



**MINUTES OF  
SPECIAL COUNCIL MEETING, MARCH 9, 2010**

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

Council met in Committee-of-the-Whole closed to the public at 5:00 p.m. and in open session at 7:12 p.m. and again in Committee-of-the-Whole closed to the public at 9:04 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

**Members Present:**

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

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

City Manager, C. Stirtzinger

Acting City Clerk, C. Mintoff (5:20 p.m.)

Chief, Fire & Emergency Services, D. Prevost (5:20 p.m.)

General Manager, Engineering, Public Works & Transportation Services/City Engineer, S. Iannello (5:20 p.m.)

Manager, Budgets and Financial Reporting/Deputy Treasurer, K. Douglas (5:20 p.m.)

General Manager, Human Resources, R. Mantesso

General Manager, Parks, Facilities, Recreation & Cultural Services, B. Fenwick (5:20 p.m.)

General Manager, Planning & Development Services, D. Thorpe (5:20 p.m.)

Games Licensing & Committee Clerk, L. Bubanko (7:12 p.m.)

(John Durish, Mario Mascetelli, Welland Soccer Club; Ed Pavao, Nustadia; Geoff Hoy, Marty Starkman, Sportstar, were present during Committee-of-the-Whole discussions for the purpose of educating or training members of Council).

**10-25** Moved by Sharpe and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 5:00 p.m. to consider:

- the security of the property of the municipality or local board;
- 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;
- labour relations or employee negotiations;
- for the purpose of educating or training members of Council; and further

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Rosanne Mantesso as Acting City Clerk during Committee-of-the-Whole discussions on labour relations or employee negotiations in the absence of the Acting City Clerk.

**CARRIED**

**10-25** Moved by Belcastro and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:03 p.m. with report.

**CARRIED**

**PUBLIC MEETING REGARDING PROPOSED AMENDMENTS TO ZONING BY-LAW 2667 AND THE OFFICIAL PLAN FOR 138 & 154 RIVERSIDE DRIVE**

**Councillor Dzugan explained the purpose of the Public Meeting.**

The following spoke at the public meeting:

Tom Richardson, Sullivan Mahoney, 40 Queen Street, St. Catharines, ON L2R 5G3

Joe Tomaino, Planner, 218 Colbeck Drive, Welland, ON L3C 7M3

Frank Zimmer, 70 Riverside Drive, Welland, ON L3C 5E2

There being no other submissions the Public Meeting was concluded.

**DELEGATION:**

**10-28** Haley Bateman, Development Manager, Women's Place of South Niagara addressed Council regarding a new fundraising event.

**AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORTS:**

**99-99** Welland Recreational Canal Corporation addressed Council regarding the Canal Terrace Design.

**08-143** Health Care Committee addressed Council regarding its Terms of Reference and resolutions from the Towns of Gravenhurst and Fort Erie regarding the inclusion of hospitals under jurisdiction of the Ombudsman.

**10-47** Nominating Committee reported on its meeting of February 23, 2010.

**99-99** Moved by Grenier and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and endorses the Canal Terrace Design as presented by Bob Mahler, Chair, Welland Recreational Canal Corporation (WRCC); Stephen Fischer, Manager, Business & Operations, WRCC; and, Todd Barber, Forestgreen Creations.

*(Councillor Van Vliet asked to be recorded as opposed to this motion).*

**CARRIED**

**01-108** Moved by Grenier and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND agrees to return \$50,000.00 to Welland Downtown Galleria Inc. being 50% of the cash security deposit provided to the City to ensure that various renovations to 17-19 East Main Street were completed; and further  
 THAT Welland City Council authorizes the extension of the term of the Security Agreement to June 30, 2010.

**CARRIED****04-56** Moved by Larouche and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to enter into a lease agreement with the South Niagara Rowing Club for use of the Carrie Lynn Pinard Community Centre.

**CARRIED****04-60** Moved by Alexander and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes entering into an amended Municipal Funding Agreement with the Association of Municipalities of Ontario (AMO) for the transfer of Federal Gas Tax Funds; and further

THAT Welland City Council authorizes the Mayor and Clerk to execute the agreement; and further  
 THAT Welland City Council directs the Clerk to prepare the necessary By-law.

**CARRIED****06-75** Moved by Grenier and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives the Treasurer's Statement attached to Report FIN-2010-08 in accordance with the *Development Charges Act, 1997* as amended; and further  
 THAT Welland City Council instructs the Clerk to forward a copy of this Statement to the Minister of Municipal Affairs within 60 days of giving this report to Council as per Section 43(3) of the *Development Charges Act, 1997*.

