



COUNCIL MEETING, FEBRUARY 27, 2007

BY SPECIAL NOTICE TO MEET: TO HOLD A SPECIAL COUNCIL MEETING IN OPEN SESSION TO HOLD PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT; AND TO HOLD A PUBLIC MEETING PURSUANT TO THE MUNICIPAL ACT, 2001; 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 open session at 7:05 p.m. to hold Statutory Public Hearings under the *Planning Act*, and recessed at 7:15 p.m.; and reconvened at 7:25 p.m. to hold a Public Meeting under the *Municipal Act, 2001*; and recessed at 7:50 p.m. and pursuant to By-law 2005-176, the Procedural By-law of Council, reconvened following the General Committee Meeting at 9:00 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present:

Councillors R. Alakas, D. Alexander, M. Belcastro, F. Campion, P. Chiocchio, M. Dzugan, T. Eybel, P. Grenier, S. O'Dell, B. Sharpe and L. Van Vliet.

Members of the Staff and Others Present:

City Manager P. Simmons (7:40 p.m.)
General Manager, Communications, Council and Legislative Services/City Clerk C. Stirtzinger
Deputy Clerk B. Gallaccio
Chief, Fire & Emergency Services D. Prevost
General Manager Engineering, Public Works & Transportation Services/City Engineer D. Shantz
General Manager Financial & Corporate Services/Treasurer B. Silvestri
General Manager, Planning and Development Services D. Thorpe
Games Licensing Clerk L. Bubanko
Revenue Services Coordinator L. Keca
Facilities Manager P. Inman

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF FEBRUARY 27, 2007:

96-177

97-95

07-65 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Report on Assumption of South Pelham Subdivision Phase 1; Assumption of Nathalie Heights Subdivision; Assumption of Nelles Court Subdivision Phases 1 & 2.

04-22

07-22 Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Transport Trucks parked in residential areas.

07-4 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri and Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Report on 2007 Water/Sanitary Sewer Operating and Capital Budget with resulting rate structure.

07-4 City Mgr. P. Simmons – addendum recommendation to the Water & Sewer Budget Report FIN-07-05 regarding funding.

07-6 Ms. Mariann Zorgel, Welland Heritage Council – requesting that Council declares March 8, 2007 as “International Women’s Day” in the City of Welland.

07-22 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Report on Parking Restrictions – Nottingham Court & Navy Street.

07-37 City Manager P. Simmons – Report on Water & Sewer Account Assistance.

07-51 Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on conditions related to decision of Committee of Adjustment – consents for Patrick Luciani – Quaker Road (Files: B037/2005WELL and B038/2005WELL).

07-64Z Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Application for Zoning By-law Amendment – Dillon Consulting Limited on behalf of 2090572 Ontario Inc., Galloway Trail (File No. 2006-17).

THE FOLLOWING BY-LAWS WERE RECEIVED:

07-4

07-37 A By-law to provide for the fixing of water and sanitary services rates to be paid by consumers for public benefits for the 2007 billing year, effective April 1st, 2007.

07-64Z A By-law to amend City of Welland Zoning By-law 2667 (2090572 Ontario Inc. – File 200-17) Galloway Trail, west side of Perth Trail.

07-1 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 day of February, 2007.

THE FOLLOWING BY-LAW WAS READ:

07-22 A By-law to amend Schedule “V” of By-law 89-2000, being a By-law regulating Traffic and Parking within the City of Welland.

THE FOLLOWING BY-LAWS WERE DELETED:

07-4

07-37 A By-law to provide for the fixing of water and sanitary services rates to be paid by consumers for public benefits for the 2007 billing year, effective April 1st, 2007.

07-64Z A By-law to amend City of Welland Zoning By-law 2667 (2090572 Ontario Inc. – File 200-17) Galloway Trail, west side of Perth Trail.

STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Councillor Dzugan presided as Chair of the Public Hearings:

07-64Z An Application has been made by DILLON CONSULTING LIMITED on behalf of 2090572 ONTARIO INC. to rezone:

1. Lots 54 to 63 inclusive, Plan 59M-269 on the north side of Galloway Trail and Lots 84 to 93 inclusive, Lots 134 to 141 inclusive, Block 147 and Part Block 148, Plan 59M-269 on the south and east sides of Galloway Trail from RM3-X11 and R3-X8 respectively to a Site Specific Holding (H) R3 Zone to permit the development of single-detached dwellings on lots accessed via private streets having the following characteristics:

Minimum Lot Frontage – 14 metres
 Minimum Lot Area – 330 square metres
 Minimum Front Yard Setback – 4.5 metres to dwelling
 Minimum Front Yard Setback – 6.0 metres to garage
 Minimum Interior Side Yard Setback – 1.25 metres
 Minimum Rear Yard Setback – 7.0 metres
 Maximum Lot Coverage – 50% (excluding covered porch)
 Permitted Encroachment into Front Yard – 1.8 metres; and

2. Lots 64 to 83 inclusive, Plan 59M-269 on the north and south sides of Galloway Trail from RM3-X11 to a Site Specific Holding (H) RM3 Zone to permit the development of six (6) Blocks of Street Townhouses (28 units) on lots accessed via private streets having the following characteristics:

Minimum Front Yard – 4.5 metres to dwelling
 Minimum Front Yard – 6.0 metres to garage
 Minimum Rear Yard – 7.0 metres
 Maximum Lot Coverage – 60% per unit (excluding covered porch)
 Permitted Encroachment into Front Yard – 1.8 metres.

The Official Plan designation is RESIDENTIAL (R).

Councillor Dzugan 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:

- Mr. Allan Windrem, Dillon Consulting Ltd., on behalf of the applicant.

In opposition to the applications:

- No one spoke to the application.

There being no other submissions the hearing was concluded.

PUBLIC MEETING PURSUANT TO THE MUNICIPAL ACT

07-4 – To consider the 2007 Water & Sewer Operating & Capital Budgets with resulting rate structure.

- Yvette Ward, 216 Riverside Drive, Welland L3C 5E4
- Joseph Somers, 17 Lyons Avenue, Welland L3B 1L8
- John Irvine, 151 Dover Road, Welland L3B 2V1

There being no other submissions the public meeting was concluded.

96-177

97-95

07-65

Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND approves the assumption of the following subdivisions:
The South Pelham Phase 1 Plan of Subdivision. Located on the west side of South Pelham Road and north of Chantler Road

The Nathalie Heights Plan of Subdivision. Located on the north side of Windsor Drive and west of Mayfair Drive

The Nelles Court Phases 1 & 2 Plan of Subdivision. Located on the south side of Nelles Road; and further
THAT Council directs the City Clerk to prepare all necessary and appropriate by-laws to execute same.

CARRIED

04-22

07-22

Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report PDS-2007-16, with respect to the parking of transport trucks in residential areas, for information purposes.

CARRIED

07-4

Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND refers Report FIN-07-05 regarding the 2007 Water/Sanitary Sewer Operating and Capital Budget and addendum recommendation regarding funding to a Special Council Meeting of March 5, 2007.

CARRIED

07-6

Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND declares March 8, 2007 as "International Women's Day" as requested by the Welland Heritage Council in support of community events being held that day.

CARRIED

07-22 Moved by Dzugan and Grenier
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the implementation of parking restrictions on Nottingham Court and Navy Street as follows:

i) ADDING the following:

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4
HIGHWAY	SIDE			PERIOD
		FROM	TO	(TIMES/ DAY)
Navy Street	South	Southworth Street	Roosevelt Avenue	AT NO TIME
Nottingham Court	West	Rolling Acres Drive	South limit of roadway	AT NO TIME

CARRIED

07-37 Moved by Dzugan and Grenier
 THAT THE COUNCIL OF THE CITY OF WELLAND refers Report CM 2007-01 regarding Water & Sewer Account Assistance to a Special Council Meeting of March 5, 2007.

