



## MINUTES OF

**COUNCIL MEETING, DECEMBER 9, 2008**

**BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE (IN CAMERA): TO DISCUSS PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND MATTERS; AND IN RESPECT OF WHICH A COUNCIL OR BOARD MAY HOLD A CLOSED MEETING UNDER OTHER ACTS (BUSINESS CORPORATIONS ACT); AND IN OPEN SESSION TO HOLD PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT; AND TO HOLD PUBLIC MEETINGS PURSUANT TO CITY OF WELLAND BY-LAW 2007-181 AND SECTION 7 (6) OF THE BUILDING CODE ACT AND THE MUNICIPAL ACT, 2001; AND**

**BY PROCEDURAL BY-LAW 2007-178:  
TO RATIFY THE ACTIONS OF GENERAL COMMITTEE**

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

Council met in Special Meeting Committee-of-the-Whole closed to the public at 6:40 p.m. and in open session at 7:45 p.m. to hold Statutory Public Hearings under the *Planning Act*; and to hold Public Meetings pursuant to Section 7 (6) of the Building Code Act and pursuant to Section 357 of the *Municipal Act, 2001*; and recessed at 7:50 p.m.; and pursuant to By-law 2007-178, the Procedural By-law of Council, reconvened following the General Committee Meeting at 9:00 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

**Members Present:**

Councillors R. Alakas, D. Alexander (6:55 p.m.), M. Belcastro, F. Champion, P. Chiochio, M. Dzugan, P. Grenier, J. Larouche, R. Letourneau, S. O'Dell (7:05 p.m.) and B. Sharpe.

**Members of the Staff and Others Present:**

City Manager, C. Stirtzinger

Deputy City Clerk, B. Nistico-Dunk

Chief, Fire & Emergency Services, D. Prevost (7:45 p.m.)

General Manager, Engineering, Public Works & Transportation Services/City Engineer, S. Iannello

General Manager, Financial & Corporate Services/Treasurer, B. Silvestri (7:45 p.m.)

General Manager, Planning & Development Services, D. Thorpe

General Manager, Parks, Facilities and Leisure Services, B. Fenwick

General Manager, Human Resources, R. Mantesso

Manager, Budgets and Financial Reporting/Deputy Treasurer, K. Douglas (7:45 until 8:50 p.m.)

Financial Analyst, Co-op, G. Hao (7:45 until 8:50 p.m.)

Games Licensing & Committee Clerk, L. Bubanko (7:45 p.m.)

Manager, Economic Development, D. Degazio (6:40 p.m. until 7:06 p.m.)

**08-25** Moved by Dzugan 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 6:40 p.m. to consider:

- a) a proposed or pending acquisition of land or disposition of land by the municipality; and
- b) a matter in respect of which a council, board, committee or other board may hold a closed meeting under another Act (Business Corporations Act).

**CARRIED**

**08-25** Moved by Grenier and Alexander

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:06 p.m.

**CARRIED**

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF DECEMBER 9, 2008:**

**03-38**

**03-40** Gen. Mgr., Financial and Corp. Serv./Treasurer, B. Silvestri – City of Welland Services and User Fees.

**06-154** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Assumption of Subdivision Developments established prior to 1980.

**07-109** Gen. Mgr., Planning & Development Serv., D. Thorpe – The City of Welland-Commercial Strategy Study: Policy Directions Report by Dillon Consulting Ltd. and W. Scott Morgan and Associates Limited.

**08-4** Councillor Grenier, Chair, Budget Review Committee – 10 Year Capital Projects Plan and the Arena Feasibility Study Steering Committee Report.

**08-4** Gen. Mgr., Financial and Corp. Serv./Treasurer, B. Silvestri and City Manager, C. Stirtzinger – Year To Date – Budget Performance to end of September 2008.