**CARRIED****06-148** Moved by Grenier and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND approves the removal of the Holding (H) Symbol on lands described as Lots 1 to 13 inclusive and Block 16, Plan 59M-378 (Shipview Court Estates Subdivision); and further

THAT Welland City Council authorizes Staff to prepare the necessary By-law.

**CARRIED****06-154** Moved by Grenier and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND approves the assumption of the Towpath Village Subdivision Phases 1 - 6, Plan 59M-230 (which includes the Towpath Village Extension Subdivision, Plan 59M-286), College Park Subdivision, Plan 59M-139, and College Park Subdivision Extension, Plan 59M-178 subdivisions; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to execute same.

**CARRIED****08-118****08-118Z** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND recommends to the Ontario Municipal Board an Official Plan Amendment to redesignate lands known municipally as 138 and 154 Riverside Drive from Commercial and Open Space to Residential and Environmental Protection; and further

THAT Welland City Council recommends to the Ontario Municipal Board an Amendment to Zoning By-law 2667, as amended, for lands known municipally as 138 and 154 Riverside Drive to a Site Specific Holding

...continued...

**08-118****08-118Z...cont'd.**

RM4 Zone to permit one (1) four (4) storey apartment building with Zone Provisions as recommended in the Report PDS-2010-17 and a Site Specific Environmental Protection Zone to recognize the environmentally sensitive lands adjacent to the Welland River; and further THAT Welland City Council recommends to the Ontario Municipal Board that prior to the lifting of the Holding (H) Symbol related to the Zoning, the proponents shall ensure that the two (2) subject properties merge in title and the proponents shall enter into a Site Plan Control Agreement with the City to ensure the proper development of the subject lands.

**CARRIED****08-143**

Moved by Campion and Alexander

THAT THE COUNCIL OF THE CITY OF WELLAND adopts the Terms of Reference for the Health Care Committee.

**CARRIED****08-143**

Moved by Campion and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND, as recommended by the Health Care Committee, supports the motion from the Town of Gravenhurst to petition the Premier of Ontario to take the necessary steps in a timely manner to amend the Ombudsman Act to include hospitals under the jurisdiction of the Ombudsman, and if refused, that the Premier provide an explanation.

**CARRIED****08-143**

Moved by Campion and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND, as recommended by the Health Care Committee, supports the motion from the Town of Fort Erie to petition the Premier of Ontario to take the necessary steps in a timely manner to amend the Ombudsman Act to include hospitals under the jurisdiction of the Ombudsman, and if refused, that the Premier provide an explanation.

**CARRIED****09-85**

Moved by Grenier and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND approves the exemption to Part Lot Control for Lots 10 and 11, Plan 560 (west side of Frazer Street, north of West Main Street) to realize the proposed development of these lands for three (3) single detached dwellings; and further THAT Welland City Council authorizes Staff to prepare the necessary By-laws.

**CARRIED****09-119**

Moved by Grenier and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to facilitate the installation of a commemorative wall and plaque on City-owned property at the corner of King Street and Lincoln Street to mark the Plymouth Cordage Historic District.

**CARRIED****10-4**

Moved by Grenier and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND approves the following:

The delinquent tax accounts (3 years in arrears) listed in Schedule 'A' and attached to Report FIN-2010-05 be placed under tax registration;

The delinquent tax accounts (3 years in arrears) listed in Schedule 'B' and attached to Report FIN-2010-05, having commenced repayment agreements, not be placed under tax registration at this time; and further

THAT any accounts listed in Schedule 'B' be placed under tax registration upon default of their repayment agreement.

**CARRIED**

**10-14** Moved by Grenier and Van Vliet  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives the attached report with respect to 2009 Remuneration and Expenditures covering Members of Council; and further  
 THAT Welland City Council authorizes the approved report be placed on file in the Clerk's Department.

**CARRIED**

**10-19** Moved by Grenier and Van Vliet  
 THAT THE COUNCIL OF THE CITY OF WELLAND accepts the proposal from Duomax Developments Ltd. for the supply and installation of an Open-Air Hip Roof Shelter at the Market Square (RFT10-02) as presented in report PFR&CS-2010-06; and further  
 THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into an agreement with Duomax Developments Ltd. for the supply and installation of an Open-Air Hip Roof Shelter at the Market Square at a fixed price of \$129,835.00 plus applicable taxes.

