



MINUTES OF
COUNCIL MEETING, JUNE 16, 2015
CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:31 p.m. and in open session at 7:16 p.m. on the above date.

His Worship Mayor Frank Campion in the Chair.

Members Present:

Councillors M. Carl (7:54 p.m.), J. Chiocchio, P. Chiocchio (6:35 p.m.), T. DiMarco, B. Fokkens, M.A. Grimaldi (6:35 p.m.), J. Larouche, R. Letourneau, D. McLeod, M. Petrachenko and L. Van Vliet.

Members of Staff and Others Present:

Interim City Manager, T. Fitzpatrick
Deputy City Clerk, T. Stephens
Chief, Fire & Emergency Services, D. Prevost (7:16 p.m.)
General Manager, Corporate Services/Treasurer, S. Zorbas
General Manager, Human Resources and Legislative Services, R. Mantesso
General Manager, Infrastructure Services/City Engineer, S. Iannello
Planning Manager, R. Di Felice (7:16 p.m. - 8:35 p.m.)
Recording Secretary, C. Viger (7:16 p.m.)

15-25 Moved by J. Chiochio and DiMarco
 THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:31 p.m.to consider:

- a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.

CARRIED

15-25 Moved by Petrachenko and Grimaldi
 THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:08 p.m. without report.

CARRIED

THE FOLLOWING ITEMS WERE DELETED:

15-72 Report P&B-2015-26 from Planning Manager, R. Di Felice - Application for Zoning By-law Amendment - 2415962 Ontario Inc., Part Block M, Plan 1649, now known as Plan 564, being Part 1 on Plan 59R-14582, municipally known as 90 Lincoln Street (File 2015-04).

15-72 A By-law to amend City of Welland Zoning By-law 2667 (2415962 Ontario Inc. - File 2015-04) 90 Lincoln Street.

DELEGATIONS:

14-90 Greg Smith addressed Council regarding the Rosie Smith Tribute.

AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORTS

04-47 Janet C. Booth, Secretary/CEO and Melanie Gross-Kerho, Chair, Welland Public Library, addressed Council regarding an update on its activities.

15-28 Barry Johnston, Alumni Chair and Barb Fournier, Fundraising Chair, Welland Eastdale Alumni Association, addressed Council regarding the Eastdale Partnership Committee update, the Association's annual support for Eastdale Secondary School and its 3rd annual golf tournament being held Saturday, August 22, 2015.

15-47 Councillor Larouche, Chair, Nominating Committee, addressed Council regarding an appointment to the Water/Wastewater Committee.

15-1 Moved by Fokkens and Van Vliet
 THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of June 2, 2015, as circulated.

CARRIED

01-42 Moved by Larouche and Grimaldi
 THAT THE COUNCIL OF THE CITY OF WELLAND approves an Extension to Draft Plan Approval for the Draper's Creek Estates (Phase 3) Subdivision (File 26T-14-20002) for an additional one (1) year to July 11, 2016.

CARRIED

04-47 Moved by P. Chiocchio and Petrachenko
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Janet C. Booth, Secretary/CEO, and Melanie Gross-Kerho, Chair, Welland Public Library Board regarding an update on its activities.

CARRIED

04-94 Moved by Larouche and Grimaldi
 THAT THE COUNCIL OF THE CITY OF WELLAND approves an Extension to Draft Plan Approval for the Forks Common Subdivision (File: 26T-14-97004) for one (1) year to June 29, 2016.

CARRIED

06-156 Moved by Larouche and Grimaldi
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the request from Dawn Greer for a one (1) year exemption to By-law 2007-199; and further
 THAT Welland City Council approves the request to allow a one (1) year exemption to By-law 2007-199 to Dawn Greer of 470 David Street, Welland, Ontario, to allow for the maximum number of dogs to be increased to four (4); and further
 THAT any fees for the exemption are waived.

CARRIED

08-77 Moved by Larouche and Grimaldi
 THAT THE COUNCIL OF THE CITY OF WELLAND approves an extension to Draft Plan Approval for the West Creek Estates Subdivision (File: 26T-14-08002) for an additional one (1) year to June 25, 2016.

CARRIED

12-114 Moved by Larouche and Grimaldi
 THAT THE COUNCIL OF THE CITY OF WELLAND supports the proposed construction and operation of the Project (rooftop solar PV) on the lands known municipally as 255 Willson Road, Welland, Ontario; and further
 THAT Welland City Council understands that this resolution's sole purpose is to enable the applicant (SA&G LP) to receive priority points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Project or any other purpose.

