



COUNCIL MEETING, AUGUST 1, 2006

**BY SPECIAL NOTICE : IN COMMITTEE-OF-THE-WHOLE (IN CAMERA) TO DISCUSS THE FOLLOWING MATTERS: PERSONAL ; SECURITY OF PROPERTY; SOLICITOR-CLIENT PRIVILEGE;
AND LABOUR RELATIONS; AND IN OPEN SESSION
TO HOLD PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT; AND
TO CONSIDER THE ITEMS AS OUTLINED IN THE SPECIAL COUNCIL AGENDA**

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

Council met in Committee-of-the-Whole closed to the public at 6:05 p.m. and in open session at 7:20 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present: Councillors: D. Alexander (6:10 p.m.), M. Belcastro, P. Chiocchio, M. Dzugan (6:00 p.m.), D. Fortier, P. Grenier (6:10 p.m.), M. A. Grimaldi, J. Larouche, S. O'Dell, and B. Sharpe.

Members of the Staff and Others Present:

Acting City Clerk B. Gallaccio

City Solicitor G. Banks (until 8:15 p.m.)

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:20 p.m.)

General Manager Financial & Corporate Services/Treasurer – Acting City Manager
B. Silvestri

General Manager of Planning and Development Services D. Thorpe (6:20 p.m.)

General Manager of Parks and Recreation B. LaPlante (7:20 p.m.)

General Manager of Human Resources R. Beaumont (until 7:10 p.m.)

Deputy Clerk C. Mintoff (7:20 p.m.)

Transit Manager D. Stuart (7:20 p.m.)

06-25 Moved by Belcastro and Sharpe 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;
- b) personal matters about an identifiable individual, including municipal or local board employees;
- c) labour relations or employee negotiations;
- d) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

CARRIED

06-25 Moved by Belcastro and Dzugan that the Committee-of-the-Whole arise from its closed meeting at 7:10 p.m. without report.

CARRIED

PRESENTATION:

Presentation of certificate by Mayor Goulbourne and Councillors Sharpe and Grimaldi to the Rose Bud King George Ford and Rose Bud Queen Rhiannon Glaser.

DELEGATIONS:

06-28 Mr. Stefanos Horianopoulos addressed Council regarding Kinergypower.

06-125 Mr. John Marchio addressed Council regarding prepayment for sidewalk and tree planting at 55 Sumbler Road.

STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Councillor Larouche presided as Chair of the Public Hearing:

06-126

06-126Z Applications have been made by DAIN CITY DEVELOPMENTS INC. to amend the Official Plan from OPEN SPACE (OS) AND INDUSTRIAL HEAVY to RESIDENTIAL AND OPEN SPACE, and to rezone Part of Lots 20, 21, 22 and 23, part of the road allowance between Lots 20 and 21 and between Lots 22 and 23, Concession 5, former Township of Humberstone now in the City of Welland, being Parts 1 to 5 inclusive, Plan 59R-12698 for lands on the north side of Forks Road, west of the Welland Canal and east of Canal Bank Street from the existing O2 – Open Space Zone and I2 - Yard Storage and Heavy Manufacturing Zone By-law 2667 to Site Specific Residential and Open Space Zones By-law 2667. The purpose of the Amendments is to permit the development of a Plan of Subdivision containing between 731 and 982 dwelling units composed of a mix of single-detached, semi-detached and townhouse units, parks, open space areas and a stormwater management facility. Site Specific Zones addressing provisions such as lot area, lot frontage and setbacks will be developed to permit the proposed Plan of Subdivision. The Official Plan designation is OPEN SPACE (OS) AND INDUSTRIAL HEAVY. The subject lands are also the subject of an Application for Draft Plan of Subdivision - File 26T-14-06002.

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 Penachetti – President, Dain City Development Inc.

In opposition of the applications:

- Brent Clarkson, MHBC 7050 Weston Road, Woodbridge, Ontario L4L 8G7 on behalf of John Deere.

06-127

06-127Z Applications have been made by UPPER CANADA CONSULTANTS on behalf of PENINSULA COMMERCIAL CORP. to amend the Official Plan from RESIDENTIAL (R) to COMMERCIAL and to rezone Part Lots 9 and 10, Plan 813, Township of Humberstone, now in the City of Welland for lands at 64 Kingsway from the existing R1 - Single-Detached Dwelling - First Density Zone By-law 2667 to a C1 - Local Commercial Zone By-law 2667. The purpose of the Amendments is to permit the subject lands to be used for mixed commercial and residential uses for the development of a two-storey mixed-use building on the subject lands. The proposed building is to contain four street-level commercial units for a convenience store and personal service establishments as well as four second-level residential units. 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 applications:

Hugh Thompson, Upper Canada Consultants 261 Martindale Road, St. Catharines, ON L2W 1A1 on behalf of the applicant.

