



COUNCIL MEETING, APRIL 10, 2007

BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE (IN CAMERA): TO HOLD A SPECIAL COUNCIL MEETING TO DISCUSS PROPOSED DISPOSITION OF PROPERTY AND PERSONAL MATTERS; 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 6:30 p.m. and pursuant to By-law 2005-176, the Procedural By-law of Council, in open regular session following the General Committee Meeting at 7:40 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, R. Letourneau, S. O'Dell, B. Sharpe and L. Van Vliet

Members of the Staff and Others Present:

City Manager P. Simmons (7:05 p.m.)
General Manager, Communications, Council and Legislative Services/City Clerk C. Stirtzinger
Deputy Clerk B. Gallaccio
Chief, Fire & Emergency Services D. Prevost (7:05 p.m.)
General Manager Engineering, Public Works & Transportation Services/City Engineer D. Shantz (7:05 p.m.)
General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:05 p.m.)
Acting General Manager, Human Resources R. Mantesso (7:05 p.m.)
General Manager Parks and Recreation B. LaPlante (7:05 p.m.)
General Manager, Planning and Development Services D. Thorpe
Games Licensing Clerk L. Bubanko (7:05 p.m.)

07-25 Moved by Dzugan and Eybel

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:30 p.m. to consider:

- a) personal matters about an identifiable individual, including municipal employees; and
- b) proposed or pending acquisition or disposition of land by the municipality.

CARRIED

(Councillor Belcastro was not present during Committee-of-the-Whole discussions on a personal matter).

07-25 Moved by Eybel and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:35 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Belcastro disclosed an interest in Ref. No. 04-137 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as Ms. M. Belcastro is his Aunt.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF APRIL 10, 2007:

03-55

06-79 Gen. Mgr. Planning and Development Serv. D. Thorpe – Revised Report on Proposed By-law to remove the Holding (H) Symbol from Lots 1 to 21 inclusive, Plan 59M-355 being lands located south of Balsam Street, west of South Pelham Road (File 2006-01) (Brookhaven Estates Subdivision).

05-158 Councillor Letourneau – Notice of Motion regarding Ecole Jean Vanier.

06-36 General Mgr. Communications, Council & Legislative Services/City Clerk C. Stirtzinger – Notices of Default for information

06-49 Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Proposed By-law to remove the Holding (H) Symbol and to exempt from Part Lot Control Blocks 1 to 4 inclusive, Plan 59M-356 being lands located north of Thorold Road, west of Oakcrest Avenue, east of Foxtail Avenue (File 2005-15) (Whispering Pines Extension Subdivision).

06-97 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Report on Broadway Avenue Area Sewer Correction Implementation.

07-5 Resolution regarding the revised budget from the Rose Festival.

07-13 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Report on Extension of Transcab Service Agreement.

07-13 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Report on Purchase of Six 2006 Low Floor Thirty-Five Foot Transit Coaches.

07-28 Paul Turner, Chairperson, Religion and Chaplaincy, Notre Dame College School – Homeless Awareness Rally.

07-78 Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Condominium Approval – Kings Manor Inc., 22, 36 and 42 Glen Park Drive (File: 26CD-14-06001).

THE FOLLOWING BY-LAWS WERE RECEIVED:**03-55Z**

06-79Z A By-law to amend Zoning By-law 2667 upon the application of U. Lucchetta Construction Ltd. to remove the Holding Symbol "H" from certain lands, located south of Balsam Street, west of South Pelham Road (Brookhaven Estates Subdivision).

06-49Z A By-law to amend Zoning By-Law 2667 upon the application of Lea Silvestri Investments Ltd. to remove the Holding Symbol "H" from certain lands north of Thorold Road, west of Oakcrest Avenue, East of Foxtail Avenue (Whispering Pines Extension Subdivision).

06-49 A By-law to exempt certain lands from Part-Lot Control north of Thorold Road, west of Oakcrest Avenue, east of Foxtail Avenue, in the Whispering Pines Extension Subdivision (Plan 59M-356), City of Welland.

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 10th day of April, 2007.

03-55 Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND approves the removal of the Holding (H) Symbol for the H-R3-X13 Zone on Lots 1 to 21 inclusive, Plan 59M-355 being lands south of Balsam Street, west of South Pelham Road (Brookhaven Estates Subdivision) to permit the development of single-detached dwellings with Site Specific regulations; and further
THAT Welland City Council authorizes Staff to prepare the necessary By-laws.

CARRIED

05-158 Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND supports the action of the parents of Ecole Jean Vanier
THAT Welland City Council directs that this motion be forwarded to the City of Port Colborne, the Town of Fort Erie, the Township of Wainfleet, and the Town of Pelham seeking support.

CARRIED

06-36 Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives the correspondence to the Regional Municipality of Niagara and the City of Welland regarding the Notice of Default for Mr. Domenic Vescio, Candidate for Regional Council, and Mr. David Maxwell Muise, Candidate for Welland Municipal Council, for information.

CARRIED

06-49 Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND approves the removal of the Holding (H) Symbol for the H-RM4-X12 Zone on Blocks 1 to 4 inclusive, Plan 59M-356 being lands located north of Thorold Road, west of Oakcrest Avenue, east of Foxtail Avenue (Whispering Pines Extension Subdivision) to permit the development of freehold street townhouse units with Site Specific regulations; and further
THAT Welland City Council approves an exemption to Part Lot Control for Blocks 1 to 4 inclusive, Plan 59M-356 to permit the development of freehold street townhouses; and further

THAT Welland City Council authorizes Staff to prepare the necessary By-law.

