



**COUNCIL MEETING
MAY 23, 2006**

**BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE IN CAMERA
TO DISCUSS SECURITY OF PROPERTY AND PERSONAL MATTERS AND IN
OPEN SESSION TO HOLD PUBLIC HEARINGS PURSUANT TO THE PLANNING
ACT; AND
TO HOLD A PUBLIC MEETING PURSUANT TO THE MUNICIPAL 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 6:05 p.m. and in open session at 7:45 p.m. to hold Statutory Public Hearings under the *Planning Act*; and to hold a public meeting under the *Municipal Act, 2001*; and pursuant to By-law 2005-176, the Procedural By-law of Council, in open regular session following the General Committee Meeting at 9:30 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present: Councillors D. Alexander, M. Belcastro, P. Chiocchio (6:35 p.m.), M. Dzugan, D. Fortier, P. Grenier, M.A. Grimaldi, J. Larouche, S. O'Dell (6:45 p.m.), B. Sharpe (6:10 p.m.) and J. Spadafora (6:15 p.m.)

Members of the Staff and Others Present:

Acting City Manager C. Stirtzinger (until 9:15 p.m.)

Acting City Clerk B. Gallaccio

City Solicitor G. Banks (7:45 p.m.)

General Manager Engineering, Public Works & Transportation Services D. Shantz

General Manager Financial & Corporate Services/Treasurer B. Silvestri (6:35 p.m.)

General Manager of Planning and Development Services D. Thorpe (6:30 p.m.)

Games Licensing Clerk L. Bubanko (7:45 p.m.)

(Rosanne Mantesso, Employment Services Co-ordinator was present during Committee-of-the-Whole discussions on a personal matter).

(Niagara Regional Police Inspector Greg O'Neil was present during Committee-of-the-Whole discussions on a security of property matter).

06-25 Moved by Larouche and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 6:05 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 Belcastro and Larouche that the Committee-of-the-Whole arise from its closed meeting at 6:55 p.m.

CARRIED

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF MAY 23, 2006:

98-62

99-43 Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Request for Exemption from Part Lot Control for easements in favour of Welland Hydro-Electric System Corp. – The Highlands Subdivision (formerly St. Andrew's Terrace Subdivision) Plan 59M-269 (File 26T-14-97005).

01-42 Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Request for Extension to Draft Plan Approval – Draper's Creek Estates Subdivision (formerly Gillmora Estates) File 26T-14-20002.

03-88 Tony D'Amario, P. Eng., Director, Water Management and Jocelyn Baker, Watershed Restoration Coordinator, Niagara Conservation Authority – Presentation on the need for Drapers Creek Culvert improvement.

03-88

06-4 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Report on Revisions to 2006 Capital Budget.

06-4

06-96 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Report on Additional Revision to 2006 Capital Budget.

06-13 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Report on Chassis Refurbishment of Transit Bus #116.

06-96 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Report on Award of Tender – Sanitary, Storm and Watermain on Smith, Chippawa, McCormick & Dufferin Streets & Site Improvement for Notre Dame College Catholic School & St. Kevin Catholic School.

06-104 Rick Alakas, President, CAW Local 523 and Tom Napper, CAW Local 275 – Presentation on the Canada/Korea Free Trade Agreement.

06-103Z Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Proposed Amendment to Zoning By-law 2667 – WM. Duffin Holdings Inc. & W.E. McLeary Holdings Inc., Lots 108, 109, 118, 119, 120 and 121, Plan 618 – Northeast Corner of Birchmount and Home Streets (File 2006-05).

THE FOLLOWING BY-LAWS WERE RECEIVED:

06-4

A By-law to adopt the revised 2006 Capital Budget.

98-62

A By-law to exempt certain lands from Part-Lot Control Lots 1, 6, 7, 11, 12, 14, 15, 30, 31, 32, 37, 43, 44, 47, 48, 50, 51, 53, 95, 96, 104, 112, 118, 119 and 130 and Blocks 142, 146, 150 and 168, Plan 59M-269 located in the Highlands Subdivision (formerly St. Andrew's Terrace), City of Welland.

BY-LAWS RECEIVED cont'd...**98-62****99-43**

A By-law to authorize the granting of an easement over Parts 3, 6, 29, 31, 33, 35, 37, Plan 59R-10856, and Blocks 152, 153, 155, 157 and 160, Plan 59M-269 located in the Highlands Subdivision (formerly St. Andrew's Terrace) to Welland Hydro-Electric System Corp.