In opposition of the applications:

- Mr. Bob Wright, 76 Kingsway, Welland, Ontario L3B 3N9
- Mr. John Barillier, 23 Glenwood Parkway, Welland, Ontario L3B 5N7
- Steve and Wendy Bouer, 56 Kingsway, Welland, Ontario L3B 3N8

06-59

06-59Z Applications have been made by JONATHAN WEIZEL ARCHITECT on behalf of POINTE OF VIEW DEVELOPMENTS AND THE CORPORATION OF THE CITY OF WELLAND to amend the Official Plan from RESIDENTIAL AND OPEN SPACE to RESIDENTIAL and to rezone Part of Lot 27, Concession 6, former Township of Crowland, now in the City of Welland, Parts 5-8, Plan 59R-5824 for lands at 330 Prince Charles Drive South from the existing HR3-X2 and O1 Zones By-law 2667 to a Site Specific HRM4 Zone By-law 2667. The purpose of the Amendments is to permit the construction of three (3) four Storey apartment buildings containing a total of 302 units. A Site Specific RM4 (Holding) Zone - Multiple Dwelling - Fourth Density Zone – Holding) is requested to permit reduced setbacks and parking requirements. The Official Plan designation is RESIDENTIAL AND OPEN SPACE.

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:

- Jonathan Weizel, Architect on behalf of the applicant.
- Mr. Russell, Vice President, Pointe of View Developments
- Travers Fitzpatrick, P.O. Box 872, Fonthill, ON L0S 1E0

In opposition of the applications:

- No one spoke to the application.

There being no other submissions the hearing was concluded.

BOARDS, AGENCIES, COMMISSIONS REPORT(S)

05-118 Councillor Paul Grenier addressed Council regarding the Water Conservation and Efficiency Program.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

05-118 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Water Conservation Program Update.

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 1st day of August, 2006.

06-13 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Transit Ridership and Asset Management Plans to meet MTO Requirements for Gas Tax Funding.

06-19 Gen. Mgr. Parks and Recreation B. LaPlante – Results of Request for Qualifications for Arena Infrastructure Renewal and Recreation Facility Development.

06-19 Gen. Mgr. Parks and Recreation B. LaPlante – RFP Results Playground Equipment Replacement.

06-20 Barb Ivicic, Manager, Veseli Hrvati Sr. Tamburitans – requesting a Special Occasion Permit for a music festival at the Croatian National Home.

06-28 Mr. Stefanos Horianopoulos to introduce Kinergypower.

06-59

06-59Z Gen. Mgr. Planning and Development Services D. Thorpe – Proposed Amendments to the Official Plan and Zoning By-law 2667 – Point of View Developments and the Corporation of the City of Welland – Part of Lot 27, Concession 6, former Township of Crowland, now in the City of Welland, and Parts 5-8, Plan 59R-5824 – 330 Prince Charles Drive south (File 2006-09 and OPA).

06-59 A By-law to authorize the signing of Official Plan Amendment No. 118.

06-59Z A By-law to amend City of Welland Zoning By-law 2667 (Pointe of View Developments – File 2006-09) – 330 Prince Charles Drive South.

06-106 A By-law to authorize conveyance of the Seaway Sewage Pumping Station to the Regional Municipality of Niagara being Parts 1 and 2 on Plan 59R-2986.

06-112 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Award of tender – Watermain Looping and Replacement on Farnham Avenue, Douglas Avenue, East Main Street at White Avenue and Laneway between Green Pointe Drive and Northhaven Road.

06-112 A By-law to authorize the acceptance of tender and entering into a contract with Condotta Construction Limited for the watermain replacement on Farnham Avenue, Douglas Avenue, East Main Street at White Avenue and the Laneway between Green Pointe Drive and Northhaven Road.

06-125 Mr. John Marchio – Prepayment for sidewalk and tree planting – 55 Sumbler Road.

06-126

06-126Z Gen. Mgr. Planning and Development Services D. Thorpe – Applications for Draft Plan of Subdivision Approval, Zoning By-law and Official Plan Amendments Dain City Developments – Dain City Subdivision (Part of Lots 20, 21, 22, and 23, Concession 5, Part of Road Allowance between Lots 20 and 21 and Lots 22 and 23, Concession 5) (Files 26T-14-06002, 2006-07 and Official Plan Amendment).

06-127

06-127Z Gen. Mgr. Planning and Development Services D. Thorpe – Proposed Amendment to the Official Plan and Zoning By-law 2667 - Peninsula Commercial Corp., 64 Kingsway (File 2006-08).

