenko and Larouche
 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.

13-57

BYL 2013 - 27

A By-law to authorize entering into contract with 1526957 Ontario Ltd. o/a CTC Contracting for the Utility Cut Final Reinstatement 2013.

CARRIED

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

12-129

BYL 2013 - 28

A By-law to authorize entering into contract with Catalina Excavating Inc. for the OAW-Lincoln Street Drainage Area I/I Investigation.

13-1

BYL 2013 - 29

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 19th 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 27, 2013 for inclusion on the next regular Council meeting agenda of April 2, 2013.

Councillor Campion gave Notice of Motion to the following issue to be presented to Council at the April 2, 2013 Regular Council Meeting:

08-143 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare a report identifying city owned land in the vicinity of Highway 140 and East Main Street that is, or could be, suitable for the construction of a new hospital.

Council adjourned at 10:22 p.m.

These Minutes approved and adopted by Motion of Council this 2nd day of April, 2013.

MAYOR

CITY CLERK