



**SPECIAL COUNCIL MEETING, OCTOBER 24, 2000
TO CONSIDER A POTENTIAL LITIGATION MATTER IN COMMITTEE-OF-THE-WHOLE
AND IN OPEN SESSION TO HOLD PUBLIC HEARINGS PURSUANT TO THE PLANNING
ACT
AND TO CONSIDER OTHER BUSINESS AS ITEMIZED AND DESCRIBED
IN THE SPECIAL COUNCIL MEETING AGENDA**

**CITY HALL, COUNCIL CHAMBERS
411 EAST MAIN STREET**

Council met in open session at 7:00 p.m. and in Committee-of-the-Whole at 7:05 p.m. on the above date.

His Worship Mayor Richard J. Reuter in the Chair.

Members Present: Councillors D. Beaudoin, M. Belcastro, V. Bellantino, F. Campion,
C. Forster, D. Fortier (7:15 p.m.), J. Larouche, J.L. MacLellan, S. O'Dell,
and L. Van Vliet.

Members of the Staff and Others Present:

Chief Administrative Officer V. Kerschl
City Clerk C.A. Stirtzinger
City Solicitor G. Banks (until 7:15 p.m.)
Environmental Services Engineer D. Cook
Director of Development Services T. Fitzpatrick
Fire Chief P. Olah
Director of Operational Services G. Marcello
City Treasurer R. Perron
Community Services Direct I. Smith (7:15 p.m.)
Assistant Clerk D. Vettori

2000-25 Moved by Van Vliet and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 7:05 p.m. to consider:

- a) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

CARRIED

2000-25 Moved by Belcastro and Van Vliet that the Committee-of-the-Whole arise from its closed meeting at 7:15 p.m. without report.

CARRIED

DELEGATIONS:

91-89 Mr. B. Carusetta owner of the Rex Hotel and Mr. B.A. Douglas on behalf of the Masonic Lodge addressed Council regarding the proposed purchase of the Park Street Parking Lot.

PUBLIC HEARING PURSUANT TO THE PLANNING ACT

Councillor Van Vliet presided as Acting Chair of the Public Hearing.

2000-132Z An application to amend City of Welland Zoning By-law 2667 was received from Mike DiBari on August 22, 2000 on behalf of Victoria Welland Developments Ltd. for lands at 440 Niagara Street (Part of Lots 5-9, Plan 592; Lots 10-17, Plan 592; Part of Lots 4-6, Plan 614 and Part of Connaught Avenue, Plan 592). The requested Amendment proposes to amend the Zoning By-law from C2 to a Site Specific C2 Zone to permit the additional use of a fast food outlet and to recognize the existing rear yard setback of 0.8 metres for the beer store and 1.76 metres for the Main plaza building.

Councillor Van Vliet outlined the procedures of the Public Hearings as required by the Planning Act. T. Fitzpatrick confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

The following people spoke to the application:

In support of the applications:

- Mike DiBari, 1239 St. Clair Avenue West, Toronto, Ontario M6E 1B5

In opposition to the applications:

No one spoke to the applications.