CARRIED

06-97 Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the General Manager, Public Works and Transportation Services, to proceed with remedial works to mitigate basement flooding within the Broadway Avenue drainage area, beginning with the voluntary disconnection of foundation drains, including a public education program and a review of sewer use by-laws regulating private sanitary/foundation drains, as contained in report ENG-2007-07; and further

THAT Welland City Council allocates funding of up to \$500,000 of the 2007 sanitary sewer capital budget for the recommended basement flooding mitigation works.

CARRIED

07-5 Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Revised Budget from the Rose Festival and allocates \$74,360.00 to the Rose Festival for the 2007 events.

CARRIED

07-13 Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the renewal of the TransCab agreement with 4500 Taxi (1993) O/A 1032560 Ontario Inc. for a two year period commencing April 15, 2007 through April 14, 2009 with no rate increase; and further

THAT Welland City Council directs the City Clerk to prepare the by-law to authorize entering into an agreement for the supply of TransCab (taxi) service.

CARRIED

07-13 Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the purchase of six (6) 2006 35' low floor Blue Bird Ultra LF transit coaches from Coach Canada for the total amount of one million, six hundred forty-two thousand dollars (\$1,642,000.00 PST included) exclusive of an extended warranty; and further

THAT Welland City Council directs that the funding for these transit coach purchases be from the fleet capital reserve fund with additional funding from Federal and Provincial Government tax revenue.

CARRIED

07-28 Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND has no objection to the request from Notre Dame College School to hold a Homeless Awareness Rally at Civic Square on Friday, April 20, 2007, between 6:30 p.m. and 8:00 p.m.; and further

THAT Welland City Council requests that the Parks and Recreation Department expedite the request for use of City facilities for this and other Homeless Awareness events proposed for Friday, April 20, and Saturday, April 21, 2007.

CARRIED

07-78 Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND approves the exemption request by Kings Manor Inc., for its Application for Condominium Approval for sixty (60) apartment units located at 22, 36 and 42 Glen Park Drive (Blocks B, C and D, M-63) in accordance with Section 9 (7) of the Condominium Act, Chapter 4, 1998, as amended, and further

That Welland City Council authorizes staff to prepare any necessary By-laws.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

04-137 Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the Clerk to delegate on an "as available" basis, the services of Ms. M. Belcastro to perform civil marriage ceremonies effective at her retirement as a Justice of the Peace.

CARRIED

07-77 Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the Offer of Purchase and Sale from Kim Insup for approximately 1.82 hectares of land located on the east side of Plymouth Road, north of Ontario Road (Part of Lots 24 and 25, Concession 6 and part of the Road Allowance between Lots 24 and 25, Concession 6, former Township of Crowland, now in the City of Welland being Parts 1, 2 and 3, Plan 59R-5707; Part 3, Plan 59R-4406; save and except Part 2, Plan 59R-3659; and Parts 1, 3 and 5, Plan 59R-5659) in the amount of \$120,000.00 subject to various Conditions as laid out in Schedule 'A' to the Agreement of Purchase and Sale; and further

THAT the net proceeds of the sale (less related expenses) be transferred to General Revenue.

CARRIED

BY-LAW ARISING FROM COMMITTEE-OF-THE-WHOLE

BY-LAW PRESENTED FOR FIRST READING:

1. Moved by Dzugan and Van Vliet

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

07-77

BYL 2007-54

A By-law to authorize acceptance of an Offer to Purchase of city-owned lands from Kim Insup being Part of Lots 24 and 25, Concession 6 and Part of the road allowance between Lots 24 and 25, Concession 6, former Township of Crowland, now in the City of Welland, east side of Plymouth Road, north side of Ontario Road.

And that the same be now read a first time.

CARRIED

BY-LAW PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-law listed in the foregoing motion, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal the same.

CARRIED

BY - LAWS

BY-LAWS PRESENTED FOR FIRST READING:

3. Moved by Dzugan and Van Vliet
THAT THE COUNCIL OF THE CITY OF WELLAND now gives leave to introduce the following proposed By-laws entitled:

03-55Z

BYL 2007-55

A By-law to amend Zoning By-law 2667 upon the application of U. Lucchetta Construction Ltd. to remove the Holding Symbol "H" from certain lands, located south of Balsam Street, west of South Pelham Road (Brookhaven Estates Subdivision).

06-49Z

BYL 2007-56

A By-law to amend Zoning By-Law 2667 upon the application of Lea Silvestri Investments Ltd. to remove the Holding Symbol "H" from certain lands north of Thorold Road, west of Oakcrest Avenue, East of Foxtail Avenue (Whispering Pines Extension Subdivision).

06-49

BYL 2007-57

A By-law to exempt certain lands from Part-Lot Control north of Thorold Road, west of Oakcrest Avenue, east of Foxtail Avenue, in the Whispering Pines Extension Subdivision (Plan 59M-356), City of Welland.

07-1

BYL 2007-58

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 10th day of April, 2007.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

4. Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-laws listed in the foregoing motion as reproduced in this Evening's Council Agenda, 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 7:45 p.m.

These Minutes approved and adopted by Motion of Council this 17th day of April, 2007.

MAYOR

DEPUTY CLERK