



**MINUTES OF  
COUNCIL MEETING, APRIL 2, 2013**

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

Council met in Committee-of-the-Whole closed to the public at 6:10 p.m. and in open session at 7:00 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, M.A. Grimaldi, J. Larouche (until 9:15 p.m.), 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 (7:00 p.m.)  
Chief, Fire & Emergency Services, D. Prevost  
Manager, Engineering Services L. Ventresca (7:00 p.m.)  
General Manager, Corporate Services/City Treasurer, K. Douglas  
General Manager, Human Resources, R. Mantesso  
Planning Manager, R. DiFelice  
Manager, By-laws, Traffic & Parking Operations, D. Ferguson (until 6:45 p.m.)

**13-25** Moved by Larouche and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:10 p.m. to consider:

- 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;
- labour relations or employee negotiations;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
- for the purpose of educating or training members of Council.

**CARRIED**

**13-25** Moved by Chiocchio and Campion

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:45 p.m. with report.

**CARRIED**

**THE FOLLOWING ITEM WAS ADDED:**

**10-122** Andre Ceci and Adrian Rittner, Members of the War of 1812 sub-committee of Heritage Welland addressed Council regarding the history of the War of 1812 and plans for the Bi-centennial celebrations of the Battle of Cook's Mills.

**THE FOLLOWING ITEM WAS DELETED:**

Presentation by Councillor Grenier to Nappers Boxing Club of Welland in recognition of its 35<sup>th</sup> Anniversary in business to be presented at a later time.

**DELEGATIONS:**

**12-138Z** Tom Richardson, Sullivan Mahoney LLP, and Jennifer Vida, Upper Canada Consultants, on behalf of their client 2322767 Ontario Inc., addressed Council regarding lands located at 318 First Avenue.

**10-122** Andre Ceci and Adrian Rittner, members of the War of 1812 sub-committee of Heritage Welland addressed Council regarding the history of the War of 1812 and plans for the Bi-centennial celebrations of the Battle of Cook's Mills.

**AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORTS:**

**13-28** Cole Fast, Sarah Alakas and Vinay Sharma, Mayor's Youth Advisory Council provided an update on its activities and the upcoming Kickstart Youth Festival.

**13-4** Councillor Fortier, Chair, Budget Review Committee, provided a verbal update on the Budget Review Committee meetings of March 19, 2013 and March 26, 2013.

**13-1** Moved by Chiocchio and DiMarco

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of March 19, 2013 and Special Council Meeting of March 26, 2013, as circulated.

**CARRIED**

**02-47**

Moved by Larouche and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated March 25, 2013 regarding Report ICP 23-2013, Implementing of the Smarter Niagara Incentives Program, Public Domain Incentives Requests, 2012 Program Recommendations.

**CARRIED****08-143**

Moved by Campion and Chiocchio

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.

**CARRIED****10-122**

Moved by Fortier and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Andre Ceci and Adrian Rittner, members of the War of 1812 sub-committee of Heritage Welland, regarding the history of the War of 1812, and its plans for the Bi-centennial celebration of the Battle of Cook's Mills.

**CARRIED****12-138Z**

Moved by Grenier and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Tom Richardson, Sullivan Mahoney LLP and Jennifer Vida, Upper Canada Consultants, on behalf of their client 2322767 Ontario Inc., regarding lands located at 318 First Avenue.

**CARRIED****12-138Z**

Moved by Campion and Petrachenko

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.

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**12-138Z...cont'd...**

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;
  - 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 site specific Single Detached Dwelling – Third Density (H-R3-X23) 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

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**12-138Z...cont'd...**

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.

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

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 March 19, 2013 and March 26, 2013.

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

THAT THE COUNCIL OF THE CITY OF WELLAND approves a permissive grant allocation for 2013, for the Welland Rose Festival Inc. (Rose Festival) in the amount of \$72,000 inclusive of waiving of fees, as recommended by the Budget Review Committee.