There being no other submissions the hearing was concluded. The Mayor then resumed the Chair.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 91-89** Park Street Parking Lot.
- 95-55** A By-law to appoint By-law Enforcement Officers of the Corporation of the City of Welland and to Repeal By-law 1999-02.
- 95-110** A By-law to amend the Swimming Pool Fence By-law 10557.
- 97-68** Dir. of Oper. Services G. Marcello - Hobson Avenue Sanitary Sewer Replacement.
- 99-46**
- 2000-37** Survey Area Municipalities - Water/Sanitary rate structure.
- 99-69** 855 Darby Road.
- 99-110** Dir. of Dev. Services T. Fitzpatrick - Proposed East-Side Multi-Use Trail.
- 99-110** A By-law to authorize entering into a Lease Agreement with the Regional Municipality of Niagara for Canal Lands for use in the Welland Canal Multi-Use Trail.
- 2000-19** Dir. of Community Services I. Smith - Community Youth Program.
- 2000-22** Request for Installation - All Way Stop condition - First Avenue at Trent Avenue.
- 2000-32** Dir. of Community Services I. Smith - Arena Usage Policies.
- 2000-68Z** A By-law to amend City of Welland Zoning By-law 2667 (Stonegate Estates-File 2000-1) South Side of Colbeck Drive.
- 2000-69** Dir. of Dev. Services T. Fitzpatrick - Amendment to Draft Plan and Conditions - Clare Avenue Estates Subdivision (26T-14-99002) - Vincent Policella Masonry Contractor Limited, West side of Clare Avenue, North of Thorold Road.
- 2000-132Z** Dir. of Dev. Services T. Fitzpatrick - Proposed Amendment to Zoning By-law 2667 - Victoria Welland Developments Limited - 440 Niagara Street (File 2000-12).
- 2000-133** Dir. of Dev. Services T. Fitzpatrick - Student Accommodation and Apartments in Houses.
- 2000-134** Dir. of Oper. Services G. Marcello - Afton Avenue combined Sewer replacement/Separation on Lewis Street to Sutherland Avenue.
- 2001-39** Dir. Dev. Services T. Fitzpatrick - Proposed Building Fee increases.
- 2001-39A** By-law to amend City of Welland Building By-law 10230.
- 2001-40** Dir. Dev. Services T. Fitzpatrick - Proposed Planning Application Fees for 2001.
- 2001-40A** By-law to establish a Tariff of Fees for Planning Applications, Information Reports and Applications and to Repeal City of Welland By-law 2000-70.

- 91-89** Moved by MacLellan and Larouche that
 1. That the counter Offer received from Bruno Carusetta, in Trust, respecting the purchase of a portion of the Park Street Parking Lot be refused; and
 2. That the property be withdrawn from the list of surplus City-owned lands and be retained as a municipal parking lot.

CARRIED

- 91-89** Moved by MacLellan and Larouche that the parking meters located at the Park Street parking lot be removed.

.....

- 91-89** Moved by Bellantino and O'Dell that the matter of the removal of the parking meters from the Park Street Parking Lot be referred to the December 12, 2000 General Committee Meeting.

LOST

FOLLOWING THE LOST VOTE ON THE REFERRAL MOTION, THE MAIN MOTION WAS THEN PUT AND.....

CARRIED

YEAS: Councillors Belcastro, Larouche, MacLellan, Van Vliet, Bellantino, Campion, and Mayor Reuter

NAYS: Councillors, Beaudoin, Fortier, O'Dell and Forster.

97-68 Moved by Van Vliet and MacLellan that Council accepts the written quotation of Volsci Construction Co. Inc. for the replacement of sanitary sewers on Hobson Avenue from Ontario Road to the southerly limit; and
That the City Solicitor be directed to prepare By-laws to include the above-described additional work in the amount of \$85,970.00 plus G.S.T. with the Ontario Road, Hobson Avenue and Iva Street Watermain Contract as detailed in Report ENG-2000-45 of August 22, 2000.

CARRIED

99-46 Moved by Belcastro and O'Dell that the results of the survey of Water/Sanitary **2000-37** billing rates structures covering Niagara Region area municipalities, as outlined on the attachments to Report TR 2000-35, be received for information.

CARRIED

99-69 Moved by MacLellan and Campion that Report DSD-2000-113 concerning 855 Darby Road be received for information.

CARRIED

99-110 Moved by Beaudoin and Forster that the Mayor and Clerk be authorized to execute a Lease Agreement with Her Majesty the Queen as represented by the Minister of Transport respecting the Leasing of lands for the development of an East-Side Recreational Trail in the City of Welland.

CARRIED

2000-19 Moved by Beaudoin and Campion that Council approve the continuation of the Community Youth program for an additional two years complete with staff and funds for the operation of a full program providing service to the youth of the community. In 2001 and a subsequent year, the cost for the program shall be approximately \$40,000.00 per year for staff and \$10,000.00 for program costs. Funds will be budgeted in subsequent years to ensure the continuation of the program.

CARRIED

2000-22 Moved by Van Vliet and MacLellan that a three-way stop be located at the intersection of Trent Avenue and First Avenue.

CARRIED

2000-32 Moved by Van Vliet and MacLellan that the attached schedules 'A' and 'B' concerning arena usage be adopted and all arena users/groups be made aware of the policies by notices and information packages made available, effective immediately.

