



**SPECIAL COUNCIL MEETING, MARCH 22, 2005**

**IN COMMITTEE-OF-THE-WHOLE  
TO DISCUSS SECURITY OF PROPERTY MATTERS; AND  
IN OPEN SESSION  
TO HOLD PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT; AND  
TO HOLD A PUBLIC HEARING PURSUANT TO THE MUNICIPAL ACT –  
NOTICE OF ROAD CLOSING – ROXBOROUGH STREET; AND  
TO HOLD A PUBLIC MEETING PURSUANT TO THE MUNICIPAL ACT TO CONSIDER  
THE 2005 WATER/SANITARY SEWER OPERATING AND CAPITAL BUDGET WITH  
RESULTING RATE STRUCTURE;  
AND  
TO CONSIDER THE ITEMS AS OUTLINED IN THE SPECIAL COUNCIL AGENDA.**

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

Council met in Committee-of-the-Whole closed to the public at 6:35 p.m. and in open session at 7:10 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

**Members Present:** Councillors D. Alexander, M. Belcastro, M. Dzugan, D. Fortier, P. Grenier, M. A. Grimaldi, J. Larouche, B. Sharpe and J. Spadafora.

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

City Clerk C.A. Stirtzinger

City Solicitor G. Banks (7:10 p.m.)

City Manager T. Fitzpatrick

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:10 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:10 p.m.)

General Manager of Planning and Development Services D. Thorpe (7:10 p.m.)

Manager, Engineering Services L. Ventresca (7:10 p.m.)

Revenue Services Co-ordinator L. Keca (7:10 p.m.)

**05-25** Moved by Grenier and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 6:35 p.m. to consider:

- a) the security of the property of the municipality.

**CARRIED**

**05-25** Moved by Alexander and Belcastro that the Committee-of-the-Whole arise from its closed meeting at 7:05 p.m. without report.

**CARRIED**

### **STATUTORY PUBLIC HEARINGS PURSUANT TO THE MUNICIPAL ACT**

Mayor Goulbourne presided as Chair of the Public Hearing.

**05-82** An Application has been made by JASON VOTTERO on behalf of BRUNO AND JASON VOTTERO to amend the Official Plan (Lot 669 and Part Lots 664, 665, 666, 667 and 668, Plan 610 being Part 1 on 59R-9602) for lands at 447 Niagara Street from RESIDENTIAL (OFFICIAL PLAN AMENDMENT NO. 74) to RESIDENTIAL WITH EXCEPTIONS. The purpose of the Amendment is to modify the Residential designation to allow additional Commercial uses in an existing commercial building. The subject lands are also the subject of an Application for Zoning By-law Amendment – File 2005-03.

Mayor Goulbourne outlined the procedures of the Public Hearings as required by the Planning Act. D. Thorpe confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

**05-82Z** An Application has been made by JASON VOTTERO on behalf of BRUNO AND JASON VOTTERO to rezone Lot 669 and Part of Lots 664, 665, 666, 667 and 668, Plan 610, being Part 1 on 59R-9602 for lands at 447 Niagara Street from the existing C1 – Local Commercial Zone With Exceptions By-law 2667 to a Site Specific C1 Zone By-law 2667. The purpose of the Amendment is to recognize the commercial uses permitted by Exception 19.3.9 of By-law 2667, as amended, and to incorporate a paint store and home decorating store as additional uses. The Official Plan designation is RESIDENTIAL (OFFICIAL PLAN AMENDMENT NO. 74). The subject lands are also the subject of an Application for Official Plan Amendment.

Mayor Goulbourne outlined the procedures of the Public Hearings as required by the Planning Act. D. Thorpe confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

#### **In support of the applications:**

- Jason Vottero, applicant.

#### **In opposition to the applications:**

- No one spoke to the application.

**05-83Z** An Application has been made by LARRY JAMES WHITAKER, ROSS HENRY TEMPLAIN, L & S ROOFING INC. AND PORT COLBORNE HARBOUR AND MARINE LIMITED to rezone Part of Lot 246, former Township of Thorold being Part 1 on 59R-2220 and Part 3 on 59R-11831 for lands at 794 South Pelham Road from the existing R2-Single-Detached Dwelling – Second Density Zone By-law 2667 to a RM2 – Multiple Dwelling – Second Density Zone By-law 2667. The purpose of the Amendment is to permit two (2) semi-detached residential dwellings. The Official designation is RESIDENTIAL (R).

Mayor Goulbourne outlined the procedures of the Public Hearings as required by the Planning Act. D. Thorpe confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

**In support of the application:**

- Larry James Whitaker, applicant.

**In opposition to the application:**

- No one spoke to the application.