**CARRIED****13-28** Moved by Wright and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Cole Fast, Sarah Alakas and Vinay Sharma, Mayor's Youth Advisory Council providing an update on its activities and promoting the upcoming Kickstart Youth Festival taking place between April 12 and May 4, 2013.

**CARRIED****13-37** Moved by Campion and Carl

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report FIN-2013-10 regarding the 2012 Watermain Break.

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**13-37** Moved by Fortier and DiMarco

THAT THE COUNCIL OF THE CITY OF WELLAND defers Report FIN-2013-10: 2012 Watermain Break to the April 16, 2013 Council Meeting.

**CARRIED****13-56** Moved by Larouche and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND approves the tender from Bob Robinson & Son Construction, 284612 Ontario Ltd. for CCTV Camera Survey of Gravity Sewers 2013 & 2014 as presented in Report ENG-2013-05; and further

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**13-56...cont'd.**

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to enter into a two (2) year contract with Bob Robinson & Son Construction, 284612 Ontario Ltd. to execute the 2013 and 2014 CCTV Camera Survey of Gravity Sewers at the tender price of \$278,496.37 plus applicable taxes; and further

THAT Welland City Council authorizes staff to proceed with the 2013 sanitary portion of the contract works now and proceed with the 2014 sanitary portion and 2013 and 2014 storm portion of the contract works upon budget approval up to the approved budget amount, as a part of the 2013 & 2014 Sanitary Sewer and Storm Sewer Operating Budget for sewer CCTV.

**CARRIED****13-62** Moved by Larouche and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated March 25, 2013 regarding Report ICP 20-2013, Project Update Report, Niagara Non-Gateway Employment Lands Strategy and refers same to the Welland Development Commission and the City's Planning staff for their information.

**CARRIED****13-63** Moved by Larouche and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated March 25, 2013 regarding Report ICP 22-2013, A Strong and Diverse Economy: Planning for Employment Uses and refers same to the Welland Development Commission and the City's Planning staff for their information.

**CARRIED****BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE****06-84****13-10** Moved by Larouche and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Geoff Eden to the Welland Community Wellness Complex Advisory Committee for the period of April 3, 2013 to November 30, 2014.

**CARRIED****13-4** Moved by Larouche and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Extension Agreement for the property listed in Appendix I as attached to Report FIN-2013-09; and further

THAT Welland City Council directs the City Clerk to prepare the appropriate By-law to enter into an Extension Agreement.

**CARRIED****BY-LAWS**

Moved by Campion and Wright

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.

**12-138Z**

BYL 2013 - 32

A By-law to amend City of Welland Zoning By-law 2667 (2322767 Ontario Inc. - File 2012-07) 318 First Avenue.

**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.

**13-56**

BYL 2013 - 33

A By-law to authorize entering into contract with 284612 Ontario Ltd. o/a Bob Robinson & Son Construction for CCTV Camera Survey of Gravity Sewers 2013 and 2014.

**13-4**

BYL 2013 - 34

A By-law to authorize an extension agreement with the registered owners of the property municipally known as 36 Deere Street.

**13-1**

BYL 2013 - 35

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 2nd day of April, 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, April 10, 2013 for inclusion on the next regular Council meeting agenda of April 16, 2013.**

Councillor Grenier gave Notice of Motion to the following issue to be presented to Council at the April 16, 2013 Regular Council Meeting:

- 13-4** WHEREAS the 2013 budget process has been difficult due to cost pressures of infrastructure, wages and operational costs;  
AND WHEREAS it has been challenging to reach the City of Welland affordability target levy.  
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND, at the conclusion of the 2013 budget process, calls for a request for proposal (RFP) to prepare a comprehensive report/study of City expenses, programs, and practices to identify efficiencies and delivery options, and recommend a process to implement any such changes to realize the benefits of the report's findings; and further  
The final report be presented by December 1, 2013 to form the basis for Budget 2014 deliberations; and further  
The project be funded from the operating surplus.

Council adjourned at 9:38 p.m.

These Minutes approved and adopted by Motion of Council this 16<sup>th</sup> day of April, 2013.

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**MAYOR**

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**CITY CLERK**