CARRIED

2000-69 Moved by Van Vliet and MacLellan that

1. That Draft Approval for the Clare Avenue Estates Subdivision (File 26T-14-99002) effective August 9, 2000 be amended in accordance with the Red-Lined Revision dated October 24, 2000 prepared by P. D. Reitsma Surveying Ltd. containing seventeen (17) single-detached residential lots, one (1) Block for future development and three (3) Blocks for 0.305 metre reserves subject to the Conditions approved by Council at its Meeting of April 18, 2000

except as noted below:

- a) revised Condition 1 c) "that 0.305 metre reserves, shown as Blocks 19, 20 and 21 be deeded to the City free of all encumbrances";
- b) new Condition c (i) - "That Block 18 be developed only in conjunction with lands to the south.";

2. Council is of the opinion that the change in Conditions is minor and under Section 51(47) of the Planning Act written notice is not required.

CARRIED

2000-132Z Moved by Van Vliet and Larouche that Zoning By-law 2667 be amended for 440 Niagara Street (part of Lots 4-9, Lots 10-17, Plan 592; part of Lots 4-6, Plan 614 and part of Connaught Avenue from the C2 Zone to a Site Specific C2 Zone to permit a Fast Food Outlet as an additional use to those permitted by the C2 Zone and to recognize the existing rear yard setback of 0.8 metres for the beer store and 1.76 metres for the main plaza building.

CARRIED

2000-133 Moved by Beaudoin and Van Vliet that

1. That Staff be directed to prepare a By-law under Section 207.3 of the Municipal Act providing for the registration of 2 unit houses;
2. That the By-law prescribe standards which must be met to register a 2 unit house including references to Provincial Regulations such as the Ontario Fire Code and Ontario Planning Regulation 384/94; and
3. That a fee of \$200.00 be set for registration of a second unit.

CARRIED

2000-134 Moved by Van Vliet and MacLellan that the Director of Operational Services be authorized to proceed with the preparation of plans and specifications for the replacement/separation of combined sewers on Afton Avenue from Lewis Street to Sutherland Avenue; and That the estimated project construction cost of \$250,000 be funded \$80,000.00 - 2000 Sanitary Sewer Operating Budget, \$100,000.00 - 2000, Capital Budget and \$70,000.00 - 1998 Reserve, Works - Conveyance.

CARRIED

2001-39 Moved by Van Vliet and MacLellan that

1. That the following Tariff of Fees for Building/Plumbing Applications be adopted by the City of Welland effective January 1, 2001.

CLASS OF PERMIT	EXISTING PERMIT APPLICATION FEE	PROPOSED PERMIT APPLICATION FEE
1. BUILDING		
1.1. NEW CONSTRUCTION AND ADDITIONS		
MAJOR OCCUPANCY		
GROUP A - ASSEMBLY OCCUPANCIES		
School; church; restaurant; daycare; hall; transit; recreation facility; other	\$0.82/ft ²	\$0.84/ft ²
GROUP B - INSTITUTIONAL OCCUPANCIES		
Hospital; retention facility; nursing home; other	\$0.94/ft ²	\$1.00/ft ²
GROUP C - RESIDENTIAL OCCUPANCIES		
One-Family Dwelling	\$0.62/ft ²	\$0.64/ft ²
Semi-detached dwelling; duplex dwelling	\$0.62/ft ²	\$0.64/ft ²
Multiple unit dwellings; apartment building; townhouse	\$0.52/ft ²	\$0.53/ft ²
Hotels; motels	\$0.52/ft ²	\$0.53/ft ²
Other residential	\$0.52/ft ²	\$0.53/ft ²
GROUP D - BUSINESS/PERSONAL SERVICES OCCUPANCIES		
Office; bank; medical; police stations; other	\$0.77/ft ²	\$0.79/ft ²
GROUP E - MERCANTILE OCCUPANCIES		
Store; shopping mall/plaza; shop; market; retail; other	\$0.62/ft ²	\$0.64/ft ²
GROUP F - INDUSTRIAL OCCUPANCIES		
Industrial mall/plaza/garage; plant; factory; warehouse; other	\$0.41/ft ²	\$0.42/ft ²
Industrial buildings with no partitions; no plumbing and no mechanical	\$0.21/ft ²	\$0.22/ft ²
SPECIAL CATEGORIES/OCCUPANCIES		
Farm building; greenhouse	\$0.10/ft ²	\$0.10/ft ²
Trailer; air supported structure	\$0.05/ft ²	\$0.05/ft ²
Tent	\$0.05/ft ²	\$0.05/ft ²