**05-84Z** An Application has been made by P. DOUGLAS REITSMA SURVEYING LTD. on behalf of FRANK JAMES LOCK AND LOUISE MARIE LOCK to rezone Part of Lot 1, Concession 14, former Township of Pelham now in the city of Welland for lands at 594 Gaiser Road from the existing RA – Rural Agricultural Zone By-law 2667 to a Site Specific RA Zone By-law 2667. The purpose of the Amendment is to permit a lot with an area of 0.7 hectares instead of 2 hectares and to permit an accessory building with a lot coverage of 75% of the gross floor area of the main building. This is to satisfy a Consent which is attempting to consolidate landholdings for future residential development. The Official Plan designation is RESIDENTIAL (R). The subject lands are also the subject of an Application for Consent, File B007/2004WELL.

Mayor Goulbourne outlined the procedures of the Public Hearings as required by the Planning Act. D. Thorpe confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

**In support of the application:**

- P. Douglas Reitsma Surveying Ltd. agent on behalf of applicant.

**In opposition to the application:**

- No one spoke to the application.

There being no other submissions, the Statutory Public Hearing pursuant to the Planning Act was concluded.

### **PUBLIC HEARING PURSUANT TO THE MUNICIPAL ACT**

Notice of Road Closing – Roxborough Street

#### **In support of the By-law:**

- No one spoke to the By-law.

#### **In opposition of the By-law:**

- No one spoke to the By-law.

There being no submissions to this Notice of By-law, the Public Hearing was concluded.

### **STATUTORY PUBLIC MEETING PURSUANT TO THE MUNICIPAL ACT**

**05-4** To consider the 2005 Water/Sanitary Sewer Operating and Capital Budget with Resulting Rate Structure.

#### **The following people were present to speak on the proposed Budget:**

- John Parisee, 6 Riverside Drive, Welland, Ontario
- Larry Lemelin, 580 First Avenue, Welland, Ontario

There being no submissions, the Statutory Public Meeting was concluded.

### **THE FOLLOWING CORRESPONDENCE WAS DELETED:**

**04-66** Mark Mikolasek, Davidson-Walker Funeral Home informing Council that he will not be in attendance this evening to address Council regarding the water and sewer construction on Hellems Avenue.

### **THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

**98-82** City Mgr. T. Fitzpatrick – Award of Audio Visual Tender – Civic Square.

**98-152** Gen. Mgr. Financial and Corporate Services/Treasurer B. Silvestri – 2004 Remuneration and Expense Report – Members of Council.

- 99-43** City Solicitor G. Banks – Welland Hydro-Electric Retail Corp. Name Change.
- 02-35** A By-law to authorize the entering into an Agreement with Totten Sims Hubicki Associates to provide engineering services for the Intersection Redesign and Signalization for Thorold Road at Clare Avenue.
- 03-92** Gen. Mgr. Planning and Development Services D. Thorpe – Lay Out, Establish and Name Parts 8, 9 and 10, Plan 59R-12520 as part of Draper's Street.
- 03-92** A By-law to lay out, establish and name Parts 8, 9 and 10, Plan 59R-12520 as part of Draper's Street.
- 03-133** A By-law to authorize the retention of RCI Consulting, Acres International Limited and GSP Group Inc., for the Brownfield Strategy / Community Improvement Plan for the City of Welland.
- 04-66** Mark Mikolasek, Davidson-Walker Funeral Home informed Council that he will not be in attendance this evening to address Council regarding the water and sewer construction on Hellems Avenue.
- 05-3** City Clerk C.A. Stirtzinger – Lottery License.
- 05-4** Gen. Mgr. Financial and Corporate Services/Treasurer B. Silvestri – 2005 Water/Sanitary Sewer Operating and Capital Budget with resulting rate structure.
- 05-7** Gen. Mgr. Financial and Corporate Services/Treasurer B. Silvestri – Accounts Payable – February 23, 2005 – March 16, 2005.
- 05-37** A By-law to provide for the fixing of Water and Sanitary Services Rates to be paid by consumers for public benefits for the 2005 billing year, effective April 1<sup>st</sup>, 2005.
- 05-54** A By-law to authorize acceptance of an Offer to Purchase from Richard Turenne for the sale of 37 Wavell Court.
- 05-73** Gen. Mgr. Engineering, Public Works & Transportation Services D. Shantz – Street Sweeper Rental.
- 05-82**
- 05-82Z** Gen. Mgr. Planning and Development Services D. Thorpe – Proposed Amendment to the Official Plan and Zoning By-law 2667 – Bruno and James Vottero, 447 Niagara Street (File 2005-03).
- 05-83Z** Gen. Mgr. Planning and Development Services D. Thorpe – Proposed Amendment to By-law 2667 – Larry James Whitaker, Ross Henry Templain, L & S Roofing Inc. and Port Colborne Harbour and Marine Limited – 794 South Pelham Road (File 2005-01).
- 05-84Z** Gen. Mgr. Planning and Development Services D. Thorpe – Proposed Amendment to By-law 2667 – Frank James Lock and Louise Marie Lock – 594 Gaiser Road (File 2005-02).
- 05-85** Gen. Mgr. Planning and Development Services D. Thorpe – Stopping Up and Closing of Roxborough Street Road Allowance north of Promenade Richelieu, east of Wellington Street.
- 05-85** A By-law to authorize the Stopping-Up and Closing of Roxborough Street Road Allowance north of Promenade Richelieu, east of Wellington Street.
- 03-92** Gen. Mgr. Planning and Development Services D. Thorpe – Lay Out, Establish and Name Parts 8, 9 and 10, Plan 59R-12520 as part of Draper's Street.

