



MINUTES OF
COUNCIL MEETING, DECEMBER 6, 2016
CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:08 p.m. and in open session at 7:20 p.m. on the above date.

His Worship Mayor Frank Campion in the Chair.

Members Present:

Councillors M. Carl, J. Chiochio (6:20 p.m.), P. Chiochio, T. DiMarco, B. Fokkens, M.A. Grimaldi, J. Larouche, R. Letourneau, J. Mastroianni, D. McLeod, M. Petrachenko and L. Van Vliet.

Members of Staff and Others Present:

Chief Administrative Officer, G. Long

City Clerk, T. Stephens

Chief, Fire & Emergency Services, B. Kennedy

General Manager, Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas (7:20 p.m.)

General Manager, Human Resources and Legislative Services, R. Mantesso

General Manager, Infrastructure and Development Services/City Engineer, S. Iannello (6:45 p.m.)

Manager of Development Approvals, G. Munday

Recording Secretary, C. Viger (7:20 p.m.)

Director of Economic Development, D. Degazio (6:08 p.m. - 6:45 p.m.)

Manager of Budgets & Financial Reporting/Deputy Treasurer, E. Pankoff (7:20 p.m. - 10:00 p.m.)

Transit Manager, A. Stockwell (7:20 p.m. - 10:00 p.m.)

16-25 Moved by DiMarco and Mastroianni

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:08 p.m. to consider:

- personal matters about an identifiable individual, including municipal or local board employees; and
- proposed or pending acquisition or disposition of land by the municipality or local board.

(Councillor Carl was not present during Committee-of-the-Whole discussions on a proposed or pending acquisition or disposition of land by the municipality or local board).

CARRIED

16-25 Moved by Fokkens and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:15 p.m. with report.

CARRIED

THE FOLLOWING ITEMS WERE ADDED:

16-4 Report FIN-2016-45 from Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer - 2017 Operating and Capital Budgets & 2018-2026 Capital Budget Forecast.

16-4 A By-law to adopt the 2017 Operating and Capital Budgets.

16-4 Budget Review Committee Report to Council - meeting of December 5, 2016.

THE FOLLOWING ITEM WAS AMENDED

16-4 Revised Report FIN-2016-44: Municipal Act Regulation 284/09 and Public Sector Accounting.

PRESENTATIONS

Plaque presentation by Councillor Larouche to Sabrina D'Angelo.

DELEGATIONS

16-3 Daniel Roy, Sacre Coeur Church addressed Council regarding a raffle draw.

AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORTS

16-28 Vani Sharma Chair, Dario Smagata, Vice Chair, Jackson Root, Secretary and Shelby Laing, Publicity and Promotion Coordinator, Mayor's Youth Advisory Council addressed Council regarding an update on its activities.

16-4 Councillor McLeod, Chair, Budget Review Committee provided a verbal update on the Budget Review Committee meetings of November 14, 28 and December 5, 2016.

16-47 Councillor Carl, Chair, Nominating Committee addressed Council regarding an appointment of the Infrastructure and Development Services Chair.

LEGISLATED PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Councillor Van Vliet presided as Chair of the Public Hearing:

16-128Z A complete application has been made by CLAUDE DEMERS AND RICHARD TRUDEL on behalf of REGISTERED PROPERTY OWNERS to rezone Lots 122 to 138, Plan 59M-230 for lands 74, 80, 86, 94, 104, 112, 120, 128, 136, 144, 152, 160, 168, 176, 184, 192, 198 and 204 Courtney Crescent from the existing R3-X5 Zone to a Site Specific R3 Zone. The purpose of the Amendment is to permit structures within 2 metres of rear lot lines to include stairs, pools, decks, railings, hot tubs and sheds; to allow the construction of a fence along the rear lot line; to allow a maximum lot coverage of 50%. All proposed construction will be subject to Niagara Peninsula Conservation Authority Approval. The Official Plan designation is LOW DENSITY RESIDENTIAL.

G. Munday confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

Claude Demers, applicant, 86 Courtney Crescent, Welland, ON L3C 7H9

Richard Trudel, applicant, 94 Courtney Crescent, Welland, ON L3C 7H9

In support of the application:

- No one spoke to the application.