**08-4** Gen. Mgr., Financial and Corp. Serv./Treasurer, B. Silvestri – Application for Tax Write-Offs – Section 357.

**08-22** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Colborne Street; Lot #10 South Course and Lot #11 North Course as a Heavy Vehicle Parking Facility.

**08-28** John Armstrong, Vice President, Integrated Public Affairs, OEB Enterprise – Ports Niagara Project.

**08-154** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Tender Award – Catchbasin Re-Direction Program 2008.

**08-160Z** Gen. Mgr., Planning & Development Serv., D. Thorpe – Application for Zoning By-law Amendment – The Welland Optimist Club, 38 Patterson Avenue, east side of Patterson Avenue, north of East Main Street (File No. 2008-11).

**08-163** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Award of Contract for Windsor Street Area Sanitary Sewer Infiltration Abatement Work.

**THE FOLLOWING BY-LAWS WERE RECEIVED:**

**08-160Z** A By-law to amend City of Welland Zoning By-law 2667 (The Welland Optimist Club - File 2008-11) 38 Patterson Avenue.

**08-154** A By-law to authorize the acceptance of tender and the entering into a contract with Vic Vatr Contracting Ltd. to undertake the Catchbasin Re-direction Program 2008.

**04-152** A By-law to grant an extension of the license agreement with the Welland Soccer Club.

**08-163** A By-law to authorize the acceptance of tender and the entering into a contract with Sewer Technologies Incorporated.

**08-157** A By-law to authorize the purchase of a Robotics Total Station (Survey Equipment).

**03-38**

**03-40** A By-law to amend By-law 2006-193, being a By-law to establish and regulate fees and charges for various services or activities and use of property as provided by the Municipality.

**08-1** 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 9<sup>th</sup> day of December, 2008.

**STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT**

Councillor Dzugan presided as Chair of the Public Hearings:

**08-160Z** A complete application has been made by JOHN VAN DER VELDT on behalf of THE WELLAND OPTIMIST CLUB to rezone Lot 55 and Part of Lot 54, Plan 579 for lands at 38 Patterson Avenue from the existing RM3 – Multiple Dwelling – Third Density Zone By-law 2667 to a Site Specific RM3 Zone By-law 2667. The purpose of the Amendment is to permit a fraternal organization on the subject lands and to recognize an existing front yard setback of 5.5 metres and the existing 5 metre wide access. The Official Plan designation is RESIDENTIAL (R).

Councillor Dzugan outlined the procedures of the Public Hearings as required by the *Planning Act*.

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

**In support of the application:**

- John Vanderbelt, 113 Golden Boulevard, Welland, ON, L3B 1A9, agent on behalf of the applicant.

**In opposition to the application:**

- No one spoke to the application.

There being no other submissions the hearings were concluded.

**PUBLIC MEETING PURSUANT TO CITY OF WELLAND NOTICE BY-LAW 2007-181 AND PURSUANT TO SECTION 7 (6) OF THE BUILDING CODE ACT**

**The Mayor explained the purpose of the Public Meeting.**

**03-38**

**03-40**

**09-4** Regarding User Fees and Building Permit Fees.

No one was present to speak.

There being no submissions the public meeting was concluded.

**PUBLIC MEETING PURSUANT TO SECTION 357 OF THE MUNICIPAL ACT, 2001**

**The Mayor explained the purpose of the Public Meeting.**

**06-4**

**07-4** Regarding Tax Write-Offs.

No one was present to speak.

There being no submissions the public meeting was concluded.

**03-38**

**03-40**

Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND approves the proposed new user fees and fee increases for 2009 (Appendix I attached to Report FIN-2008-15); and further

THAT Welland City Council accepts the list of user/service fees attached to Report FIN-2008-15 (Schedule A); and further

THAT Welland City Council directs Staff to amend the appropriate By-laws.

**CARRIED**

**06-154**

Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND approves the assumption of the following subdivisions established prior to 1980 as presented in Report ENG-2008-45 dated December 9, 2008.

