



**COUNCIL MEETING
MAY 9, 2006**

BY SPECIAL NOTICE TO MEET: AS THE SOLE SHAREHOLDER OF THE WELLAND HYDRO-ELECTRIC HOLDING CORPORATION IN COMMITTEE-OF-THE-WHOLE (IN CAMERA) UNDER THE BUSINESS CORPORATIONS ACT, AND IN OPEN SESSION TO HOLD A SPECIAL SHAREHOLDER MEETING WITH THE WELLAND HYDRO-ELECTRIC HOLDING CORPORATION; AND STATUTORY 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 5:35 p.m. and in open session at 6:40 p.m. to hold the public portion of the Welland Hydro-Electric Holding Corporation Shareholder's Meeting, minutes of which are separate from these, and at 7:05 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 7:55 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair until 6:00 p.m. at which time he vacated the Chair to attend the Community Visioning meeting with Councillor Alexander. Councillor Spadafora assumed the Chair until 6:10 p.m. and was not present during discussions on a security of property matter. Councillor Grenier assumed the Chair for the remainder of the in camera session.

Members Present: Councillors D. Alexander, M. Belcastro, P. Chiochio, M. Dzugan, D. Fortier, P. Grenier, M.A. Grimaldi, J. Larouche (5:55 p.m.), S. O'Dell, B. Sharpe (7:10 p.m.) and J. Spadafora

Members of the Staff and Others Present:

Acting City Manager C. Stirtzinger
Acting City Clerk B. Gallaccio
General Manager of Planning and Development Services D. Thorpe (7:00 p.m.)
Games Licensing Clerk L. Bubanko (7:00 p.m.)

06-25 Moved by Dzugan and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 5:35 p.m. to consider:

- a) a matter in respect of which a council, board, committee or other board has authorized a meeting to be closed under another Act (under the Business Corporation Act, Council met as the sole Shareholder of the Welland Hydro-Electric Holding Corporation).

CARRIED

(Councillor Spadafora was not present during Committee-of-the-Whole discussions on a security of property matter).

06-25 Moved by Dzugan and Grenier that the Committee-of-the-Whole arise from its closed meeting at 6:15 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Fortier disclosed an interest in Ref. No. 06-99Z, By-law 2006-62, and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he owns property adjacent to the affected property.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF MAY 9, 2006:

04-92 Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Request for Sign Variance at 693 South Pelham Road.

04-113

06-100 Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Development Agreement; Condition related to decision of Committee of Adjustment; Consent for Lucchetta Builders Inc. – 366 Aqueduct Street (File B011/2005WELL).

04-132 Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Request to amend the Fence By-law.

06-90 Gen. Mgr. Engineering, Public Works & Transp. Serv./CityEngineer D. Shantz – Report on Award of Tender – Supply and Application of Road Traffic Paint and Pavement Markings - 2006.

06-99Z Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Proposed Amendment to Zoning By-law 2667 – Brian and Barbara Robertson, Parviz and Fariba Sasani, Warkaa Al-Shukrii, Ravenda & Ravenda Construction Limited and Felicien Boutien and Christine Lacroix, Lots 3 to 7 inclusive, Plan 59M-332 and Part of Block 15, Plan M-86, municipally known as 43, 50, 51, 59 and 60 Stormm Court (File 2006-04).

THE FOLLOWING BY-LAWS WERE RECEIVED:

04-132

A By-law to amend City of Welland Fence By-law 10545.

04-113

06-100

A By-law to authorize the entering into an agreement with Lucchetta Builders Inc. regarding development of a newly created lot described as Part Lot 239, former Township of Thorold now in the City of Welland being Part 2, Plan 59R-13040 known municipally as 366 Aqueduct Street.

06-99Z

A By-law to amend City of Welland Zoning By-law 2667 (Brian William Robertson and Barbara Robertson, Parviz Sasani and Fariba Sasani, Warkaa Al-Shukrii, Ravenda & Ravenda Construction Limited and Felicien Boutin and Christine Lacroix – File 2006-04) 43, 50, 51 and 60 Stormm Court.

BY-LAWS RECEIVED cont'd...**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 9th day of May, 2006.

THE FOLLOWING BY-LAW WAS DELETED:**04-132**

A By-law to amend City of Welland Fence By-law 10545.

STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Councillor Larouche presided as Chair of the Public Hearing:

06-99Z

An Application has been made by P. D. REITSMA SURVEYING (2005) LTD. on behalf of BRIAN WILLIAM ROBERTSON AND BARBARA ROBERTSON, PARVIZ SASANI AND FARIBA SASANI, WARKAA AL-SHUKRII, RAVENDA & RAVENDA CONSTRUCTION LIMITED AND FELICIEN BOUTIEN AND CHRISTINE LACROIX to rezone Lots 3 to 7 inclusive, Plan 59M-332 and Part of Block 15, Plan M-86 for lands at 43, 50, 51, 59 and 60 Stormm Court from the existing R1, EP-X1 and EP-X3 Zones By-law 2667 to R1 and EP-X1 Zones By-law 2667. The purpose of the Amendment is to rezone lands outside the existing 100 year floodplain from EP-X1 and EP-X3 (Site Specific Environmental Protection Zones) to R1 (Single-Detached Dwelling – First Density Zone) and to rezone lands within the existing 100 year floodplain from R1 (Single-Detached Dwelling – First Density Zone) to EP-X1 (Site Specific Environmental Protection Zone). The purpose of this Rezoning request is to recognize the location of the existing limit of the floodplain associated with the Welland River and Draper's Creek. The Official Plan designation is LOW DENSITY RESIDENTIAL AND ENVIRONMENTAL PROTECTION.

