



**MINUTES OF
COUNCIL MEETING, MAY 4, 2010**

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

Council met in Committee-of-the-Whole closed to the public at 5:35 p.m. and in open session at 7:00 p.m. on the above date, Council recessed for 15 minutes from 8:32 p.m. – 8:47 p.m.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present:

Councillors R. Alakas, D. Alexander, M. Belcastro, F. Campion (5:39 p.m.) P. Chiochio, M. Dzugan, J. Larouche, P. Grenier, R. Letourneau, B. Sharpe (5:37 p.m.) and L. Van Vliet.

Members of the Staff and Others Present:

City Manager, C. Stirtzinger

City Clerk, C. Mintoff

Deputy City Clerk, B. Nistico-Dunk (7:00 p.m.)

Deputy Fire Chief, K. Roach (7:00 p.m.)

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

General Manager, Financial & Corporate Services/Treasurer, B. Silvestri (7:00 p.m.)

General Manager, Human Resources, R. Mantesso

General Manager, Parks, Facilities, Recreation & Cultural Services, B. Fenwick (until 8:00 p.m.)

General Manager, Planning & Development Services, D. Thorpe

By-law Enforcement/Licensing Officer, R. Goupil (6:04 p.m. – 6:35 p.m.)

10-25 Moved by Alakas and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 5:35 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;
- 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

10-25 Moved by Belcastro and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:47 p.m. with report.

CARRIED

AGENCIES, BOARDS, COMMISSIONS REPORTS:

10-28 Mike Seguin, Chair of the Olympic Torch Relay Committee presented a plaque to the City to commemorate the December 21, 2009 Community Celebration and the efforts of the Committee and provided a final report from the Committee.

08-143 Councillor Campion, Chair of the Health Care Committee provided an update on the Health Care Committee meeting of April 28, 2010.

10-1 Moved by Alexander and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Special Council Meetings of April 13, 2010 and April 27, 2010 and Regular Council Meeting of April 20, 2010, as circulated.

CARRIED

01-35 Moved by Alexander and Chiochio

THAT THE COUNCIL OF THE CITY OF WELLAND approves the proposed Woodlawn Road Sanitary Sewer and Watermain Realignment works be carried out in 2010 to accommodate the HWY 406 Twinning – Port Robinson Road to East Main Street; and further

THAT Welland City Council approves staff to enter into a service agreement with the Ontario Ministry of Transportation (MTO) to carry out the required work under MTO tender and contract, inclusive of tendering, contract and construction administration; and further

THAT Welland City Council authorizes the Treasurer to finance the project in the interim at the preliminary estimated total expenditure in 2010 and 2011 in the amount of \$405,000 under the 2011 budget allocation, of which \$255,000, and \$150,000 will be identified in 2011 Sanitary Sewers and Waterworks Capital Budgets respectively; and further

THAT Welland City Council be advised that the final expenditure of the project will be cost shared with MTO based on their current utility relocation cost sharing formula on service life remaining of the utilities, our share of the construction accordingly is estimated to be approximately 30% of the total cost; and further

THAT Welland City Council directs staff to report back to Council on actual tender value of the works and to ensure proper budgeting of funds required; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to execute all required works as described in Report TRAF-2010-07 to facilitate the twinning of HWY 406.

CARRIED

07-88 Moved by Campion and Larouche
 THAT Welland City Council amends the Official Plan by designating the Orlando Lumber property located on the east side of Colbeck Drive, south of Gaiser Road, as Rural Employment.

CARRIED

07-88 Moved by Sharpe and Van Vliet
 THAT Welland City Council amends the Official Plan by the addition of an exemption clause to the Economic Gateway Designation for the Niagara Centre Development land located at the northwest corner of Highway 406 and Woodlawn Road to allow for the existing automotive/recreational vehicle sales, service and rental use when the new Zoning By-law is approved.

CARRIED

07-88 Moved by Campion and Sharpe
 THAT Welland City Council amends the Official Plan by redesignating the lands east of Highway 58, north of the CN Rail Line, west of Colborne Street and south of the new Urban Area Boundary Rural instead of Agriculture.

CARRIED

07-88 Moved by Chiocchio and Sharpe
 THAT Welland City Council directs staff to reconsider 36 Thorold Road as part of the evaluation of Official Plan Amendment 132 in dealing with Regional Niagara.