CARRIED

12-114 Moved by Larouche and Grimaldi
 THAT THE COUNCIL OF THE CITY OF WELLAND supports the proposed construction and operation of the Project (rooftop solar PV) on the lands known municipally as 265 Willson Road, Welland, Ontario; and further
 THAT Welland City Council understands that this resolution's sole purpose is to enable the applicant (SA&G LP) to receive priority points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Project or any other purpose.

CARRIED

14-64 Moved by Larouche and Grimaldi
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated May 1, 2015 regarding Report PDS 19-2015: 2015 Waterfront Enhancement Strategy - Background and Next Steps.

CARRIED

14-88 Moved by Larouche and Grimaldi
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated May 1, 2015 regarding Report PDS 20-2015: Water Smart Incentive Program - 2015 Application Recommendations.

CARRIED

14-90 Moved by Grimaldi and Petrachenko
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Greg Smith regarding the Rosie Smith Tribute.

CARRIED

15-4 Moved by Larouche and Grimaldi
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated March 27, 2015 regarding Report CSD 23-2015: Tax Policy, Ratios and Rates.

CARRIED

15-6 Moved by Larouche and Grimaldi
THAT THE COUNCIL OF THE CITY OF WELLAND declares October 2nd, 2015 as “Wrongful Conviction Day”, in the City of Welland as requested by the Association in Defense of the Wrongfully Convicted.

CARRIED

15-13 Moved by Larouche and Grimaldi
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated May 28, 2015 regarding Inter-Municipal Transit.

CARRIED

15-15 Moved by Van Vliet and McLeod
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report F&ES-2015-04: Award of Contract, Rescue Boat; and further
THAT Welland City Council directs city staff to sign a contract with The Ironworker of Pointe au Baril, Ontario, for the fabrication of a rescue boat at a cost of \$95,000 before taxes; and further
THAT Welland City Council approves additional funding for this project in the amount of \$36,426, such funding to come from the Fire Equipment Reserve Fund.

CARRIED

15-19 Moved by DiMarco and J. Chiochio
THAT THE COUNCIL OF THE CITY OF WELLAND approves the funding for a splash pad at Chippawa Park for 2015 (2016 being the latest date of completion).

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15-19 Moved by McLeod and Carl
THAT THE COUNCIL OF THE CITY OF WELLAND request a report regarding the funding for a splash pad at Chippawa Park for 2015 (2016 being the latest date of completion) and identify funding in the report for Council approval.

YEAS: Councillors P. Chiochio, Fokkens, Mayor Campion, Larouche, Petrachenko, Carl, McLeod and DiMarco.

NAYS: Councillors Letourneau, Grimaldi, Van Vliet and J. Chiochio.

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

15-28 Moved by Letourneau and McLeod
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Barry Johnston, Chair, and Barb Fournier, Fundraising Chair, Welland Eastdale Alumni Association, regarding the Eastdale Partnership Committee update, the Association’s annual support for Eastdale Secondary School and its 3rd annual golf tournament being held on Saturday, August 22, 2015.

CARRIED

15-37**15-47**

Moved by Larouche and P. Chiochio

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Councillors Grimaldi, Fokkens and J. Chiochio to the Water/Wastewater Committee, as recommended by the Nominating Committee.

CARRIED**15-71**

Moved by Van Vliet and Carl

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of Pipeflo Contracting Corporation of Hamilton, Ontario, as detailed in Report ENG-2015-18 for the Sanitary Sewer Service Lateral Replacement Program 2015 (Cured-in-Place-Pipe, CIPP Rehabilitation); and further THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to enter into contract with Pipeflo Contracting Corporation, to execute the construction; and further THAT Welland City Council authorizes the Treasurer to debenture as approved up to \$200,000 for 2015 Wastewater Capital Budget item - Sanitary Lateral Replacements.

CARRIED**15-73****15-73Z**

Moved by Fokkens and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND denies an Official Plan Amendment to designate the lands on the west side of South Pelham Road, south of Sumbler Road, more specifically described as Part of Lot 1, Concession 12, former Township of Pelham, in the City of Welland, municipally known as 633 South Pelham Road as Low Density Residential and Medium Density Residential; and further THAT Welland City Council denies an Amendment to Zoning By-law 2667, as amended, for lands on the west side of South Pelham Road, south of Sumbler Road, more specifically described as Part of Lot 1, Concession 12, former Township of Pelham, in the City of Welland, municipally known as 633 South Pelham Road from the existing Rural Agricultural Zone (RA), Highway Commercial Zone (C4) and Single-Detached Dwelling – Second Density Zone (R2) to a Site Specific Single-Detached Dwelling - Third Density Zone (R3) and Multiple Dwelling – Third Density Zone (RM3); and further THAT Welland City Council denies Draft Approval to the Sumbler Estates Subdivision (File: 26T-14-15001) to be developed by Arber Developments Ltd. and Hert Inc., more specifically described as Part of Lot 1, Concession 12, former Township of Pelham, in the City of Welland, municipally known as 633 South Pelham Road.