**CARRIED**

**07-109**

Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND adopts the City of Welland - Commercial Strategy Study: Policy Directions Report dated November 2008 prepared by Dillon Consulting Limited and W. Scott Morgan Associates Limited as the basis for the City's Commercial Policies; and further

THAT Welland City Council directs staff to initiate the Official Plan Amendment process for the adoption of Commercial Policies; and further

THAT Welland City Council directs staff to circulate the City of Welland – Commercial Strategy Study: Policy Directions Report to the North Welland BIA, Downtown BIA, and The Welland Chamber of Commerce.

**CARRIED**

**08-4**

Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Councillor Grenier, Chair, Budget Review Committee at the December 9, 2008 General Committee Meeting regarding the 10 Year Capital Projects Plan and the Arena Feasibility Study Steering Committee Report.

**CARRIED**

**08-4**

Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND approves the recommendation of the Budget Review Committee approving the 10 Year Capital Projects Plan as a budget tool to identify capital projects for decision making as the City deliberates its annual capital budgets.

**CARRIED**

**08-4**

Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND approves the recommendation of the Budget Review Committee respecting the Arena Feasibility Study Steering Committee Report PF&LS 2008-25 presented to Council on October 7, 2008, that a Request for Proposal be called to explore a Public Private Partnership for

the construction and operation of a three pad facility with the option of an additional spectator pad; and further

THAT Welland City Council directs staff to prepare and present specifications for a Request for Proposal for the January 20, 2009 Council meeting.

**CARRIED**

**08-4** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the Year to Date – Budget Performance Report (CM-2008-09) as recommended by the Audit Review Committee.

**CARRIED**

**08-4** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND approves the write-off of taxes in the amount of \$2,539.41 as contained in Report FIN-2008-17 for the reduction or cancellation of taxes, pursuant to Section 357 of the Municipal Act, 2001.

**CARRIED**

**08-22** Moved by Grenier and Sharpe

THAT Report TRAF-2008-16 regarding Colborne Street; Lot #10 South Course and Lot #11 North Course as a Heavy Vehicle Parking Facility be referred back to staff for further information.

**CARRIED**

**08-28** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by John Armstrong, Vice President, Integrated Public Affairs, OEB Enterprise regarding the proposed Ports Niagara Project and refers to the Budget Review Committee for consideration.

**CARRIED**

**08-154** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of Vic Vatr Contracting Ltd. of Welland, Ontario as detailed in Report ENG-2008-46, for the Catchbasin Re-Direction Program 2008 at the quoted price of \$78,956.80 including applicable PST; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to enter into a contract with Vic Vatr Contracting Ltd. to execute the construction.

**CARRIED**

**08-160Z** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND approves an Amendment to Zoning By-law 2667, as amended, for lands on the east side of Patterson Avenue, north of East Main Street, known municipally as 38 Patterson Avenue from the existing RM3 – Multiple Dwelling – Third Density Zone to a Site Specific RM3 Zone to permit a single-detached dwelling and a fraternal organization on the subject lands, and to recognize an existing front yard setback of 5.5 metres and the existing 5 metre wide access.

**CARRIED**

**08-163** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the quote of Sewer Technologies Incorporated of Port Perry, Ontario for the Windsor Street Area Sanitary Sewer Infiltration Abatement Work, as presented in Report ENG-2008-43; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to enter into an agreement with the said contractor to perform the proposed work at the quoted unit rates; and further

THAT Welland City Council authorizes staff to undertake supplementary Infiltration Abatement work, as required, at the unit prices bid but not to exceed \$25,000 including applicable taxes; being part of the 2007 Water/Sewer Capital Budget.

**CARRIED**

### **BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE**

**04-111** Moved by Larouche and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND approves the reduction of lease payments between 1683095 Ontario Inc. and the City of Welland by four hundred dollars (\$400.00) per month for use of 5,775 square feet of floor space at 225 East Main Street effective January 1, 2009 for as long as the City owns the property during the current term of the lease (no later than February 2011); and further

THAT Welland City Council directs staff to amend the current agreement recognizing the changes commencing January 1, 2009.