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 application:

- P. Douglas Reitsma, agent on behalf of the applicant.

In opposition to the application:

- No one spoke to the application.

There being no other submissions the hearing was concluded.

04-92 Moved by Spadafora and Belcastro that Council accept Report PDS-2006-32 and approve the request for a sign variance at 693 South Pelham Road concerning a proposed 2 pole ground sign by allowing a sign area of 9.3 square metres.

CARRIED

04-113

06-100 Moved by Spadafora and Belcastro

1. That Council authorize the execution of an Agreement between Lucchetta Builders Inc. and the City of Welland concerning the development of a newly created lot described as Part Lot 239, former Township of Thorold, now in the City of Welland known municipally as 366 Aqueduct Street; and
2. That Staff be authorized to prepare the necessary By-law.

CARRIED

04-132 Moved by Spadafora and Belcastro that Council exempt the fence along the north boundary of the property at 693 South Pelham Road from Section 5.4 of Fence By-law 10545, to allow a maximum fence height of 2.5 metres instead of the existing maximum of 2.0 metres.

CARRIED

06-90 Moved by Spadafora and Belcastro

1. That Part 'A' of the tender for the Supply and Application of Road Traffic Paint, which includes Spring and Fall painting of: centre line, edge line, transitions and those pavement markings usually applied with truck-mounted line-marking equipment, be awarded to Provincial Maintenance, in the amount of \$39,322.50 plus G.S.T.; and,
2. That Part 'B' of the tender for the Supply and Application of Road Traffic Paint which includes Spring and Fall painting of: Stop Bars, Directional Arrows, On-Street Parking Stalls, pedestrian Crossings, etc., those pavement markings usually applied with manual line-marking equipment, be awarded to Mason Pavement Markings Inc., in the amount of \$15,295.65 plus G.S.T.; and,
3. That Part 'C' of the Tender for the Supply and Application of Road Traffic Paint which covers Pavement Markings in Municipal Parking Lots, be awarded to Mason Pavement Marking Inc., in the amount of \$3,685.65 plus G.S.T.; and,
4. That the City Solicitor be directed to prepare the necessary By-laws to award the tender for the Supply and Application of Road Traffic Paint - 2006 as follows:

Part 'A' - Provincial Maintenance in the Amount of \$39,322.50 plus G.S.T.

Part 'B' - Mason Pavement Marking Inc. in the amount of \$15,295.65 plus G.S.T.

Part 'C' - Mason Pavement Marking Inc. in the amount of \$3,685.65 plus G.S.T.

CARRIED

06-99Z Moved by Spadafora and Belcastro that Zoning By-law 2667, as amended, be further amended for Lots 3, 4, 5, 6 and 7 Plan 59M-332 and Part of Block 15, Plan M-86 known municipally as 43, 50, 51, 59, and 60 Stormm Court from existing R1 – Single Detached Dwelling - First Density Zone to EP-X1 (a Site Specific Environmental Protection Zone) and from the existing EP-X1 and EP-X3 - Site Specific Environmental Protection Zones) to R1 (Single Detached Dwelling - First Density Zone) to recognize the revised 100 year floodplain associated with the Welland River and Draper's Creek.

CARRIED

BY - LAWS

BY-LAWS PRESENTED FOR FIRST READING:

3. Moved by Spadafora and Chiocchio that leave now be given to introduce the following proposed By-laws entitled:

04-113

06-100

BYL 2006-61

A By-law to authorize the entering into an agreement with Lucchetta Builders Inc. regarding development of a newly created lot described as Part Lot 239, former Township of Thorold now in the City of Welland being Part 2, Plan 59R-13040 known municipally as 366 Aqueduct Street.

06-99Z

BYL 2006-62

A By-law to amend City of Welland Zoning By-law 2667 (Brian William Robertson and Barbara Robertson, Parviz Sasani and Fariba Sasani, Warkaa Al-Shukrii, Ravenda & Ravenda Construction Limited and Felicien Boutin and Christine Lacroix – File 2006-04) 43, 50, 51 and 60 Stormm Court.

06-1

BYL 2006-63

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 9th day of May, 2006.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

4. Moved by Spadafora and Chiocchio 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 8:05 p.m.

These Minutes approved and adopted by Motion of Council this 16th day of May, 2006.

MAYOR

ACTING CLERK