



**COUNCIL MEETING
MARCH 28, 2006**

**BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE IN CAMERA
TO DISCUSS PERSONAL AND SECURITY OF PROPERTY MATTERS AND IN
OPEN SESSION TO HOLD PUBLIC HEARINGS PURSUANT TO THE PLANNING
ACT; AND**

**BY PROCEDURAL BY-LAW 2005-176:
TO RATIFY THE ACTIONS OF GENERAL COMMITTEE**

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

Council met in Special Meeting Committee-of-the-Whole closed to the public at 6:20 p.m. and in open session at 7:35 p.m. to hold Statutory Public Hearings under the Planning Act; and pursuant to By-law 2005-176, the Procedural By-law of Council, in open regular session following the General Committee Meeting at 9:50 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present: Councillors D. Alexander (6:30 p.m), D. Beaudoin, M. Belcastro, P. Chiocchio, M. Dzugan, D. Fortier, P. Grenier (6:35), M.A. Grimaldi, J. Larouche, S. O'Dell and J. Spadafora (6:30)

Members of the Staff and Others Present:

City Solicitor G. Banks (until 6:45 p.m.)
Acting City Manager C. Stirtzinger
Acting City Clerk B. Gallaccio
Chief, Fire & Emergency Services P. Olah (7:35 p.m.)
General Manager Financial and Corp. Services/Treasurer B. Silvestri (until 7:10 p.m.)
General Manager, Human Resources R. Beaumont
General Manager of Planning and Development Services D. Thorpe (7:35 p.m.)
General Manager of Parks and Recreation B. LaPlante (7:35 p.m.)
Games Licensing Clerk L. Bubanko (7:35 p.m.)

06-25 Moved by Larouche and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 6:20 p.m. to consider:

- a) the security of the property of the municipality; and
- b) personal matters about an identifiable individual including municipal employees.

CARRIED

06-25 Moved by Larouche and Beaudoin that the Committee-of-the-Whole arise from its closed meeting at 7:10 p.m.

CARRIED

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF MARCH 28, 2006:

2000-107 Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Request by Gateway Residential and Community Support Services of Niagara Inc. for an Encroachment Agreement – 176-178 King Street, Welland.

06-15 Chief, Fire & Emergency Services P. Olah – Annual Report 2005.

06-36 Gen. Mgr. Financial & Corp. Serv./Treasurer B. Silvestri – Report on 2006 Municipal Elections.

06-61 Jack Gibbons, Chair, Ontario Clean Air Alliance and Sylvain-Yves Longval, General Manager, Abitibi Consolidated – Presentation regarding renewable electricity and a Combined Heat and Power Project by the Thorold Mill respectively.

06-72 Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Proposed Demolition of Building at 457 East Main Street.

06-79Z Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Proposed Amendment to Zoning By-law 2667 – Rainbow Country Subdivision – Part Lot 1, Concession 11 – Lands South of Balsam Street, West of South Pelham Road (File 2006-01).

06-80Z Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Proposed Amendment to Zoning By-law 2667- 1477862 Ontario Inc., O/A Heathwill Holdings, Part Lot 28, Concession 6, Former Township of Crowland being Part 2, Plan 59R-9792 – 19 Lincoln Street (File 2006-02).

06-81 John Penachetti and Steve Wimmer – Presentation on a new concept of development.

THE FOLLOWING BY-LAW WAS DELETED:

06-79Z

A By-law to amend City of Welland Zoning By-law 2667 (U. Lucchetta Construction Ltd. – File 2006-01) South of Balsam Street, west of South Pelham Road.

THE FOLLOWING BY-LAWS WERE RECEIVED:

06-1

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 27th and 28th day of March, 2006.

06-2

06-23

A By-law to appoint certain licensing officers of the City of Welland for the purpose of enforcing Licensing By-law 4530, as amended, as reinstated by By-law 2001-55 and any subsequent Licensing By-law.

06-22

A By-law to appoint certain By-law Enforcement Officers of the Corporation of the City of Welland.

06-23

A By-law to appoint certain weed inspectors for the City of Welland.

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BY-LAWS Cont'd:**06-80Z**

A By-law to amend City of Welland Zoning By-law 2667 (1477862 Ontario Inc., O/A Heathwill Holdings – File 2006-02) 19 Lincoln Street.

STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Councillor Larouche presided as Chair of the Public Hearing:

06-79Z An Application has been made by U. LUCCHETTA CONSTRUCTION LTD. to rezone Part Lot 1, Concession 11 for lands south of Balsam Street, west of South Pelham Road from the existing R3 – Single-Detached Dwelling – Third Density Zone By-law 2667 to a Site Specific R3 Zone By-law 2667. The purpose of the Amendment is to permit a maximum lot coverage of 50% instead of the 40% maximum allowed and a minimum side yard of 1 metre instead of the required 1.2 metre side yard for all lots within the Subdivision. The Official Plan designation is LOW DENSITY RESIDENTIAL.

Councillor Larouche 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:

- Rob Lucchetta, Lucchetta Construction Ltd.

In opposition to the applications:

- Bill Heska, on behalf of The Calvary Gospel Church, 735 South Pelham Road, Welland, Ontario L3C 3C9.
- Lou Varga, 80 Balsam Street, Welland, Ontario L3C 7H2
- Cliff Tatterssal, 90 Balsam Street, Welland, Ontario L3C 7H2

06-80Z An Application has been made by JOHN CONLIN, C/O AVALON CONSULTING PROFESSIONALS OF ONTARIO, LLC on behalf of 1477862 ONTARIO INC., O/A HEATHWILL HOLDINGS to rezone Part Lot 28, Concession 6, Part 2 on Plan 59R-9792 for lands at 19 Lincoln Street from the existing C4-X8 Zone By-law 2667 to a C4-X8 Zone By-law 2667. The purpose of the Amendment is to permit a Contractor's Establishment and a Light Equipment/Machinery Rental Establishment as additional uses. In addition, permission is requested for outdoor storage of landscape materials, a reduced front yard of 12.0 metres instead of the required 13.5 metres and a planting strip along the front lot line 1.45 metres wide instead of the required minimum 3.0 metre width. The Official Plan designation is COMMERCIAL (C).

Councillor Larouche 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:

- John Conlin and Shannan Williams, Avalon Consulting Professionals of Ontario.

In opposition to the applications:

- No one spoke to the application.

There being no other submissions the hearings were concluded.

2000-107 Moved by Belcastro and Dzugan

1. That Council agree to a 1.1 metre Encroachment onto the King Street road allowance for property known municipally as 176-178 King Street;
2. That the City Solicitor be authorized to prepare the necessary documents and By-law; and
3. That the Applicant pay for legal fees of \$300.00 for the preparation and registration of the required documentation.

CARRIED

06-15 Moved by Belcastro and Dzugan that Report F&ES-2006-3 Welland Fire and Emergency Services Annual Report for 2005 be received for information purposes.

CARRIED

06-36 Moved by Belcastro and Dzugan that the Clerk's Report on the 2006 Municipal Elections be received for information; and further That Council establishes a deadline of Friday, April 21, 2006 for submissions to Council for consideration of questions to be included on the ballot.

CARRIED

06-61 Moved by Belcastro and Dzugan that the presentations at the March 28, 2006 General Committee Meeting by Jack Gibbons, Chair, Ontario Clean Air Alliance regarding renewable electricity and Sylvain-Yves Longval, General Manager, Abitibi Consolidated regarding a Combined Heat and Power Project by the Thorold Mill be received for information.

CARRIED

06-61 Moved by Belcastro and Dzugan that the Report of the Ontario Clean Air Alliance (OCAA) entitled "Meeting Ontario's Electricity Needs: A Critical Review of the Ontario Power Authority's Supply Mix Advice Report", as well as the 12 points of direction offered to Premier McGuinty intended to assist in the short term while Ontario moves toward a 100% renewable electricity future, be referred to the Welland Hydro Holding Corporation for comment to Council.

CARRIED

06-72 Moved by Belcastro and Dzugan that Council accept the quotation from Riverside Excavating for the demolition of 457 East Main Street in the amount of \$9,550.00, including taxes, and that Staff be authorized to prepare and execute the purchasing and contract documents for demolition.