**98-82** Moved by Belcastro and by Spadafora

1. That Council accept the tender for Audio Visual Equipment for the Civic Square submitted by Applied Electronics Limited of Mississauga in the amount of \$154,833.35 plus GST, being the lowest bid of six (6) bids meeting tender requirements received;
2. That funding for the project be charged to the 2004 Capital Budget for the Civic Square with an additional \$55,000 being brought into fund the equipment purchase from Development Charges;
3. That Carruthers Shaw & Partners be authorized to send Applied Electronics Limited a letter of intent concerning the award of the tender; and
4. That the Mayor and Clerk be authorized to execute the necessary contract for the work.

**CARRIED**

**98-152** Moved by Dzugan and Grenier that Report FIN-05-03 concerning the 2004 Remuneration and Expenditures for Members of Council be received and placed on file in the Clerk's Department.

**CARRIED**

**99-43** Moved by Belcastro and Spadafora that Council, as sole shareholder of Welland Hydro-Electric Holding Corp., authorize and approve the proposed name change, in accordance with Article 9.1 of the Shareholder Declaration, to change the name of Welland Hydro-Electric Retail Corp. to Welland Hydro Energy Services Corp.

**CARRIED**

**03-92** Moved by Belcastro and Spadafora

1. That part of Lots 256 and 257, former Township of Thorold, now City of Welland being Parts 8, 9 and 10, Plan 59R-12520 be Laid Out, Established and Named as part of Draper's Street; and
2. That Staff be directed to prepare the necessary By-law and documentation.

**CARRIED**

**05-3** Moved by Belcastro and Spadafora that a Lottery License be granted to the following:  
Welland Volunteer Fire Co. #3 - Raffle.

**CARRIED**

**05-4** Moved by Larouche and Grenier

1. That the 2005 Water and Sanitary Sewer Revenue and Expenditure Budget estimates (Schedule 'A' & 'B').
2. The 2005 Water and Sanitary Sewer Capital Budget estimates (Schedule 'C').
3. The 2005 Water and Sanitary Sewer Rate Structure (Schedule 'D').
4. That a Water Conservation Program Committee be established to develop a series of conservation initiatives for recommendation to Council and that a minimum of \$50,000, from reserves, be used to fund these initiatives.
5. That a Modified Universal Meter Installation Program commence April 1, 2005, with a targeted end date of March 31, 2009 so that all residential properties are metered.
6. That effective April 1, 2005, the Modified Universal Meter Installation Program begin by installing and reading water meters for the following:
  - a) Voluntary requests;
  - b) New residential development;
  - c) Residential properties which are sold or otherwise change of ownership.
7. That a minimum of \$2 million a year be budgeted and used for watermain repair and replacement with repairs taking precedent.
8. The City Solicitor be directed to prepare the necessary by-law to establish the 2005 Water/Sanitary Sewer billing rates.

**CARRIED**

**YEAS:** Councillors Dzugan, Sharpe, Alexander, Grenier Larouche, Belcastro, Spadafora and Mayor Goulbourne.

**NAYS:** Councillors Grimaldi and Fortier.

**05-7** Moved by Belcastro and Spadafora that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list of accounts as follows:

1	February 24th, 2005	\$ 21,007.64
2	February 28th, 2005	433,202.68
3	March 1st, 2005	2,675.00
4	March 2nd, 2005	5,381,060.15
5	March 3rd, 2005	29,461.91
6	March 7th, 2005	22,675.00
7	March 9th, 2005	1,131,020.18

...continued...

