



COUNCIL MEETING, SEPTEMBER 11, 2007

BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE (IN CAMERA): TO DISCUSS PERSONAL, SOLICITOR-CLIENT PRIVILEGE, LITIGATION OR POTENTIAL LITIGATION AND SECURITY OF PROPERTY MATTERS AND IN OPEN SESSION TO HOLD 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 5:30 p.m. and in open session at 7:55 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 8:45 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, P. Grenier, J. Larouche, R. Letourneau, S. O'Dell, B. Sharpe (6:05 p.m.) and L. Van Vliet.

Members of the Staff and Others Present:

City Manager, P. Simmons
General Manager, Communications, Council & 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 (7:55 p.m.)
General Manager, Planning & Development Services, D. Thorpe
General Manager, Parks and Recreation, B. Fenwick
Acting General Manager, Human Resources, R. Mantesso
Deputy Treasurer, K. Douglas (7:55 p.m.)
Games Licensing Clerk, L. Bubanko (7:55 p.m.)

(Aggie Giovannini in attendance during Committee-of-the-Whole discussions on a personal matter).

on (Bob Mahler, Chair and Stephen Fischer, Manager, Business & Operations, WRCC in attendance a solicitor-client privilege matter).

07-25 Moved by Belcastro and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 5:30 p.m. to consider:

- a) security of the property of the municipality;
- b) personal matters about an identifiable individual, including municipal employees;
- c) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- d) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

07-25 Moved by Belcastro and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:00 p.m.

CARRIED

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF SEPTEMBER 11, 2007:

06-4 James Brennan, CA Principal, Assurance and Business Advisory of Grant Thornton – Consolidated financial report for the year ended December 31, 2006 and audit concluding memorandum.

06-159 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri – Municipal Performance Measurement Program for the year 2006.

07-6 Gerald Noel, A/President, Royal Canadian Legion Branch 4 – requesting that the week of September 16 to September 22, 2007 be declared as “Legion Week”.

07-6 The Hon. Diane Finley, P.C., M.P., Minister of Citizenship and Immigration – requesting that the week of October 15 to October 21, 2007 be declared as “Canada’s Citizenship Week”.

07-6

07-21 Don Feduck, President, Air Force Association of Canada – requesting that the week of September 16 to September 23, 2007 be declared as “Commemoration of The Battle of Britain Week”.

07-10 Nominating Committee Report.

07-15 Chief, Fire and Emergency Services – The Arson Prevention Program for Children (TAPP-C) in Niagara Region.

07-19 Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Tender Award – Replacement Swing Installations.

07-19 Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Tender Award – Improvements for Almond Street and Hatter Avenue Parks.

07-20 Russell M. McPherson, President, Welland District Slo-pitch – requesting Special Occasion Permit for the Welland Sports Complex.

07-22 Ron Pace – petition regarding parking on the Kingsway.

07-49

07-52 Claire Masswohl, Executive Director, Welland Multicultural Centre – requesting the waiving of fees for: the portable stage, tables and chairs for the Niagara’s Idol event on September 15 & 22, 2007; showmobile, picnic tables, and portable promotional billboards for multicultural entertainment during the Food Festival event of September 28, 29, and 30, 2007.

07-55 Drew Semple, Senior Planner, Niagara Region – Notice of Council Decision regarding Regional Policy Plan Amendment 3-2007, Municipal Sewer Services, Quaker Road and Rice Road.

07-108Z Casey Holland - application for Zoning By-law Amendment, Lot 978, NP 960, 114 Crowland Avenue.

07-108Z Gen. Mgr., Planning and Development Services, D. Thorpe – application for Zoning By-law Amendment – Casey Holland, Lot 978, NP 960, east side of Crowland Avenue, north of Welland Street (114 Crowland Avenue) (File No. 2007-02).

07-125 Gen. Mgr., Communications, Council and Legislative Services/City Clerk, C. Stirtzinger – Civic Square Art Display Policy and Task Force.

COMMUNICATIONS RECEIVED CONT'D...