CARRIED

06-79Z Moved by Larouche and Sharpe

1. That Zoning By-law 2667, as amended, be further amended for lands within Rainbow Country Subdivision being Part Lot 1, Concession 11 (south of Balsam Street, west of South Pelham Road) from the existing R3 - Single Detached Dwelling - Third Density Zone to a Holding Site Specific HR3 Zone to permit a maximum lot coverage of 45% instead of the 40% maximum allowed for all lots within the Plan of Subdivision; and

2. That the Holding Symbol (H) be removed upon application, once the Owner has informed the City, in writing, that the following items have been completed: the entire sanitary sewer system has been completed and tested and sanitary services have been installed to the front property line and that a video and written report of an internal examination of the sanitary and storm sewer systems is provided; that the entire water system has been completed and tested and disinfected and water services have been installed to the front property line; that the entire storm sewer system had been completed; that the

...Continued...

06-79Z Cont'd

asphalt roadway has been constructed (the stone base and asphalt base); that all streetlights are in good working condition and energized by Welland Hydro-Electric System Corp., that all street name and traffic control signs are installed to the satisfaction of the City Engineer; and, that the grading requirements and lot grading requirements of the City's Land Development Policy have been met.

CARRIED

06-80Z Moved by Belcastro and Dzugan

1. That Zoning By-law 2667, as amended, be further amended for Part Lot 28, Concession 6 former Township of Crowland being Part 2, Plan 59R-9792 known municipally as 19 Lincoln Street from the existing Site Specific C4-X8 - Highway Commercial Zone to a Holding Site Specific HC4-X8 Zone to permit a Contractor's Establishment and a Light Equipment/Machinery Rental Establishment as additional uses, to permit outdoor storage of landscape materials, a reduced Front Yard of 12.0 metres instead of the required 13.5 metres and a planting strip along the Front Lot Line 1.45 metres wide instead of the required minimum 3.0 metre width; and
2. That the Holding Symbol (H) be removed, upon request, upon the execution of the Site Plan Agreement by the Owner.
3. That the only uses permitted with the holding symbol (H) in place are those uses currently permitted by the C4-X8 Zone.

CARRIED

06-81 Moved by Belcastro and Dzugan that the In-Service Presentation by John Penachetti, Harvest Investment Corporation and Steve Wimmer, MBTW Group at the March 28, 2006 General Committee Meeting regarding a new concept of development in Welland be received for information.

CARRIED

06-82 Moved by Dzugan and Belcastro that staff investigate and report back to Council with cost estimates for the erection of bollards/jersey barriers at the end of Nelles Road to prevent recreational vehicles from using this as a thoroughfare.

CARRIED

(Councillor Grenier asked to be recorded as opposed to this resolution)

06-83 Moved by Dzugan and Chiocchio that staff contact the governing body of the hydro right of way by Golden Boulevard to have barriers erected from east to west at strategic locations to prevent recreational vehicles from using this area.

LOST

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE ON MARCH 28TH, 2006

06-23 Moved by Grimaldi and Dzugan that Council approves the recommendation from the Human Resources Committee Meeting of Wednesday, March 8th, 2006, to not eliminate mandatory age 65 for the employees of the City of Welland earlier than the required December 12th, 2006 date.

CARRIED

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

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

06-2**06-23**

BYL 2006-34

A By-law to appoint certain licensing officers of the City of Welland for the purpose of enforcing Licensing By-law 4530, as amended, as reinstated by By-law 2001-55 and any subsequent Licensing By-law.

06-22

BYL 2006-35

A By-law to appoint certain By-law Enforcement Officers of the Corporation of the City of Welland.

06-23

BYL 2006-36

A By-law to appoint certain weed inspectors for the City of Welland.

06-80Z

BYL 2006-37

A By-law to amend City of Welland Zoning By-law 2667 (1477862 Ontario Inc., O/A Heathwill Holdings – File 2006-02) 19 Lincoln Street.

06-1

BYL 2006-38

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meetings held on the 27th day and 28th day of March, 2006.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Larouche and Alexander that the By-laws listed in the foregoing motion for first reading and as reproduced in this Evening's Council Agenda as amended, 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

Council adjourned at 10:15 p.m.

These Minutes approved and adopted by Motion of Council this 4th day of April, 2006.

MAYOR

CLERK