02-160 Moved by Sharpe and O'Dell that Council extend the curfew of the Council Meeting this evening to 11:30 p.m. in accordance with s.4(5) of Procedural By-law 2005-176.

**CARRIED
UNANIMOUSLY**

05-118 Moved by Fortier and Dzugan that Report ENG-2006-34 re: Water Conservation Program Update be received for information.

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05-118 Moved by Grenier and Chiochio that funding approved within Report ENG-2006-02, Water Conservation Program Update establishing the Water Conservation Program, can currently fund this program to the end of 2006; and That staff, after consultation with the Water Conservation Committee, report back to Council with a work plan to continue the Water Conservation Program passed by Council on February 7, 2006; and further That this report be presented to the General Committee Meeting no later than September 12, 2006.

CARRIED

YEAS: Councillors Sharpe, Alexander, Grenier, Chiochio, Larouche, and Belcastro .

NAYS: Councillors O'Dell, Grimaldi, Dzugan, Fortier, and Mayor Goulbourne

***FOLLOWING THE AMENDING MOTION, THE MAIN MOTION WAS
PUT IN ITS ORIGINAL FORM AND.....***

CARRIED

06-13 Moved by Dzugan and Larouche that Council endorses the submission of the Ridership Growth and Asset Management Plans required to release the final stream of funds from the MTO under the Dedicated Gas Tax Funds for Public Transportation Program.

CARRIED

06-19 Moved by Belcastro and Larouche

1. That Council approves Report P&R-2006-10; and
2. That staff be directed to proceed with a 'Request for Proposal' (RFP) for Arena Infrastructure Renewal and Recreation Facility Development' as outlined in Report P&R-2006-10; and further
3. That the appointed Ad Hoc Committee (The Mayor, Chairman of the Community Services Committee, City Manager, Manager of Economic Development and The General Manager of Parks and Recreation) review and evaluate the RFP submissions and report to Council.

06-19 Moved by O'Dell and Fortier that Report P&R-2006-10 re: Results of Request for Qualifications for Arena Infrastructure Renewal and Recreation Facility Development be deferred until the new Council is elected.

LOST

FOLLOWING THE AMENDING MOTION BEING LOST, THE MAIN MOTION WAS PUT IN ITS ORIGINAL FORM AND.....

CARRIED

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

NAYS: Councillors O'Dell, Grimaldi and Fortier.

06-20 Moved by Dzugan and Larouche that Welland City Council has no objection to the issuance of a Special Occasion Permit to the Veseli Hrvati Sr. Tamburitzans for the music festival and picnic event at the Croatian National Home on Sunday, August 13, 2006; and designates the event as a Community Festival.

CARRIED

06-28 Moved by Larouche and Alexander that the presentation by Stefanos Horianopoulos regarding Kinergypower be received for information.

CARRIED

06-59

06-59Z Moved by Belcastro and Grenier

1. That the City of Welland adopt Official Plan Amendment No. 118 redesignating part of Lot 27, Concession 6, former Township of Crowland, now in the City of Welland from Residential and Open Space to High Density Residential and to incorporate Land Use Policies to permit the development of three (3) low-rise four (4) storey apartment buildings containing a maximum of 302 dwelling units;
2. That Zoning By-law 2667, as amended, be further amended for part of Lot 27, Concession 6, former Township of Crowland, now in the City of Welland, for lands known municipally as 330 Prince Charles Drive South from O1 and HR3-X2 to a Site Specific HRM4 Zone to permit a maximum of three (3) low rise apartment buildings containing a maximum of 302 dwelling units, to create Zone provisions, and to provide a minimum of 1.3 parking spaces per dwelling unit;

3. That the Holding Symbol (H) be removed, upon Application, once a Site Plan Control Agreement has been entered into, including the provision of financial securities; a Geotechnical Subsurface Investigation Study, prepared by a qualified Geotechnical firm, has been submitted to the City which must make recommendations on the use of the site for the construction of buildings and structures; a Storm Water Management Plan, prepared in accordance with Ministry of the Environment guidelines has been submitted to Regional Planning and Development for review and approval; a Phase I Environmental Site Assessment (ESA) to be prepared by a qualified consultant, and any further investigation required to produce a Record of Site Condition (RSC) acknowledge by the Ministry of the Environment; and the Owner has had prepared a Noise Study, Air Quality Study and a Traffic Impact Study for review and approval with any mitigation measures to be implemented by the Owner.
4. That the Zoning By-law come into force only upon approval of Official Plan Amendment No. 118; and
5. That upon final approval of the Zoning By-law noted in Number 2 above, By-laws 10267 and 11099 be repealed.