**05-7...Cont'd.**

8	March 10th, 2005	3,798,353.77
9	March 11th, 2005	199,400.15
10	March 16th, 2005	<u>43,684.72</u>
	<b>Total</b>	<b>\$11,062,541.20</b>

**CARRIED**

**05-73** Moved by Belcastro and Spadafora that Council provide early Operating Budget approval to permit the acceptance of the tender of 1405221 Ontario Inc. (D&D Trucking & Construction) for Street Sweeping Rentals at the tendered price of \$78.00/hour, plus GST, this being the lowest price of the five (5) tenders submitted.

**CARRIED**

**05-82**

**05-82Z** Moved by Spadafora and Alexander

1. That the City of Welland adopt Amendment No. 115 respecting Part of Lots 664, 665, 666, 667 and 668, Lot 669, Plan 610 being Part 1 on 59R-9602, known municipally as 447 Niagara Street from Residential to Commercial with permitted uses limited to an accountant, an architect, a banking facility (ATM), a beauty salon, a barber shop, a card and gift store, a chiropractor, a clothing store, a computer store, a dentist, a doctor, an engineering office, financial planners, a florist, an insurance office, a lawyer, a photo studio, a photo copy shop, a picture frame shop, a postal sub-station, real estate office, a sporting goods store, a stock brokerage firm, a tanning salon, a beauty boutique, a therapist, a travel agent, a paint store and a home decorating store;
2. That Zoning By-law 2667, as amended, be further amended for lands known municipally as 447 Niagara Street (Lot 669, Part of Lots 664, 665, 666, 667 and 668, Plan 610 being Part 1 on 59R-9602) from C1 Local Commercial Zone with exceptions to a Site Specific C1 Zone with all the uses listed in the Official Plan Amendment No. 115 and provisions as found in By-law 9278; and
3. That upon Final Approval of the Zoning By-law, By-law 9278 be repealed.

**CARRIED**

**05-83Z** Moved by Spadafora and Alexander that Zoning By-law 2667, as amended, be further amended for 794 South Pelham Road (Part of Lot 246, former Township of Thorold now in the City of Welland being Part 1 on Plan 59R-2220 and Part 3 on Plan 59R-11831) from the R2 Single-Detached Dwelling Second Density Zone to a Site Specific RM2 Multiple Dwelling Second Density Zone to permit two (2) semi-detached residential dwellings with lot area exemptions for Parts 1, 2 and 3.

**CARRIED**

**05-84Z** Moved by Spadafora and Alexander that Zoning By-law 2667, as amended, be further amended for 594 Gaiser Road (Part of Lot 1, Concession 14, former Township of Pelham now in the City of Welland) from the RA Rural Agricultural Zone to a Site Specific RA Zone to permit a lot area of 0.7 hectares instead of 2 hectares and permit a lot coverage of 75% of the gross floor area of the main building.

**CARRIED**

**05-85** Moved by Dzugan and Alexander

1. That Council stop up and close Roxborough Street Road Allowance north of Promenade Richelieu, east of Wellington Street shown on the sketch attached to Report PDS-2005-23; and,
2. That Council authorize Staff to prepare the necessary By-law.

**CARRIED**

## **BY-LAWS**

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

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

**03-133**

BYL 2005 - 32

A By-law to authorize the retention of RCI Consulting, Acres International Limited and GSP Group Inc., for the Brownfield Strategy/Community Improvement Plan for the City of Welland.

**05-37**

BYL 2005 - 33

A By-law to provide for the fixing of water and sanitary services rates to be paid by consumers for public benefits for the 2005 billing year, effective April 1st, 2005.

**05-54**

BYL 2005 -34

A By-law to authorize acceptance of an offer to purchase from Richard Turenne for the sale of 37 Wavell Court.

**03-92**

BYL 2005 - 35

A By-law to lay out, establish and name Parts 8,9 and 10, Plan 59R-12520 as part of Draper's Street.

**02-35**

BYL 2005 - 36

A By-law to authorize the entering into an agreement with Totten Sims Hubicki Associates to provide engineering services for the intersection redesign and

signalization for Thorold Road at Clare Avenue.

**05-85**

BYL 2005 - 37

A By-law to authorize the stopping-up and closing of Roxborough Street Road Allowance north of Promenade Richelieu, east of Wellington Street.

And that the same be now read a first time.

**CARRIED**

*(Councillors Fortier and Grimaldi asked to be recorded as opposed to By-law 2005-33).*

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

2. Moved by Dzugan and Sharpe 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**

*(Councillors Fortier and Grimaldi asked to be recorded as opposed to By-law 2005-33).*

Council adjourned at 8:55 p.m.

These Minutes approved and adopted by Motion of Council this 5<sup>th</sup> day of April, 2005.

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**MAYOR**

**CLERK**