



**MINUTES OF
COUNCIL MEETING, APRIL 6, 2010**

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

Council met in Committee-of-the-Whole closed to the public at 5:30 p.m. and in open session at 7:12 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present:

Councillors R. Alakas, D. Alexander, M. Belcastro, F. Campion, P. Chiochio, M. Dzugan, J. Larouche, P. Grenier, R. Letourneau, B. Sharpe and L. Van Vliet.

Members of the Staff and Others Present:

City Manager, C. Stirtzinger

City Clerk, C. Mintoff

Chief, Fire & Emergency Services, D. Prevost (5:45 p.m.)

General Manager, Engineering, Public Works & Transportation Services/City Engineer, S. Iannello
Manager, Budgets and Financial Reporting/Deputy Treasurer, K. Douglas

General Manager, Human Resources, R. Mantesso

General Manager, Parks, Facilities, Recreation & Cultural Services, B. Fenwick

General Manager, Planning & Development Services, D. Thorpe

Facilities Manager, Al Gaanderse (7:12 p.m. – 8:24 p.m.)

Records Clerk, C. Viger (7:12 p.m.)

(Saulis Zemaitis President and CEO, Goodwill Industries Niagara, was present during Committee-of-the-Whole discussions on a proposed or pending acquisition or disposition of land by the municipality or local board).

10-25 Moved by Belcastro 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 5:30 p.m. to consider:

- a) the security of the property of the municipality or local board;
- b) personal matters about an identifiable individual, including municipal or local board employees;
- c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- d) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- e) for the purpose of educating or training members of Council.

CARRIED**10-25** Moved by Alexander and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:02 p.m. with report.

CARRIED**PRESENTATIONS:**

Councillor Letourneau presented a plaque to Sabrina D'Angelo, Goalkeeper, under 17 Canadian National Soccer Team Gold Medal Winners at the 2010 Confederation of North, Central American, and Caribbean Association Football (CONCACAF) World Cup Qualifiers – Costa Rica.

Mayor Goulbourne and Sal Iannello, Gen. Mgr., Engineering, Public Works and Transportation Services/City Engineer presented a plaque recognizing the City of Welland Drinking Water Quality Management System Team re: ISO 9001:2008 Designation. Team Members: Jerry Boc, Manager, Public Works; Ray Chamberlain, Water Quality Coordinator; Gabrielle Ristine, Administrative and Support Services Manager; Vincent Beaudoin, General Foreman, Water and Sewer; Mike Fortier, Fleet Manager; and, Pierre Godbout, Senior Water System Analyst/Trainer.

City of Welland Drinking Water Quality Management System Team addressed Council re: ISO 9001:2008 Designation process.

DELEGATION:

04-152 John Durish and Mario Mascetelli representing Welland Soccer Club; Ed Pavao representing Nustadia; Geoff Hoy and Marty Starkman representing Sportstar; and Sandro Costa and Steve Costa, representing Avacos Group, addressed Council regarding partnership opportunities for the Woodlawn Sportsplex.

PUBLIC MEETING PURSUANT TO SECTION 357 - TAX WRITE-OFFS

- No one was present to speak to this matter.

There being no submissions the hearing was concluded.

THE FOLLOWING CORRESPONDENCE WAS DELETED:**08-99**

09-47 Report ENG2010-10 from Gen. Mgr., Engineering, Public Works and Transportation Services/City Engineer, S. Iannello Sanitary Sewer Flow Monitoring Services Northwest Drainage Area.

09-47

A By-law to authorize the entering into an amending agreement with Clarifica Inc.; and to amend
By-law 2009-26.

10-1 Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Special Council Meetings of February 9, March 9, and March 23, 2010 and Regular Council Meeting of February 16, 2010, as circulated.

CARRIED

04-152 Moved by Dzugan and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation John Durish and Mario Mascetelli representing Welland Soccer Club; Ed Pavao representing Nustadia; Geoff Hoy and Marty Starkman representing Sportstar; and Sandro Costa and Steve Costa, representing Avacos Group, regarding partnership opportunities for the Woodlawn Sportsplex.

CARRIED

04-152 Moved by Van Vliet and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND, directs staff to review the presentation materials regarding the Welland Soccer Club and present their findings at the April 27, 2010, Workplan Implementation Meeting.

CARRIED

06-84 Moved by Dzugan and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and refers the matter regarding the Government of Canada's New Horizons for Seniors Program to the Senior Citizens Advisory Committee for review and action as necessary.

CARRIED

08-95 Moved by Dzugan and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Wendy Perry to replace Trevor Sainsbury to the North Welland Business Improvement Area Board of Management as recommended by the North Welland Business Improvement Area Board of Management.

CARRIED

99-43 Moved by Dzugan and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND, as the sole Shareholder of Welland Hydro-Electric Holding Corp., requests and accepts excess funds of \$500,000.00 by way of dividend from Welland Hydro-Electric Holding Corp., notwithstanding the terms of the Shareholder Declaration.

CARRIED

09-99 Moved by Dzugan and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND pre-approves the proposed Thorold Road watermain replacement project within the subject sections of Thorold Road Phase 2 in 2010, to be financed from the Operating Budget and Federal Gas Tax as currently under budget review; and further

THAT Welland City Council approves retaining AMEC/Phillips Consulting in the amount of \$32,715.00 to undertake additional work and review for the replacement of a watermain, as part of the previously approved Design and Contract Administration Service Contract for the Thorold Road Phase 2 project between Niagara Street and Rice Road; and further

THAT Welland City Council directs the City Clerk to prepare the necessary By-laws.