There being no persons present to speak in support of the application, the Chair asked for those opposing the application.

In opposition of the application:

- No one spoke to the application.

There being no persons present to speak in opposition to the application, the hearing was concluded.

16-123Z A complete application has been made by UPPER CANADA CONSULTANTS on behalf of ENA BOERSEMA AND JOHANNES BOERSEMA to rezone the lands at 150 South Pelham Road (south of Webber Road and on the east side of South Pelham Road) from the existing RA - Rural Agricultural Zone to a Site Specific R3 Zone. The purpose of the Amendment is to permit the following: a reduced front yard setback of 4.5 metres for a dwelling and 6 metres for an attached garage and to allow for a maximum lot coverage of 50%. The Official Plan designation is LOW DENSITY RESIDENTIAL AND AGRICULTURAL. The lands are also the subject of an Application for Consent - File B013/2016WELL and B014/2016WELL.

G. Munday confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

Martin Heikoop, Upper Canada Consultants, 261 Martindale Rd., St. Catharines, ON L2W 1A1 on behalf of the applicants.

In support of the application:

- No one spoke to the application.

There being no persons present to speak in support of the application, the Chair asked for those opposing the application.

In opposition of the application:

- John Dykstra, 129 Timberview Crescent, Welland, ON L3C 0B8.

There being no persons present to speak in opposition to the application, the hearing was concluded.

16-1 Moved by Larouche and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of November 15, 2016 and Special Council Meeting of November 29, 2016, as circulated.

CARRIED

99-99

13-50

16-37 Moved by Petrachenko and Carl

THAT THE COUNCIL OF THE CITY OF WELLAND approves a grant for the Welland Recreational Canal Corporation in the amount of \$334,000 for 2017; and further

THAT Welland City Council approves a grant for the Niagara Central Dorothy Rungeling Airport in the amount of \$90,035 for 2017; and further

THAT Welland City Council approves that \$137,500 be included in the application to the Regional Municipality of Niagara for the issuance of debentures for 2017 in order to provide for capital funding for roof replacement, septic system, and facility maintenance repairs at the Niagara Central Dorothy Rungeling Airport; and further

THAT THE COUNCIL OF THE CITY OF WELLAND approves the purchase of two (2) bleachers at a cost of \$20,000 each from the Welland Recreational Canal Corporation; and further

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to review the 'floating' fixed rates concept plan as presented by Kathleen Adams on behalf of the Water/Wastewater Ad Hoc Committee and that staff report back to Council no later than June 2017 for consideration for the 2018 Budget process as recommended by the Budget Review Committee at its meeting of November 28, 2016.

CARRIED

03-133 Moved by Carl and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report P&B-2016-69 regarding the Update to the City of Welland Brownfield Community Improvement Plan.

CARRIED

03-133 Moved by Carl and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to submit an Application to the Federation of Canadian Municipalities' (FCM) Green Municipal Fund (GMF) for funding to review and prepare a new City of Welland Brownfield Community Improvement Plan to include sustainability goals, specific targets, actions and an implementation and monitoring strategy; and further.

THAT Welland City Council authorizes staff to prepare any necessary documentation for the submission of the Application to the Federation of Canadian Municipalities (FCM) Green Municipal Fund (GMF).

CARRIED

04-47

04-91 Moved by Petrachenko and Carl

THAT THE COUNCIL OF THE CITY OF WELLAND approves an Operating Grant for the Welland Public Library in the amount of \$1,931,017 for 2017; and further

THAT Welland City Council approves an Operating Grant for the Welland Historical Museum in the amount of \$215,524 for 2017 as recommended by the Budget Review Committee at its meeting of October 24, 2016.

CARRIED

04-48 Moved by Petrachenko and Carl

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to issue a Request for Proposal for the development of a concept plan for future use of the Atlas Landfill Site Remediation Project; and further THAT Welland City Council authorizes staff to include \$30,000 in the 2017 Capital Budget for the development of the concept plan and that funding be provided from the Sports and Culture Infrastructure Capital Reserve Fund and/or proceeding with application to the FCM Green Fund as recommended by the Budget Review Committee at its meeting of December 5, 2016.