**CARRIED**

**10-19** Moved by Grenier and Van Vliet  
 THAT THE COUNCIL OF THE CITY OF WELLAND accepts the recommendation by staff for the direct appointment of Wendy Shearer Landscape Architect, a division of MHBC Planning, for the landscape architectural services for the Lancaster Park Playground Improvements as presented in report PFR&CS-2010-09; and further  
 THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into an agreement with Wendy Shearer Landscape Architect, a Division of MHBC Planning, at a fixed price of \$6,500.00 plus applicable taxes.

**CARRIED**

**10-28** Moved by Alexander and Chiocchio  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Haley Bateman, Development Manager, Women's Place of South Niagara Inc., and supports the new fundraising event.

**CARRIED**

**10-47** Moved by Van Vliet and Belcastro  
 THAT THE COUNCIL OF THE CITY OF WELLAND appoints Councillors Grenier, Chiocchio, Alexander, Sharpe, and Letourneau and Mayor D. Goulbourne (ex-officio) to the Ad Hoc School Closure Committee as recommended by the Nominating Committee.

**CARRIED**

**10-51** Moved by Grenier and Belcastro  
 THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the recommendation by staff for the direct appointment of Upper Canada Consultants, of St. Catharines, Ontario to proceed with Municipal Class Environmental Assessment for the Clare Avenue Extension as contained in Report ENG-2010-07 at the quoted price of \$32,591.00 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 for Engineering Services with Upper Canada Consultants, to execute the subject Environmental Assessment.

***(Councillors Campion and Letourneau asked to be recorded as opposed to this motion).***

**CARRIED**

**10-54** Moved by Grenier and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND accepts Part 3 on Plan 59R-14138 for lands on the north side of Broadway east of Crowther Avenue for road widening purposes required to clear a Condition of Approval regarding a Consent to Sever Application (File No. B024/2007WELL); and further THAT Welland City Council authorizes Staff to prepare the necessary By-laws to layout, establish and name the subject lands as part of Broadway.

**CARRIED**

**10-63** Moved by Alexander and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND denies the request by Niagara College to rename that portion of First Avenue, north of Woodlawn Road, to Niagara College Way and to re-address the College property One Niagara College Way; and further THAT Welland City Council supports the re-addressing of the Welland Campus to an appropriate First Avenue address.

**CARRIED**

*(Vice Mayor Van Vliet chaired the meeting during discussion & voting on this motion).*

*(Councillor Campion and Mayor Goulbourne did not take part in the consideration and discussion of same, and refrained from voting thereon, as they are employed by Niagara College).*

**10-66** Moved by Grenier and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND hereby supports the resolution from the City of St. Catharines encouraging its citizens and employees to wear red on Fridays as a visible sign of support for our Canadian Military.

**CARRIED**

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

**01-35** Moved by Grenier and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND agrees to transfer certain lands for Highway 406 widening to Her Majesty the Queen in Right of the Province of Ontario represented by the Minister of Transportation; as indicated in Report PDS-2010-15; and further THAT Welland City Council directs staff to prepare the necessary By-law.

**CARRIED**

**09-79** Moved by Grenier and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND endorses the Memorandum of Understanding (MOU) between the City of Welland and Brock University, and directs the Clerk to prepare the necessary By-law to authorize the City to enter into said MOU.

**CARRIED**

**10-13** Moved by Grenier and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the Mayor and City Clerk to sign the agreement between the City of Welland and the Consumer/Survivor Initiative of Niagara for the operation of the Transit Terminal; and further THAT Welland City Council authorizes the City Clerk to prepare the necessary By-law.

**CARRIED**

**10-24** Moved by Belcastro and Van Vliet  
 THAT THE COUNCIL OF THE CITY OF WELLAND supports the recommendation of the City Manager to appoint Christine Mintoff to the position of City Clerk effective March 10, 2010 and directs the Clerk to prepare the necessary By-law.

**CARRIED**

## BY-LAWS

### BY-LAWS PRESENTED FOR FIRST READING:

1. Moved by Dzugan and Van Vliet  
 THAT THE COUNCIL OF THE CITY OF WELLAND now gives leave to introduce the following proposed By-laws entitled:

**10-51**

BYL 2010 – 20

A By-law to authorize the retention of Upper Canada Consultants to provide Engineering Consulting Services for the Clare Avenue Extension (Lynbrook Lane to Webber Road) Environmental Assessment.