06-90

A By-law to authorize the acceptance of the tenders and entering into contracts with Provincial Maintenance and Mason Pavement Marking Inc. for the supply and application of road traffic paint and pavement markings – 2006.

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 23rd day of May, 2006.

STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Councillor Larouche presided as Chair of the Public Hearing:

06-103Z

An Application has been made by WM. DUFFIN HOLDINGS INC. AND W. E. MCLEARY HOLDINGS INC. to rezone Lots 108, 109, 118, 119, 120 and 121, Plan 618 for lands on the northeast corner of Birchmount Avenue and Home Street from the existing R1 – Single – Detached Dwelling – First Density Zone By-law 2667 to a RM3 Zone By-law 2667. The purpose of the Amendment is to permit the construction of two (2) Blocks of street townhouses. Each Block is to consist of eight (8) townhouse units. A total of sixteen (16) townhouse units are proposed to be constructed on the subject lands. The Official Plan designation is RESIDENTIAL (R).

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:

- Kim Duffin, applicant.

In opposition to the application:

- William Lewis, 25 Home Street, Welland, L3C 2E8
- Alex Breg, 49 Linwood Drive, Welland, L3C 2B5
- Geno Gobbi, 40 Woodcroft Crescent, Welland, L3C 2H7

There being no other submissions the hearing was concluded.

PUBLIC MEETING PURSUANT TO THE MUNICIPAL ACT**06-4**

To consider an amendment to the 2006 Capital Budget for the City of Welland.

No one was present to speak.

There being no submissions the hearing was concluded.

98-62

99-43

Moved by Spadafora and Belcastro

1. That Council approve the request by Flett Beccario, Barristers & Solicitors for Exemption from Part Lot Control in favour of Welland Hydro-Electric Systems Corp. for lands within The Highlands Subdivision (Plan 59M-269)
2. That Council grant an Easement to Welland Hydro-Electric System Corp. over part of Blocks 152, 153, 155, 157 and 160, Plan 59M-269 being Parts 3, 6, 29, 31, 33, 35 and 37, Plan 59R-10856;
3. That Staff be authorized to prepare the necessary By-laws.

CARRIED

01-42

Moved by Spadafora and Belcastro that Council approve an extension to Draft Plan Approval for the Draper's Creek Estates Subdivision (File 26T-14-20002) for one (1) year to July 11, 2007.

CARRIED

03-88

Moved by Spadafora and Belcastro that the presentation by Tony D'Amario, P. Eng., Director, Water Management and Jocelyn Baker, Watershed Restoration Coordinator, Niagara Conservation Authority, at the May 23rd, 2006 General Committee Meeting regarding the need for Drapers Creek Culvert Improvement be received for information.

CARRIED

02-35

03-88

06-4

06-26

Moved by Spadafora and Belcastro that Council revise the 2006 Capital Budget to include the Drapers Creek Culvert under Colbeck Drive, new sidewalks on Rice and Woodlawn Roads, completion of the Thorold Road Environmental Assessment Study; and That Council agrees to partner with the Niagara Peninsula Conservation Authority to implement the Drapers Creek Culvert project under Colbeck Drive project in 2006.

CARRIED

06-4

06-96

Moved by Spadafora and Belcastro that Council revise the 2006 Capital Budget to include an increase in the project cost allotments for the Smith Street Sanitary Sewer and Watermain in the amount of \$110,000 respectively.

CARRIED

06-4

06-105

Moved by Spadafora and Belcastro that staff be directed to allocate additional funding in the amount of \$500,000 towards the Fitch Street Road improvement project in 2006 and that the project be tendered by August 2006.

CARRIED

06-13 Moved by Spadafora and Belcastro that Council authorizes Cambridge Auto Body & Restoration Ltd. of Cambridge to do the chassis refurbishing repairs necessary for Transit Bus #116, a 1990 40' Orion bus, as per the quotation of May 4, 2006 for a total of \$50,335.27 (taxes included).