07-126 Gen. Mgr., Planning and Development Services, D. Thorpe - Application for Approval of Draft Plan of Subdivision (File 26T-14-07002) Triple-F Developments Inc., 1454417 Ontario Ltd. and Lea Silvestri Investments Ltd., south of Webber Road between South Pelham Road and Clare Avenue.

07-127

07-127Z Gen. Mgr., Planning and Development Services, D. Thorpe - Proposed Amendments to Official Plan and Zoning By-law 2667 – 2077254 Ontario Inc., Part Lot 145, Plan 618, known municipally as 163 First Avenue (Files: OPA and 2007-05).

THE FOLLOWING BY-LAWS WERE RECEIVED:

07-127 A By-law to authorize the Adoption of Official Plan Amendment No. 123.

07-127Z A By-law to amend City of Welland Zoning By-law 2667 (2077254 Ontario Inc. - File 2007-05) 163 First Avenue.

07-19 A By-law to authorize the acceptance of tender and entering into a contract with Artisan Landcraft and Stevensville Lawn Service Inc. for improvements at Almond Street and Hatter Avenue Parks.

07-19 A By-law to authorize the acceptance of tender and entering into a contract with Belair Recreation Products Inc. for swing equipment replacements at various parks.

07-108Z A By-law to amend City of Welland Zoning By-law 2667 (Casey Holland – File 2007-02) 114 Crowland Avenue.

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 11th day of September, 2007.

THE FOLLOWING BY-LAW WAS DELETED:

07-108Z A By-law to amend City of Welland Zoning By-law 2667 (Casey Holland – File 2007-02) 114 Crowland Avenue.

STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Councillor Dzugan presided as Chair of the Public Hearings:

07-126

07-126Z Applications have been made by UPPER CANADA CONSULTANTS on behalf of TRIPLE-F DEVELOPMENTS INC., 1454417 ONTARIO INC., LEA SILVESTRI INVESTMENTS LTD. for approval of a Draft Plan of Subdivision and to rezone Part of Lot 258, former Township of Thorold for lands south of Webber Road between South Pelham Road and Clare Avenue from the existing RA – Rural Agricultural Zone By-law 2667 to a RM4, O1, Site Specific R3 and RM3 Zones By-law 2667. The purpose of the Amendment is to permit the development of a residential Plan of Subdivision containing 108 single-detached lots, 65 street townhouse units and one (1) apartment block. Site Specific Zoning provisions requested include reduced front and rear yard setbacks, increased lot coverage and reduced site yard requirements for street townhouses. The City has amended the Application to incorporate Part 1, 59R-13320 to be rezoned O1 for park purposes. The Official Plan designation is LOW DENSITY RESIDENTIAL AND HIGH DENSITY RESIDENTIAL. The subject lands are also the subject of an Application for Draft Plan of Subdivision – File 26T-14-07002.

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:

- Alison Enns, Upper Canada Consultants, on behalf of the applicant.

In opposition to the applications:

- No one spoke to the application.

07-127

07-127Z Applications have been made by RAFFAELE BELVEDERE on behalf of 2077254 ONTARIO INC. to amend the Official Plan and to rezone Part Lot 145, Plan 618 for lands at 163 First Avenue from the existing IN-1-X5 Zone By-law 2667 to a R1 Zone By-law 2667. The purpose of the Amendment is to satisfy a Consent Application and to permit the subject lands (Parts 1 and 2) to be used for Residential purposes. The Official Plan designation is INSTITUTIONAL (INST.) The subject lands are also the subject of an Application for Consent, Files B002 and B003/2007WELL.

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. Ralph Belvedere, 155 First Avenue, Welland, Ontario, L3C 1Y4, 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.

06-4

Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the 2006 Auditor's Report of the Consolidated Financial Report & Audit Concluding Memorandum for the fiscal year ending December 31, 2006 for the Corporation of the City of Welland.