**CARRIED**

**08-49** Moved by Grenier and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes and approves the entering into a Lease Agreement with the Niagara Food Festival for the purpose of leasing office space within the Welland Civic Square for a term of one (1) year, commencing on January 1, 2009, with an annual rate of rent of \$1,920.00 as set out in Report CLS-2008-13; and further

THAT Welland City Council authorizes staff to prepare and enter into the necessary Lease Agreement.

**CARRIED**

**99-99**

**09-45** Moved by Belcastro and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information that the Welland Recreational Canal Corporation (WRCC) approves of renewing the Corporation's insurance coverage with Frank Cowan Company Ltd. at a revised premium of \$29,746 plus applicable taxes; and further

THAT Welland City Council receives for information that the Board of the WRCC approves increasing the Broad Form Coverage to \$10,000; and further

THAT Welland City Council receives for information that the Board of the WRCC approves increasing the Director's Corporate Indemnification Liability to \$2,500,000.

**CARRIED**

### **BY-LAW ARISING FROM COMMITTEE-OF-THE-WHOLE**

**BY-LAW PRESENTED FOR FIRST READING:**

1. Moved by Larouche and Chiocchio  
 THAT THE COUNCIL OF THE CITY OF WELLAND now gives leave to introduce the following proposed By-law entitled:

**04-111**

BYL 2008-191

A By-law to authorize the entering into an agreement with 1683095 Ontario Inc. to amend the lease for 225 East Main Street.

And that the same be now read a first time.

**CARRIED**

**BY-LAW PRESENTED FOR SECOND AND THIRD READING:**

2. Moved by Larouche and Chiocchio  
 THAT THE COUNCIL OF THE CITY OF WELLAND having read and considered the By-law listed in the foregoing motion a first time, be now read and third time and do pass, and the Mayor and Clerk shall sign and seal same.

**CARRIED**

**BY - LAWS**

**BY-LAWS PRESENTED FOR FIRST READING:**

3. Moved by Belcastro and Chiocchio  
 THAT THE COUNCIL OF THE CITY OF WELLAND now gives leave to introduce the following proposed By-laws entitled:

**08-160Z**

BYL 2008-192

A By-law to amend City of Welland Zoning By-law 2667 (The Welland Optimist Club - File 2008-11) 38 Patterson Avenue.

**08-154**

BYL 2008-193

A By-law to authorize the acceptance of tender and the entering into a contract with Vic Vatr Contracting Ltd. to undertake the Catchbasin Re-direction Program 2008.

**04-152**

BYL 2008-194

A By-law to grant an extension of the license agreement with the Welland Soccer Club.

**08-163**

BYL 2008-195

A By-law to authorize the acceptance of tender and the entering into a contract with Sewer Technologies Incorporated.

**08-157**

BYL 2008-196

A By-law to authorize the purchase of a Robotics Total Station (Survey Equipment).

**03-38**

**03-40**

BYL 2008-197

A By-law to amend By-law 2006-193, being a By-law to establish and regulate fees and charges for various services or activities and use of property as provided by the Municipality.

**08-1**

BYL 2008-198

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 9<sup>th</sup> day of December, 2008.

And that the same be now read a first time.

**CARRIED**

**BY-LAWS PRESENTED FOR SECOND AND THIRD READING:**

4. Moved by Belcastro and Chiocchio  
THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-laws listed in the foregoing motion as reproduced in this evening's Council Agenda, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal same.

**CARRIED**

Council adjourned at 9:06 p.m.

These Minutes approved and adopted by Motion of Council this 16<sup>th</sup> day of December, 2008.

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**MAYOR**

\_\_\_\_\_  
**CLERK**