



SPECIAL COUNCIL MEETING, APRIL 9, 2002

**IN COMMITTEE-OF-THE-WHOLE TO CONSIDER PERSONAL MATTERS
AND IN OPEN SESSION
TO HOLD A PUBLIC HEARING PURSUANT TO THE PLANNING ACT**

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

Council met in open session at 7:00 p.m. on the above date and in open session at 7:20 p.m.

Her Worship Mayor Cindy Forster in the Chair.

Members Present: Councillors R. Alakas, D. Beaudoin, M. Belcastro, N. Dmytrow-Bilboe, M. Dzugan, T. Eybel, D. Fortier (7:05 p.m.), D. Grenier, J. Irvine, J. Mastroianni, S. O'Dell, and J. Spadafora.

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger
City Solicitor G. Banks (7:35 p.m.)
Environmental Services Engineer D. Cook (7:20 p.m.)
Director of Development Services and Acting CAO T. Fitzpatrick (7:20 p.m.)
Director of Operational Services G. Marcello (7:20 p.m.)
Community Services Director Ian Smith (7:20 p.m.)
Clerk Steno III B. Gallaccio (7:20 p.m.)
Engineering Services Co-ordinator L. Ventresca (7:20 p.m.)
Human Resources Manager R. Beaumont (until 8:00 p.m.)

02-25 Moved by Mastroianni and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 7:00 p.m. to consider:

- a) personal matters about an identifiable individual, including municipal employees.

CARRIED

02-25 Moved by Mastroianni and Belcastro that the Committee-of-the-Whole arise from its closed meeting at 7:15 p.m.

CARRIED

PUBLIC HEARING PURSUANT TO THE PLANNING ACT

Councillor Irvine presided as Chair of the Public Hearing.

02-89 An Application has been made by ARMSTRONG, GOLDBERG, HUNTER on behalf of IMPERIAL OIL LIMITED and 172965 CANADA LTD. to amend the Official Plan for lands at 711 and 713 Niagara Street (Part of Lot 240, former Township of Thorold, now City of Welland) from Residential to Commercial. The subject lands are also the subject of an Application for Zoning By-law Amendment - File 2002-02.

02-89Z An Application has been made by ARMSTRONG, GOLDBERG, HUNTER on behalf of IMPERIAL OIL LIMITED and 172965 CANADA LTD. to rezone Part of Lot 240, former Township of Thorold, now City of Welland for lands at 711 and 713 Niagara Street from the existing R2-Single-Detached Dwelling - Second Density Zone By-law 2667 to a Site Specific C4 Zone By-law 2667. The purpose of the Amendment is to permit the development of a gas bar, a 174 square metre convenience store and a touchless car wash. As well, a request has been made to have a front yard setback of 10.0 metres instead of the required 13.5 metres and a rear and side yard setback of 3.0 metres instead of the required 7.5 metres. The Official Plan designation is RESIDENTIAL (R). The subject lands are also the subject of an Application for Official Plan Amendment.

Councillor Irvine 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 application:

- Don Dussault, Manager, Imperial Oil, P.O. Box 1490, Fonthill, LOS 1E0
- Michael S. Goldberg, Planning Consultant, A.G.H. (Armstrong Goldberg Hunter), 9751 Yonge Street, Suite 302, Richmond Hill, L4C 9T3, on behalf of applicant.

In opposition to the application:

- Jim Montgomery, 21 Woodlawn Rd., Unit 12, Welland, L3C 5Y7 (on behalf of all units at 21 Woodlawn Rd.)
- Glen Richardson (owner of 21 Woodlawn Rd.), 19 Dauphine Crescent, Welland L3C 2S9
- Joan Ziegler, 694 Niagara Street N., Welland, L3C 1M1
- Wendy Rocca, 684 Niagara Street, Welland, L3C 1M1
- Gary Talosi, 239 Gadsby Avenue, Welland L3C 6M2
- Tom Richardson, Solicitor on behalf of numerous residents in the affected area.
- Glen Barker, Planning Consultant, Director, BLS Planning Associates consultant on behalf of numerous residents in the affected area.

02-89**02-89Z**

Moved by Dmytrow-Bilboe and Eybel that the "Exhibits in support of submissions made on behalf of area residents with respect to an application by Imperial Oil Limited and 172905 Canada Limited to amend the Official Plan of the City of Welland and Zoning By-law 2667 with respect to property located at 711-713 Niagara Street, City of Welland" submitted by Tom Richardson, Sullivan-Mahoney, Barristers and Solicitors, St. Catharines, and Glen A. Barker, BLS Planning Associates Inc., St. Catharines be received for information; and

That the petitions from:

- the residents of 21 Woodlawn Avenue, Gram Avenue and Forest Road; and
- the residents of the east side of Niagara Street, Aqueduct Street, Melissa Crescent and Hilda Street; and
- the residents of the City of Welland

be received for information.

CARRIED

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

BY-LAWS ARISING FROM COMMITTEE-OF-THE-WHOLE**BY-LAWS PRESENTED FOR FIRST READING:**

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

02-24

BYL 2002-53

A By-law to authorize a Settlement Agreement with Employee No. 505.

02-24

BYL 2002-54

A By-law to repeal appointment By-laws respecting the Offices of Treasurer and Chief Administrative Officer.

And that the same now be read a first time.

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

2. Moved by Mastroianni and Dzugan that leave now be given to introduce the following proposed By-law entitled:

02-24**02-93**

BYL 2002-55

A By-law to authorize the Appointment of Travers Fitzpatrick as City Manager of the Corporation of the City of Welland.

YEAS: Councillors Mastroianni, Dzugan, Fortier, Eybel, Beaudoin, Dmytrow-Bilboe, Irvine, Belcastro, Spadafora and Mayor Forster.

NAYS: Councillors O'Dell, Alakas and Grenier.

And that the same be now read a first time.

CARRIED

BY-LAW PRESENTED FOR FIRST READING:

3. Moved by Mastroianni and Dzugan that leave now be given to introduce the following proposed By-law entitled:

02-24

02-93

BYL 2002-55

A By-law to authorize the Appointment of Bruno Silvestri as General Manager, Financial and Corporate Services/Treasurer of the Corporation of the City of Welland.

(Councillors O'Dell, Alakas and Grenier asked to be recorded as opposed to By-law 2002-55).

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

4. Moved by Mastroianni and Dzugan that the By-laws listed in the foregoing motions for first reading, 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.

(Councillors O'Dell, Alakas and Grenier asked to be recorded as opposed to By-laws 2002-54 and 2002-55).

CARRIED

Council adjourned at 10:40 p.m.

These Minutes approved and adopted by Motion of Council this 16th day of April, 2002.

MAYOR

CLERK