CLASS OF PERMIT	EXISTING PERMIT APPLICATION FEE	PROPOSED PERMIT APPLICATION FEE
	to maximum of	to maximum of
	\$105.00	\$105.00
One-family:		
garage; carport	\$0.21/ft ²	\$0.22/ft ²
covered deck/porch	\$0.21/ft ²	\$0.22/ft ²
uncovered deck/porch	\$0.16/ft ²	\$0.16/ft ²
sunroom/solarium	\$0.41/ft ²	\$0.42/ft ²
shed/accessory building	\$0.21/ft ²	\$0.22/ft ²
1.2 ALTERATIONS		
DESCRIPTION		
Unfinished basement	\$0.16/ft ²	\$0.16/ft ²
Roof structure	\$0.05/ft ²	\$0.05/ft ²
Fireplace; woodstove; chimney	\$40.00	\$41.00
Interior Alterations:		
including plumbing and mechanical	\$0.21/ft ²	\$0.22/ft ²
including plumbing or mechanical	\$0.16/ft ²	\$0.16/ft ²
excluding plumbing and mechanical	\$0.11/ft ²	\$0.11/ft ²
Finishing Basement	\$0.31/ft ²	\$0.32/ft ²
One-Family:		
finishing basement	\$0.16/ft ²	\$0.16/ft ²
other minor alteration	\$40.00	\$41.00
1.3 PARTIAL PERMIT/STAGED CONSTRUCTION		
	Partial/conditional permits subject to a 50% surcharge of total permit value	Partial/conditional permits subject to a 50% surcharge of total permit value
FOUNDATION		
Complete to grade including underground services	15%	15%

CLASS OF PERMIT	EXISTING PERMIT APPLICATION FEE	PROPOSED PERMIT APPLICATION FEE
BUILDING SHELL		
Completed structural shell	40%	40%
Completed architectural shell	80%	80%
BUILDING COMPLETION		
Includes renovation by tenant to complete	100%	100%
2. PLUMBING ONLY		
Fixture; plumbing appliance; stack; interceptor; tank; floor drain; sewage ejector; sump; manhole; catchbasin; rain water leader; other	\$4.25 each	\$4.36 each
All buried piping including building drain and sewer; building storm drain and sewer; storm drainage piping; water service pipe	\$0.36/lf	\$0.37/lf
Water distribution pipe	\$40.00	\$41.00
3. DEMOLITION		
One-family dwelling; buildings less than 3,000 sq. ft. gross area	\$40.00	\$41.00
Other demolitions	\$0.01/ft ²	\$0.01/ft ²
4. MOVING		
	\$40.00	\$41.00
5. SIGN		
	\$0.57/ft ²	\$0.58/ft ²
6. POOL		
Public pool	\$215.00	\$220.00
Inground pool	\$60.00	\$62.00
Above-ground pool	\$40.00	\$41.00
7. RENOVATION		
Minor renovations not requiring plans	\$40.00	\$41.00
8. USE CHANGE		

CLASS OF PERMIT	EXISTING PERMIT APPLICATION FEE	PROPOSED PERMIT APPLICATION FEE
Permit for the change of use of a building or part thereof	\$55.00	\$56.00
9. OCCUPANCY		
Permit to allow occupancy		
Houses, semi-detached dwellings, townhouses	\$0.00	\$41.00
Other buildings	\$200.00	\$205.00
10. TRANSFER		
Transfer of permit to a new owner	\$55.00	\$56.00
11. DESIGNATED STRUCTURE		
Retaining wall; pedestrian bridge; crane; runway	\$1.10/lf	\$1.12/lf
Communication tower	\$150.00	\$154.00
Other designated structure	\$55.00	\$56.00
12. SEWAGE SYSTEM		
Class 4	\$500.00	\$513.00
Repair of Class 4	\$0.00	\$150.00
Other than Class 4	\$300.00	\$308.00
Assessment and comments of existing sewage systems	\$100.00	\$103.00
13. Minimum Permit Fee and Amendments to Permits	\$40.00	\$41.00
14. Where Fees must be Established by Value	\$8.25/\$1,000	\$8.50/\$1,000
15. Refunds		
Application Filed	80%	80%
Plans Reviewed	60%	60%
Permit Issued	40%	40%
Additional Deduction for each Inspection	10%	10%
16. Cancellation of an inspection or inspection not ready	\$0.00	\$41.00