CARRIED**15-80**

Moved by Letourneau and Grimaldi

THAT THE COUNCIL OF THE CITY OF WELLAND amends the 2015 Capital Budget by transferring the allocated capital funding for project number 10-4FC-C77 otherwise known as the Memorial Park Pond rehabilitation, and that this funding be allocated to the Wellington Street rehabilitation for the sole purpose of adding curbs to complete this project.

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15-80

Moved by McLeod and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND refers the Notice of Motion back to staff to prepare a report to be presented to Council at the July 21st Council Meeting.

YEAS: Councillors Van Vliet, Mayor Campion, Carl and McLeod.

NAYS: Councillors Letourneau, P. Chiochio, Grimaldi, Fokkens, Larouche, Petrachenko, J. Chiochio and DiMarco.

LOST

15-80 Moved by McLeod and Van Vliet
 THAT THE COUNCIL OF THE CITY OF WELLAND requests a report considering amending the 2015 Capital Budget by transferring the allocated capital funding for project number 10-4FC-C77 otherwise known as the Memorial Park Pond rehabilitation, and that this funding be allocated to the Wellington Street rehabilitation for the sole purpose of adding curbs to complete this project.

FOLLOWING THE LOST VOTES ON THE AMENDING MOTION, THE MAIN MOTION WAS THEN PUT IN ITS ORIGINAL FORM AND CARRIED

YEAS: Councillors Van Vliet, Mayor Campion and Carl and McLeod.

NAYS: Councillors Letourneau, P. Chiochio, Grimaldi, Fokkens, Larouche, Petrachenko, J. Chiochio and DiMarco.

15-81 Moved by Larouche and Grimaldi
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the City of Niagara Falls dated May 28, 2015 regarding Interest Arbitration.

CARRIED

BY-LAWS

Moved by P. Chiochio and McLeod
 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.

15-15

BYL 2015 - 73

A By-law to authorize the purchase of a rescue boat from 1221601 Ontario Inc. o/a The Ironworker for Welland Fire and Emergency Services.

15-71

BYL 2015 - 74

A By-law to authorize acceptance of tender and entering into contract with Pipeflo Contracting Corp. for the Sanitary Sewer Service Rehabilitation Program 2015.

CARRIED

Moved by Larouche and Grimaldi
 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.

12-36

BYL 2015 - 75

A By-law to authorize the stopping-up and closing of the southern portion of Louise Street, south of Sauer Avenue north, of McCabe Avenue.

CARRIED

Moved by Petrachenko and Fokkens

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.

15-1

BYL 2015 - 76

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 16th day of June, 2015.

CARRIED

Councillor DiMarco gave Notice of Motion to the following issue to be presented to Council at the July 21, 2015 Regular Council Meeting:

15-22 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare a report to open up River Road at Downs Drive to allow 2-way traffic onto River Road and revert Cooper Road back to its original traffic pattern, that being 2-way as well; and further
THAT Welland City Council reduces the speed limit on River Road to 40km/hr from 50km/hr.

Mayor Campion gave Notice of Motion to the following issue to be presented to Council at the June 23, 2015 Special Council Meeting:

99-99 WHEREAS the executive of the Welland Recreational Canal Corporation (WRCC) have and continue to make decisions outside the WRCC Board without express, procedural or policy authority;
AND WHEREAS the executive and executive director have attempted to change the governance By-laws without consultation or authorization from the sole voting member (City) despite warnings from the City and in contravention of its By-law (No. 1);
AND WHEREAS the WRCC has unreasonably delayed fulfilling requests for information and documents relative to the governance and operational review of the WRCC as directed by Council;
AND WHEREAS the WRCC has refused to provide details and contracts pertaining to the 2015 World Dragon Boat Championships despite several requests and the fact that the City is a funding partner;
AND WHEREAS WRCC has expended external grant funds allocated for a particular project on other items for cash flow purposes without the knowledge of the Board.
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff and the City's Legal Department to prepare the necessary documents, By-laws and motions that will enable the sole voting member (City) to replace the existing board of directors with an interim board at the July 21, 2015 Council Meeting. Said board to serve until the governance review is completed and a decision is made on a governance model. The new board to be comprised of the City representatives currently on the board and other members to be appointed at the July 21, 2015 Council Meeting.

Council adjourned at 9:19 p.m.

These Minutes approved and adopted by Motion of Council this 21st day of July, 2015.

MAYOR

CITY CLERK