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

THAT THE COUNCIL OF THE CITY OF WELLAND approves that the 2017 Budget forecasted deficit of \$800,400 for the Youngs Sportsplex be funded by the Sports and Culture Infrastructure Capital Reserve Fund (SCICRF) as recommended by the Budget Review Committee at its meeting of December 5, 2016.

CARRIED**16-3** Moved by Letourneau and Carl

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Daniel Roy, Sacre Coeur Church regarding a raffle draw.

CARRIED**16-4** Moved by McLeod and Van Vliet

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

- The 2017 Operating Budget, attached to Report FIN-2016-45 as Appendix I, resulting in a 6.49% tax levy increase (before assessment growth) from \$35,198,024 2016 to \$37,483,067 in 2017 with assessment growth of 1.42% reducing the net tax levy impact to 5.07%; and
- The 2017 Capital Budget estimates attached as Appendix II; and further

THAT Welland City Council receives for information the 2017-2028 Capital Budget Forecast attached as Appendix III; and further

THAT Welland City Council directs staff to prepare the By-law to establish tax ratios and tax rates and to levy taxes for 2017 based on the 2017 Operating Budget as adopted by Council.

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16-4 Moved by Fokkens and Grimaldi

THAT Welland City Council removes decision unit #1 from the 2017 Decision Units.

YEAS: Councillors Grimaldi, Fokkens and J. Chiochio.

NAYS: Councillors Letourneau, P. Chiochio, Mastroianni, Van Vliet, Mayor Campion, Larouche, Petrachenko, Carl, McLeod and DiMarco.

LOST**16-4** Moved by Letourneau and Grimaldi

THAT Welland City Council defers Report FIN-2016-45: 2017 Operating and Capital Budgets & 2018-2026 Capital Budget Forecast to the December 20, 2016 Council Meeting.

YEAS: Councillors Letourneau, P. Chiochio, Grimaldi, Fokkens, Mayor Campion and DiMarco.

NAYS: Councillors Mastroianni, Van Vliet, Larouche, Petrachenko, Carl, J. Chiochio, and McLeod.

LOST

16-4 Moved by DiMarco and Fokkens
THAT Welland City Council removes decision unit 5a from the 2017 Decision Units.

YEAS: Councillors P. Chiocchio, Grimaldi, Fokkens, Mayor Campion, Larouche and DiMarco.

NAYS: Councillors Mastroianni, Van Vliet, Petrachenko, Carl, J. Chiocchio and McLeod.

LOST

16-4 Moved by DiMarco and P. Chiocchio
THAT Welland City Council removes decision unit 7 from the 2017 Decision Units.

YEAS: Councillors P. Chiocchio, Grimaldi, Fokkens, Mayor Campion and DiMarco.

NAYS: Councillors Mastroianni, Van Vliet, Larouche, Petrachenko, Carl, J. Chiocchio and McLeod.

LOST

16-4 Moved by DiMarco and Fokkens
THAT Welland City Council removes decision unit 8 from the 2017 Decision Units.

YEAS: Councillors P. Chiocchio, Grimaldi, Fokkens and DiMarco.

NAYS: Councillors Mastroianni, Van Vliet, Mayor Campion, Larouche, Petrachenko, Carl, J. Chiocchio and McLeod.

LOST

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

CARRIED

YEAS: Councillors Mastroianni, Van Vliet, Mayor Campion, Larouche, Petrachenko, Carl, J. Chiocchio and McLeod.

NAYS: Councillors P. Chiocchio, Grimaldi, Fokkens and DiMarco.

CARRIED

16-4 Moved by Petrachenko and Carl
THAT THE COUNCIL OF THE CITY OF WELLAND approves the 2017 Decision Units as per Schedule 'A' attached as recommended by the Budget Review Committee at its meeting of December 5, 2016.

CARRIED

16-4 Moved by McLeod and Mastroianni
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the verbal report by Councillor McLeod, Chair, Budget Review Committee, regarding its meetings of November 14, 28 and December 5, 2016.