**04-60**

BYL 2010 – 21

A By-law to authorize the entering into an Amended Municipal Funding Agreement with the Association of Municipalities of Ontario (AMO) to provide for the transfer of Federal Gas Tax Funds; and to amend By-law 2005-177.

And that same be now read a first time.

**CARRIED**

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

2. Moved by Dzugan and Van Vliet  
 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**

### BY-LAWS PRESENTED FOR FIRST READING:

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

**01-35**

BYL 2010 – 22

A By-law to authorize the conveyance of lands to Her Majesty the Queen in right of the Province of Ontario as represented by the Minister of Transportation, being Block 10, Plan 59M-377 (Hwy 406 and Woodlawn Road) and Parts 6 and 7, Plan 59R-14082 (Hwy 406 and East Main Street).

...continued...

**BY-LAWS PRESENTED FOR FIRST READING...cont'd:****09-79**

BYL 2010 – 23

A By-law to authorize the entering into a Memorandum of Understanding with Brock University to facilitate a 'Brock University Presence' in Welland's urban core.

**09-85**

BYL 2010 – 24

A By-law to exempt certain lands from Part-Lot Control – located west side of Frazer Street, north of West Main Street, City of Welland (Lots 10 and 11, Plan 560).

**09-85**

BYL 2010 – 25

A By-law to accept the transfer of an easement(s) for storm sewers from Habitat for Humanity Niagara to the Corporation of the City of Welland, west side of Frazer Street, north of West Main Street.

**09-22**

BYL 2010 – 26

A By-law to appoint traffic enforcement officers of the Corporation of the City of Welland to enforce the provisions of traffic and parking By-law 89-2000 at Seaway Mall; and to repeal By-law 2009-161.

**06-154**

BYL 2010 – 27

A By-law to assume Towpath Village Subdivision Plan 59M-230 (Phases 1 to 6), Towpath Village Extension Subdivision Plan 59M-286, College Park Subdivision Plan 59M-139, and College Park Extension Subdivision Plan 59M-178.

**10-54**

BYL 2010 – 28

A By-law to authorize acceptance of a transfer of land, being Part 3, Plan 59R-14138 (File No. B024/2007WELL) (Broadway).

**10-54**

BYL 2010 – 29

A By-law to lay out, establish, assume and name as a Public Highway for road widening purposes Part 3, Plan 59R-14138 as part of Broadway.

**10-64**

BYL 2010 – 30

A By-law to authorize the retention of Amec Earth and Environmental to provide Engineering Consultant Services for Combined Sewer Overflow (CSO) Modelling of the River Road Regional Interceptor Sewer.

**10-19**

BYL 2010 – 31

A By-law to authorize the entering into an agreement with Duomax Developments Ltd. for an Open-Air Hip Roof Shelter at the Welland Market Square.

**06-148**

BYL 2010 – 32

A By-law to amend Zoning By-law 2667 upon the application of Laurent Viger Construction Limited to remove the Holding Symbol "H" from certain lands on the east side of Vanier Drive (File 2006-14).

...continued...

**BY-LAWS PRESENTED FOR FIRST READING...cont'd:****10-19**

BYL 2010 – 33

A By-law to authorize the retention of Wendy Shearer Landscape Architect, a Division of MHBC Planning, to provide Landscape Architectural Services for the Lancaster Park Playground Improvements.

**10-24**

BYL 2010 – 34

A By-law to authorize the appointment of Christine Mintoff as City Clerk of the Corporation of the City of Welland.

**10-1**

BYL 2010 – 35

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 March, 2010.

And that same be now read a first time.

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

4. Moved by Grenier and Van Vliet

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**

**10-25** Moved by Belcastro and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 9:04 p.m. to consider:

- the security of the property of the municipality or local board; and
- personal matters about an identifiable individual, including municipal or local board employees;

**CARRIED**

**10-25** Moved by Grenier and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 9:55 p.m. with report.

**CARRIED**

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

**10-53** Moved by Dzugan and Van Vliet  
THAT THE COUNCIL OF THE CITY OF WELLAND engages the services of 180 Marketing, a Division of Courtois and Mather Inc, of St. Catharines to develop a specific investment attraction and community marketing strategy to be implemented in the Spring of 2010 as a part of the City's 2010 Work Plan.

**CARRIED**

Council adjourned at 10:00 p.m.

These Minutes approved and adopted by Motion of Council this 6<sup>th</sup> day of April, 2010.

---

**MAYOR**

---

**CITY CLERK**