CARRIED

07-88 Moved by Chiocchio and Alexander
 THAT THE COUNCIL OF THE CITY OF WELLAND adopts a new Official Plan for the entire City, as amended; and further
 THAT Welland City Council declares to the Regional Municipality of Niagara that the Official Plan meets the requirements of Section 17 and Section 26 (1) (a) (i), (ii) and (iii) of the Planning Act; and further
 THAT Welland City Council directs staff to forward the Official Plan to The Regional Municipality of Niagara for approval; and further
 THAT Welland City Council directs that no further Public Process is required as any changes made to the Plan after the Statutory Public Meeting are considered minor in nature.

(Councillor Belcastro disclosed an interest and did not take part in the consideration and discussion of same and refrained from voting thereon, as he is president of Seaway Mall – commercial portion only).

CARRIED

07-107

10-19 Moved by Dzugan and Larouche
 THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to enter into a Licence of Occupation Agreement with Vesna Bazgaloska for the Provision of Food services at the City of Welland Market Square and Sports Complex.

CARRIED

08-143 Moved by Alakas and Letourneau
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the report by the Chair of the Health Care Committee.

CARRIED

10-19 Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to issue a rental permit to Community Living Welland Pelham for use of the Market Square Building (East) commencing July 5, 2010 to August 27, 2010 for a fee of \$800.00 (plus applicable taxes) to operate its Summer Transitional Experience Program (S.T.E.P.).

CARRIED

10-28 Moved by Alexander and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND receives with gratitude the plaque commemorating the December 21, 2009 Olympic Torch Relay Community Celebration and receives for information the final report from the Olympic Torch Relay Committee Chair, Mike Seguin.

CARRIED

10-67 Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the single source appointment of AMEC Earth and Environmental to assist in the preparation of the City of Welland's Drinking Water System Corrosion Control Plan in compliance with Sch. 15.1-11 O.Reg. 170/03; and further THAT Welland City Council directs the City Clerk to prepare all the necessary and appropriate by-laws to enter into a contract with AMEC to execute the agreement.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

02-160 Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes Councillor Sandy O'Dell to be absent from the meetings of Council for three successive months, for health reasons, in accordance with s. 259(1)(c) of the Municipal Act, 2001, as amended; and further THAT Welland City Council authorizes Councillor O'Dell's continued absence from the Meetings of Council until such time that his health permits his return.

CARRIED

10-10 Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Jo-Anne Larman to serve on the Heritage Welland Committee and that the term of said appointment shall expire November 30, 2010.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

1. Moved by Van Vliet and Dzugan

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

07-88

BYL 2010 - 55

A By-law to authorize the adoption of an Official Plan for the City of Welland.

...continued...

BY-LAWS PRESENTED FOR FIRST READING...CONT'D.:**01-35**

BYL 2010 - 57

A By-law to authorize the entering into a service agreement with the Ministry of Transportation relating to the sanitary sewer and watermain realignment at Woodlawn Road for the Highway 406 twinning from Port Robinson to East Main Street.

And that same be now read a first time.

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

2. Moved by Van Vliet and Dzugan

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

(Councillor Belcastro disclosed an interest and did not take part in the consideration and discussion of By-law 2010-55 and refrained from voting thereon, as he is president of Seaway Mall – commercial portion only).

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

3. Moved by Dzugan and Larouche

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

10-67

BYL 2010 - 56

A By-law to authorize the retention of AMEC Earth and Environmental for the preparation of the Drinking Water System Corrosion Control Plan.

10-87

BYL 2010 - 58

A By-law to authorize the entering into an agreement with the TDL Group Ltd., for a temporary easement in favour of the City over 990 East Main Street for construction of sanitary sewers and structures on the lands and connection to the City's sewer system.

10-01

BYL 2010 - 59

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 4th day of May, 2010.

And that same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

4. Moved by Dzugan and Larouche
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, now read a second and third time and pass same, and authorize the Mayor and Clerk to 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, May 12, 2010 for inclusion on the next regular Council meeting agenda of May 18, 2010.

Council adjourned at 10:10 p.m.

These Minutes approved and adopted by Motion of Council this 1st day of June, 2010.

MAYOR

CITY CLERK