CARRIED

16-4 Moved by Petrachenko and Carl
THAT THE COUNCIL OF THE CITY OF WELLAND approves utilizing the Municipal Price Index as a benchmark in forecasting the impact of inflation on all goods and services in developing the Tax Supported Operating & Capital Budgets and Water & Wastewater Operating & Capital Budgets commencing with the 2018 Budgets as recommended by the Budget Review Committee at its meeting of November 7, 2016.

CARRIED

16-4 Moved by Petrachenko and Van Vliet
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the exclusion of amortization and post-employment benefit expenses from the 2017 Budgets.

CARRIED

16-12

16-47 Moved by Carl and Mastroianni
 THAT THE COUNCIL OF THE CITY OF WELLAND appoints Councillor Van Vliet as Chair of Infrastructure and Development Services until November 30, 2017 as recommended by the Nominating Committee.

CARRIED

16-28

Moved by Carl and DiMarco
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Vani Sharma Chair, Dario Smagata, Vice Chair, Jackson Root, Secretary and Shelby Laing, Publicity and Promotion Coordinator, Mayor's Youth Advisory Council regarding an update on its activities.

CARRIED

16-37

Moved by McLeod and Van Vliet
 THAT THE COUNCIL OF THE CITY OF WELLAND approves, as recommended by the Budget Review Committee, the following:

- The 2017 Water and Wastewater Revenue and Expenditure Budget estimates (Schedules 'A' & 'B'); and
- The 2017 Water and Wastewater Capital Budget estimates including debenture funding of \$1,172,500 (Schedule 'C'); and
- The 2017 Water and Wastewater Rate Structure (Schedule 'D'); and
- The 2017 Water Haulage Variable Rates be increased to \$ 1.22/m³; and further

THAT Welland City Council receives for information the 2018-2026 Water & Wastewater Capital Budget Forecast; and further

THAT Welland City Council directs staff to prepare the necessary By-law to establish the 2017 Water and Wastewater billing rates effective April 1, 2017; and further

THAT Welland City Council directs staff to prepare a report card annually on incremental capital funding and that this be included as part of the Budget process.

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

NAYS: Councillors Letourneau, P Chiocchio, Grimaldi, Fokkens, J Chiocchio and DiMarco.

CARRIED

16-43

Moved by Carl and Van Vliet
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CLK-2016-07: Municipal Election Modernization Changes; and

THAT Welland City Council requests a report be prepared regarding Ranked Voting; and further

THAT Welland City Council requests a report be prepared regarding online voting.

CARRIED

16-46

Moved by Petrachenko and Carl
 THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to purchase one (1) new hydrostatic 4wd articulating, oscillating, multi-purpose diesel tractor from Cubex Ltd being the bidder who submitted a bid in accordance with RFP #PW16-44 meeting the specifications and based on an Evaluation Matrix providing the Best Value to the Corporation as recommended by the Budget Review Committee at its meeting of December 5, 2016.

CARRIED

16-104 Moved by Carl and Van Vliet

THAT General Committee receives for information the presentation by Erik Nickel, Manager, Engineering Services regarding the Sewer and Drainage By-law.

CARRIED**16-104** Moved by Carl and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND refers Report ENG-2016-29 back to staff for review and to report back to General Committee no later than January 10, 2017.

CARRIED**16-114** Moved by Carl and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report P&B-2016-71 regarding Development Charges for 152 Hellems Avenue for information.

CARRIED**16-122** Moved by Carl and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND affirms its commitment to the protection of our water resources by calling on the Governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin, and their representatives on the Compact Council to reconsider their Final Decision to approve the Waukesha Application; and

THAT Welland City Council supports challenges by the Great Lakes and St. Lawrence Cities Initiative to the Compact Council's approval of the Waukesha Application under procedures adopted by the Compact Council, which may include requesting a hearing and initiating judicial review of the Final Decision; and further

THAT Welland City Council urges the Governors and Premiers of the Regional Body and Compact Council, consistent with good public policy, to reverse its approval of the Waukesha diversion application and ensure that the provisions of the Compact are strictly applied in this and any future application in order to protect the finite water resources of the Great Lakes and St. Lawrence River Basin.