CARRIED

2001-40 Moved by Van Vliet and MacLellan that

1. That the following Tariff of Fees for Planning applications and related matters be adopted by the City of Welland effective January 1, 2001.

	CURRENT	PROPOSED
Official Plan Amendment Application	\$925	\$950
Zoning By-law Amendment Application	\$925	\$950
Concurrent Official Plan Amendment and Zoning By-law Amendment	\$1,500	\$1,540
Removal of Holding Symbol	\$275	\$280
Temporary Use By-law	\$925	\$950
Site Plan Control Application	\$525	\$540
Minor Change to Site Plan Agreement	\$225	\$230
Processing Part Lot Control By-law	\$375	\$385
Processing Condominium Application/Exemption Request	\$2,750	\$2,820
Processing Short Form Subdivision Agreement (Consent)	\$575	\$590
Processing Subdivision Application/Development Agreements	\$2,750 \$500 for each Phase over one + \$10/Lot or Block excluding 0.3 metre reserves	\$2,820 \$500 for each Phase over one + \$10/Lot or Block excluding 0.3 metre reserves
Modification to Draft Plan Conditions Involving Circulation	\$650	\$665
Extension to Draft Plan Approval	\$325	\$335
Processing Servicing/Development Agreement	\$575	\$590
Processing Front-Ending Agreement	\$750	\$770
Information Report	\$70	\$75
Environmental Information	\$70	\$75
Minor Variance Application	\$325	\$335
Consent to Sever	\$600	\$615
Concurrent Minor Variance and Consent	\$800	\$820
Rescheduling of Consent or Minor Variance Application	\$0	\$150
		CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

1. Moved by MacLellan and Belcastro that leave now be given to introduce the following proposed By-laws entitled:

99-110

BYL 2000-154

A By-law to authorize entering into a Lease Agreement with the Regional Municipality of Niagara for Canal Lands for use in the Welland Canal Multi-Use Trail.

95-55

BYL 2000-155

A By-law to appoint By-law Enforcement Officers of the Corporation of the City of Welland and to Repeal By-law 1999-02.

95-110

BYL 2000-156

A By-law to amend the Swimming Pool Fence By-law 10557.

2000-132Z

BYL 2000-157

A By-law to amend City of Welland Zoning By-law 2667 (Victoria Welland Developments Ltd.- File 2000-12) 440 Niagara Street.

2001-39

BYL 2000-158

A By-law to amend City of Welland Building By-law 10230.

2001-40

BYL 2000-159

A By-law to establish a Tariff of Fees for Planning Applications, Information Reports and Applications and to Repeal City of Welland By-law 2000-70.

2000-68Z

BYL 2000-160

A By-law to amend City of Welland Zoning By-law 2667 (Stonegate Estates-File 2000-1) South Side of Colbeck Drive.

...Continued...

BY-LAWS PRESENTED FOR FIRST READING:**2000-1**

BYL 2000-161

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 24th day of October, 2000.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by MacLellan and Belcastro that the By-laws listed in the foregoing motion for first reading and as reproduced in this Evening's Council Agenda, having been read a first time and considered, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal the same.

CARRIED

NOTICE OF MOTION

In accordance with Resolution (No. 92-94) passed on October 3, 2000, Councillor(s) must submit their Notice of Motion(s) in writing no later than Thursday, November 16, 2000 for inclusion on the next Regular Council Meeting Agenda .

Councillor O'Dell advised he will have a Notice of Motion on the November 21st, 2000 Council Agenda regarding an additional Crossing Guard at Matthews School.

Council adjourned at 9:40 p.m.

These Minutes approved and adopted by Motion of Council this 21st day of November, 2000.

MAYOR

CLERK