CARRIED

06-112 Moved by Dzugan and Larouche

1. That Council accepts the tender of Condotta Construction Limited at the tender price of \$191,180.00, plus applicable G.S.T. for the Watermain Looping and Replacement on Farnham Avenue, Douglas Avenue, East Main Street at White Avenue, and the laneway between Green Pointe Drive and Northhaven Road, as presented in report ENG-2006-33; and
2. That detail financing of the project be in accordance with the approved revised 2006 Waterworks Capital Budget, and Waterworks Operating Budget; and
3. 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.

CARRIED

06-125 Moved by Fortier and Sharpe that the presentation by John Marchio regarding prepayment for sidewalk and tree planting at 55 Sumbler Road be received for information.

CARRIED

06-125 Moved by O'Dell and Fortier that the "Summary of Recommendations" provided to Council by Mr. Marchio relating to his delegation on August 1, 2006, be referred to staff for review and report to Council at its August 22, 2006 Council Meeting.

CARRIED

06-126

06-126Z Moved by Larouche and Grenier that Report PDS-2006-59 concerning Applications for Draft Plan of Subdivision Approval, Zoning By-law and Official Plan Amendment for the Dain City Subdivision be received for information purposes.

CARRIED

06-127

06-127Z Moved by Sharpe and Alexander

1. That the City of Welland adopt an Official Plan Amendment re-designating Part of Lots 9 and 10, Plan 813, in the former Township of Humberstone, now in the City of Welland, known municipally as 64 Kingsway, from Residential to Commercial with permitted commercial uses limited those local in nature, save and except a restaurant;
2. That Zoning By-law 2667, as amended, be further amended for lands known municipally as 64 Kingsway (Part of Lots 9 and 10, Plan 813, in the former Township of Humberstone, now in the City of Welland) from the existing R1 – Single-Detached Dwelling First Density Zone to a Site Specific HC1 Holding

Local Commercial Zone to permit a mixed-use development comprising second-level residential dwelling units, totaling not more than 245 square metres (2,640 square feet) in gross floor area, and street-level commercial units, totaling not more than 245 square metres (2,640 square feet) in gross floor area, said commercial units intended for local commercial uses, save and except a restaurant, and the height of said mixed-use development not to exceed two storeys;

3. That the Holding Symbol (H) be removed, upon application, once a Site Plan Control Agreement has been entered into, including the provision of financial securities, and that the proponent submit the following to the satisfaction of the Ministry of the Environment, the Region of Niagara Planning Department, and the City of Welland:
 - (a) A Phase III Environmental Site Assessment (ESA), prepared by a qualified consultant in accordance with the Ministry of Environment (MOE) guidelines, to develop a remedial action plan to remove or manage the contamination on site. The Phase III ESA should involve the remediation of site soils, groundwater and/or structures to an acceptable state of environmental compliance and;

...continued...

06-127

06-127Z...cont'd.

- (b) A Record of Site Condition (RSC), in accordance with Ontario Regulation 153/04, to be filed on the Ministry of the Environment's Environmental Site Registry. A copy of the written acknowledgement of the filing of the RSC must be submitted to the Regional Planning and Development Department for information.

NOT PUT

06-127

06-127Z Moved by Larouche and Belcastro that Report PDS-2006-60 - Proposed amendment to the Official Plan and Zoning By-law 2667 – Peninsula Commercial Corp., 64 Kingsway be deferred to staff for study and report to the September 19, 2006 Council Meeting.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

06-59

BYL 2006 - 110

A By-law to authorize the adoption of Official Plan Amendment No. 118.

06-59Z

BYL 2006 - 111

A By-law to amend City of Welland Zoning By-law 2667 (Pointe of View Developments - File 2006-09)-330 Prince Charles Drive South.

And that same be now read a first time.

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

2. Moved by Dzugan and Grimaldi 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 Acting Clerk do sign and seal same.

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

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

06-106

BYL 2006 - 112

A By-law to authorize conveyance of the Seaway Sewage Pumping Station to the Regional Municipality of Niagara being Parts 1 and 2 on Plan 59R-2986.

06-112

BYL 2006 - 113

A By-law to authorize the acceptance of tender and entering into a contract with Condotta Construction Limited for the watermain replacement on Farnham Avenue, Douglas Avenue, East main Street at White Avenue and the Laneway between Green Pointe Drive and Northhaven Road.

06-1

BYL 2006 – 114

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 1st day of August, 2006.

And that same be now read a first time.

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

4. Moved by Dzugan and Larouche 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 Acting Clerk do sign and seal same.

CARRIED

CURFEW

Due to curfew, the following item was not addressed and is to be rescheduled at the Special Council Meeting of August 3, 2006:

Report P&R-2006-11 RFP Results for Playground Equipment Replacement.

Council adjourned at 11:35 p.m.

These Minutes approved and adopted by Motion of Council this 22nd day of August, 2006.

MAYOR

ACTING CLERK