CARRIED

07-51 Moved by Dzugan and Grenier
 THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the repeal of By-law 2007-19 being a By-law to authorize the entering into a Development Agreement with Patrick Luciani concerning the development of two newly created lots described as Part Lot 10, Plan 664, being Parts 1, 2 and 3 on Plan 59R-13291 (Quaker Road); and further
 THAT Welland City Council authorizes the repeal of By-law 2007-20 being a By-law to accept the transfer of lands described as Part Lot 10, Plan 664 being Parts 3 and 5 on Plan 59R-13291 from Patrick Luciani on the north side of Quaker Road for roadway purposes; and further
 THAT Welland City Council authorizes the repeal of By-law 2007-21 being a By-law to lay out, establish and name Part Lot 10, Plan 664 being Parts 3 and 5 on Plan 59R-13291 as part of Quaker Road for the City of Welland.

CARRIED

07-64Z Moved by Dzugan and Grenier
 THAT THE COUNCIL OF THE CITY OF WELLAND approves an Amendment to Zoning By-law 2667, as amended, for lands east of Perth Trail and north of Muirfield Trail (Lots 54 to 63 inclusive, Plan 59M-269 on the north side of Galloway Trail and Lots 84 to 93 inclusive, Lots 134 to 141 inclusive, Block 147 and Part of Block 148, Plan 59M-269 on the south and east sides of Galloway Trail) from the existing R3-X8 and RM3-X11 Zones to a Site Specific HR3-X14 Zone to permit the development of thirty-one (31) single-detached dwellings on lots accessed via private streets with the following characteristics:

Minimum Lot Frontage - 14 metres

Minimum Lot Area - 420 square metres

Minimum Front Yard Setback - 4.5 metres to dwelling

Minimum Front Yard Setback - 6.0 metres to garage

Minimum Interior Side Yard Setback - 1.25 metres

Minimum Rear Yard Setback - 7.0 metres

Maximum Lot Coverage - 50% (excluding a porch)

Permitted Encroachment into Front Yard - 1.8 metres for 50% of the lots with no more than 2 dwelling units in a row permitted such encroachment; and further

THAT Welland City Council approves an Amendment to Zoning By-law 2667, as amended, for lands east of Perth Trail and north of Muirfield Trail (Lots 64 to 83 inclusive, Plan 59M-269 on the north and south sides of Galloway Trail) from the existing RM3-X11 Zone to a Site Specific H-RM3-X23 Zone to permit the development of six (6) Blocks of street townhouses (28 units) on lots accessed via private streets having the following characteristics:

...Continued...

07-64Z Cont'd...

Minimum Front Yard - 4.5 metres to dwelling

Minimum Front Yard - 6.0 metres to garage

Minimum Rear Yard - 7.0 metres

Maximum Lot Coverage - 60% per unit (excluding porches)

Permitted Encroachment into Front Yard - 1.8 metres for 50% of the lots with no more than 2 dwelling units in a row permitted such encroachment; and further

THAT Welland City Council will lift the Holding Symbol, upon Application, when the Owner informs 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 has been completed; that the asphalt roadway has been constructed (the stone base and asphalt base); that the grading requirements and lot grading requirements of the City's Land Development Policy have been met; all streetlights are in good working order and energized by the Welland Hydro-Electric Corp; and all street name and traffic control signs are installed all to the satisfaction of the City Engineer.

CARRIED

BY - LAWS

BY-LAWS PRESENTED FOR FIRST READING:

1. Moved by Van Vliet and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND now gives leave to introduce the following proposed By-laws entitled:

07-22

BYL 2007-31

A By-law to amend Schedule "V" of By-law 89-2000, being a By-law regulating Traffic and Parking within the City of Welland.

07-1

BYL 2007-32

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 day of February, 2007.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Van Vliet and Chiocchio
THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-laws in the foregoing motion as reproduced in this Evening's Council Agenda, as amended 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 9:05 p.m.

These Minutes approved and adopted by Motion of Council this 6th day of March, 2007.

MAYOR

DEPUTY CLERK