CARRIED

10-4 Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves the write-off of taxes in the amount of \$8,002.64 as contained in Report FIN-2010-13 for the reduction or cancellation of taxes, pursuant to Section 357 of the *Municipal Act, 2001*.

CARRIED**10-13** Moved by Dzugan and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND authorize the Mayor and the City Clerk to sign an agreement with Niagara College Student Administrative Council, (NCSAC), representing the student enrollment of Niagara College, to provide a Universal Student Pass service for the months May, June, July and August 2010, as well as a limited bus service from Welland Campus to Niagara on the Lake campus.

CARRIED**10-43** Moved by Dzugan and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information, report CCLS-2010-02, regarding the changes to the *Municipal Elections Act, 1996*, as amended, and other municipally relevant legislation, as a result of the passage of Bill 212 - *Good Government Act, 2009*.

CARRIED**10-56** Moved by Dzugan and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of Mobil Striping & Sweeping Ltd. for street sweeping rentals at the tendered price of \$93.00/hour, plus GST.

CARRIED**10-60** Moved by Dzugan and Campion

THAT THE COUNCIL OF THE CITY OF WELLAND denies the request by Mr. LaRose, on behalf of Mr. Maurice, to purchase the western portion of Santone Avenue, north of Broadway; and further THAT Welland City Council directs staff to investigate with Mr. LaRose on behalf of Mr. Maurice to find an alternative solution to the existing encroachment agreement, at the pleasure of Council, to assist in securing conventional bank financing for 403 Broadway.

CARRIED**10-68** Moved by Dzugan and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara, dated March 5, 2010 regarding the Tax Arrears and Collection Experience of Municipality for 2008.

CARRIED**10-71** Moved by Campion and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND supports the request by Councillor Paul Grenier to seek a position on the Executive Committee of the Ontario Small Urban Municipalities (OSUM).

CARRIED**10-76** Moved by Dzugan and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information correspondence dated March 5, 2010 from the Region of Niagara, regarding Implementation of Smarter Niagara Incentives Programs Local and Regional Partnerships – City of Welland – Update Downtown and King Street (Health and Wellness) Community Improvement Plans.

CARRIED**BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE****06-72**

Moved by Dzugan and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND declares surplus vacant lands municipally known as 457 East Main Street, being Part of Lots 156 and 157 Plan 586, Welland; and further
 THAT Welland City Council directs Staff to proceed with the disposition of these lands in accordance with City Policy.

CARRIED**10-72**

Moved by Dzugan and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes a partnership with Welland Hydro to develop a pilot project for Kinergety at the Welland Transit Terminal; and further
 THAT Welland City Council authorizes staff to approve an expenditure of \$25,000 to purchase with Welland Hydro one (1) Kinerbump, (a prototype Kinergety product) to be owned by Welland Hydro and to be funded from the Investing in Welland Strategy.

CARRIED**10-73**

Moved by Dzugan and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND recommends that property described as Lot 145, Plan 5; Welland, located on Hester Lane be vested by the City; and further
 THAT Welland City Council declares the lands surplus; and further
 THAT Welland City Council directs Staff to proceed with the disposition of these lands in accordance with City Policy.

CARRIED**10-74**

Moved by Dzugan and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND recommends that property municipally known as 35-37 Hellems Avenue, being Part Lot E, Plan 551, N/S Division Street; Welland be vested by the City; and further
 THAT Welland City Council declares the lands surplus; and further
 THAT Welland City Council directs Staff to proceed with the disposition of these lands in accordance with City Policy.

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

1. Moved by Dzugan and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND now gives leave to introduce the following proposed By-laws entitled:

10-56

BYL 2010-43

A By-law to authorize the entering into a contract with Mobil Striping & Sweeping Ltd. for Street Sweeping Rentals.

...continued...

BY-LAWS PRESENTED FOR FIRST READING...CONT'D.:**09-99**

BYL 2010-44

A By-law to authorize the retention of AMEC/Phillips Consulting to provide Engineering Consultant Services for the Thorold Road Watermain Replacement Project – Phase 2 between Niagara Street and Rice Road – “An Infrastructure Stimulus Fund Project – ISF1662”.

10-1

BYL 2010-45

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 April, 2010.

And that same be now read a first time.

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

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

CARRIED**NOTICE OF MOTION**

In accordance with By-law 2007-178 passed on November 27, 2007, Councillor(s) must submit their NOTICE OF MOTION(s) in writing no later than Wednesday, April 14, 2010 for inclusion on the next regular Council meeting agenda of April 20, 2010.

Councillor Sharpe gave Notice of Motion of the following issue to be presented to Council at the April 20, 2010 Regular Council Meeting:

10-37 WHEREAS the Region of Niagara has used a three-year rolling average to bill the City of Welland for wastewater treatment;

AND WHEREAS the initial average was based on 2004-2006, being years with very high levels of wastewater treatment for this City;

AND WHEREAS at \$9,263,600, the 2010 wastewater treatment requisition from the Region makes up 74% of the total sewer budget;

AND WHEREAS co-operation and trust is of vital importance as the Region undertakes a Common Rate Setting and cost Recovery Study this year;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL THE CITY OF WELLAND requests that the Region of Niagara prepare a report on the difference between actual wastewater treatment volumes and the three-year average for the years 2007-2009 for all Niagara municipalities and where the three-year average has resulted in any overcharge, that this be reconciled, and the affected municipality be compensated appropriately.

Council adjourned at 8:46 p.m.

These Minutes approved and adopted by Motion of Council this 20th day of April, 2010.

MAYOR

CITY CLERK