CARRIED**16-123Z** Moved by Larouche and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report P&B-2016-74 regarding an Application for Zoning By-law Amendment for lands on the east side of South Pelham Road, south of Gaiser Road, more specifically described as Part Township Lot 260, former Township of Thorold, now City of Welland, municipally known as 150 South Pelham Road.

CARRIED**16-124** Moved by Carl and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from Rob Morton, Executive Assistant, Lorne Coe, MPP Whitby-Oshawa regarding Bill 9, End Age Discrimination Against Stroke Recovery Patients Act, 2016; and

THAT Welland City Council supports Bill 9 which states that all stroke victims receives care regardless of their age; and further

THAT Welland City Council directs staff to send a letter of confirmation to the Health and Long Term Care Minister, Eric Hoskins.

CARRIED**16-125** Moved by Carl and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the request from Niagara Region regarding the banning of Asbestos.

CARRIED

16-128Z

Moved by P. Chiocchio and DiMarco

THAT THE COUNCIL OF THE CITY OF WELLAND approves an Amendment to Zoning By-law 2667, as amended for lands on the south side of Courtney Crescent, east of St. Lawrence Drive, more specifically described as Lots 122 to 138 on Plan 59M-230, municipally known as 74, 80, 86, 94, 104, 112, 120, 128, 136, 144, 152, 160, 168, 176, 184, 192, 198, 204, Courtney Crescent from the existing Site Specific R3 - Single-Detached Dwelling - Third Density Zone to a Site Specific R3 Zone to permit accessory structures to have rear yard setbacks of 2 metres, which will include: pools, decks, stairs, railings, hot tubs and sheds, subject to approval of the Niagara Peninsula Conservation Authority; to allow for a maximum lot coverage of 50%; and to allow the construction of a fence along the side and rear lot lines.

CARRIED**BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE****99-43**

Moved by Carl and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Board of Directors of Welland Hydro-Electric Systems Corp. (WHESC) letter dated December 1, 2016 regarding the appointment of Mr. Wayne Armstrong as President & CEO of WHESC; and further THAT Welland City Council approves the appointment of Mr. Wayne Armstrong.

CARRIED**99-99**

Moved by Carl and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND declares surplus to the City's needs canal lands, generally described as located, westerly along the Recreational Waterway and associated trail system, north of Woodlawn Road.

CARRIED**BY-LAWS**

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

16-37

BYL 2016 - 160

A By-law to adopt the water and wastewater operating budget with resulting rate structure for the 2017 billing year, effective April 1, 2017.

16-128Z

BYL 2016 - 161

A By-law to amend City of Welland Zoning By-law 2667 (Registered Property Owners - File 2016-06) 74, 80, 88, 94, 104, 112, 120, 128, 136, 144, 152, 160, 168, 176, 184, 192, 198, 204 Courtney Crescent.

16-4

BYL 2016 - 165

A By-law to adopt the 2017 Operating and Capital Budgets.

(Councillors Grimaldi, P. Chiocchio, DiMarco and Fokkens asked to be recorded as opposed to the By-law).

CARRIED

Moved by Carl and Van Vliet

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.

16-118

BYL 2016 - 162

A By-law to Lay Out, Establish and Name Part 5, Plan 59R-15692, being a 0.3 metre reserve for the City of Welland as part of Miranda Court.

16-126

BYL 2016 - 163

A By-law to authorize certain new capital works of the Corporation of the City of Welland (the "Lower-Tier Municipality"); to authorize the submission of an application to Ontario Infrastructure and Lands Corporation ("OILC") for financing such capital works; to authorize temporary borrowing from OILC to meet expenditures in connection with such works; and to authorize long term borrowing for such works through the issue of debentures by the Regional Municipality of Niagara (The "Upper-Tier Municipality") to OILC.

16-15

BYL 2016 - 164

A By-law to authorize acceptance of an offer from Plazacomm Investments Ltd. for the sale of vacant land municipally known as 425 King Street and 153 Lincoln Street.

CARRIED

Moved by Larouche and Petrachenko

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.

16-1

BYL 2016 - 166

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 6th day of December, 2016.

CARRIED

Council adjourned at 10:06 p.m.

These Minutes approved and adopted by Motion of Council this 20th day of December, 2016.

MAYOR

CITY CLERK