CARRIED

06-96 Moved by Spadafora and Belcastro that Council accepts the tender of Hard-Rock Construction Inc. of Port Colborne for the Construction and Replacement of Sanitary, Storm sewers and Watermains on Smith, Chippawa, McCormick and Dufferin Streets, and Site Improvement for Notre Dame College Catholic School, and St. Kevin Catholic School, as presented in report ENG-2006-28; and That the City Solicitor be directed to prepare all necessary and appropriate by-laws to enter into a contract with the said contractor, to execute the construction, at the tender price of \$1,923,326.84 plus applicable G.S.T.; and

That specific portions of the tender, approximately in the amount of \$1,235,249.30 plus applicable G.S.T. be funded by the Niagara Catholic District School Board, as apportioned by Urban & Environmental Management Inc, the joint project consultant; and

That detail financing of the project in the balance amount of \$688,077.54 be in accordance with the revised 2006 Capital Budget for Sanitary Sewers and Waterworks of REPORT ENG-2006-29.

CARRIED

06-104 Moved by Spadafora and Belcastro that Council supports the resolution presented by Rick Alakas, President, CAW Local 523 and Tom Napper, CAW Local 275, at the May 23rd, 2006 General Committee Meeting opposing the Canada/Korea Free Trade Agreement in its current form; and further That this matter be referred to the City's Economic Development staff for study and report.

CARRIED

06-103Z Moved by Spadafora and Belcastro

1. That Zoning By-law 2667, as amended, be further amended for Lots 108, 109, 118, 119, 120 and 121, Plan 618 from the existing R1 - Single-Detached Dwelling - First Density Zone to a Holding Site Specific H-RM3 - Multiple Dwelling - Third Density Zone to permit the construction of a maximum of eleven (11) townhouse units composed of street townhouse blocks and/or freehold triplexes;
2. That the Holding Symbol (H) be removed, upon request, upon the execution of a Development Agreement by the Owner to incorporate such issues as tree planting, sidewalks, drainage and servicing;
3. That until the Holding Symbol (H) is removed the only use permitted is the current vacant use; and
4. That Interim Control By-law 2006-40 be repealed upon the Site Specific H-RM3 Zoning coming into full force and effect.

LOST

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE ON MAY 23RD, 2006

98-62 Moved by Spadafora and Belcastro

1. That Dillon Consulting Limited be engaged to carry out an assessment study of the cost to upgrade the Woodlawn/Daimler Parkway interchange of Highway 406 for the City of Welland, as per their proposed Work Program of May 11, 2006 at a total anticipated cost of \$15,000.
2. That Staff arrange to receive 50% of the assessment study cost from the D'Orazio Group, developers of the Highlands at Hunters Point.

CARRIED

06-24 Moved by Spadafora and Belcastro that resolution 06-24 regarding the Non-Union economic wage adjustment passed by Council on May 16th, 2006 be amended by deleting the last line after the word "adjustment" in the 2nd paragraph so that the second paragraph will now read as follows:

"In recognition of increased hours to be worked and to maintain economic integrity between other employee groups that a 3.7% grid adjustment be made to the Non-Union salary structure effective July 1, 2006."

CARRIED

BY - LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

06-4

BYL 2006-69

A By-law to adopt the revised 2006 Capital Budget.

98-62

BYL 2006-70

A By-law to exempt certain lands from Part-Lot Control Lots 1, 6, 7, 11, 12, 14, 15, 30, 31, 32, 37, 43, 44, 47, 48, 50, 51, 53, 95, 96, 104, 112, 118, 119 and 130 and Blocks 142, 146, 150 and 168, Plan 59M-269 located in the Highlands Subdivision (formerly St. Andrew's Terrace), City of Welland.

98-62

99-43

BYL 2006-71

A By-law to authorize the granting of an easement over Parts 3, 6, 29, 31, 33, 35, 37, Plan 59R-10856, and Blocks 152, 153, 155, 157 and 160, Plan 59M-269 located in the Highlands Subdivision (formerly St. Andrew's Terrace) to Welland Hydro-Electric System Corp.

06-90

BYL 2006-72

A By-law to authorize the acceptance of the tenders and entering into contracts with Provincial Maintenance and Mason Pavement Marking Inc. for the supply and application of road traffic paint and pavement markings – 2006.

06-1

BYL 2006-73

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 23rd 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 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

Council adjourned at 9:35 p.m.

These Minutes approved and adopted by Motion of Council this 6th day of June, 2006.

MAYOR**ACTING CLERK**