CARRIED

06-159

Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives the results of the Corporation of the City of Welland 2006 Municipal Performance Measurement Program (MPMP); and further THAT Welland City Council approves that the results be posted on the City of Welland's website to comply with the Provincial Publication requirements.

CARRIED

07-6 Moved by Dzugan and Grenier
THAT THE COUNCIL OF THE CITY OF WELLAND declares the week of September 16 to September 22, 2007 as "Legion Week" in the City of Welland as requested by the Royal Canadian Legion, Branch #4.

CARRIED

07-6 Moved by Dzugan and Grenier
THAT THE COUNCIL OF THE CITY OF WELLAND declares the week of October 15 to October 21, 2007 as "Canada's Citizenship Week" in the City of Welland as requested by the Minister of Citizenship and Immigration.

CARRIED

07-6
07-21 Moved by Dzugan and Grenier
THAT THE COUNCIL OF THE CITY OF WELLAND approves the application of the Air Force Association of Canada, to hold a Battle of Britain parade on East Main Street with a flag ceremony to follow at the Civic Square on September 23, 2007, subject to the applicant's completion of all conditions of the policy of road use for community activities; and further
THAT Welland City Council waives all fees associated with the Battle of Britain event; and further
THAT Welland City Council declares the week of September 16 to September 23, 2007 as "Commemoration of The Battle of Britain Week" in the City of Welland.

CARRIED

07-10 Moved by Dzugan and Grenier
THAT THE COUNCIL OF THE CITY OF WELLAND appoints Councillor Jim Larouche to the following committees to replace former Councillor Toni Eybel.
1) Elm Street Landfill Site Composition/Public Liaison Committee
2) Humberstone Landfill Site Public Liaison Committee
3) Regional Representation Liaison Committee

CARRIED

07-15 Moved by Dzugan and Grenier
THAT THE COUNCIL OF THE CITY OF WELLAND accepts as information report No. F&ES 2007-03, entitled, "The Arson Prevention Program for Children in Niagara Region"; and further
THAT Welland City Council adopts The Arson Prevention Program for Children (TAPP-C) as part of the Welland Fire & Emergency Services Department core fire educational mandate, in order to properly meet a recognized risk and need in the community; and further
THAT Welland City Council agrees to participate in the Niagara Region TAPP-C program; and further
THAT Welland City Council directs the Mayor to communicate with Regional Council requesting that the Region review and comment on its responsibility to assist the various Local Municipality fire departments with funding for the fire education component of the TAPP-C program in Niagara; such comment to be returned to Welland before the end of October 2007; and further
THAT Welland City Council directs the Clerk to request the support of the other Local Municipalities in requesting the Region to provide funding for TAPP-C.

CARRIED

07-19 Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the proposal of Belair Recreation Products Inc. at the quoted price of \$41,673.19 including applicable PST for Swing Equipment Replacements at Aqueduct, Cooks Mills, Dover Court, Glen, and Jennifer Parks, as detailed in Report P&R-2007-27; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a contract with Belair Recreation Products Inc. to execute the constructions.

CARRIED

07-19 Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tenders of Artisan Landcraft of Wainfleet, Ontario at the quoted price of \$64,910 for improvements to Hatter Avenue (Stop 19) playground, and Stevensville Lawn Service Inc. at the quoted price of \$54,070 for improvements to Almond Street playground respectively, both including applicable PST, as detailed in Report P&R-2007-26; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a contract with Artisan Landcraft and Stevensville Lawn Service Inc. to execute the constructions.

CARRIED

07-20 Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND has no objection to the application by Welland & District Slo-pitch League Inc., for a Special Occasion Permit to operate an alcoholic beverage tent at a baseball tournament being hosted by Welland & District Slo-pitch League Inc. at the Welland Sports Complex on September 28, 29 and 30, 2007, subject to the applicant complying with the requirements and policies of the City of Welland, and the satisfactory completion of the Municipal Application for Community Festivals and Special Occasion Permits.

CARRIED

07-22 Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Ron Pace at the September 11, 2007 General Committee Meeting of a petition regarding parking on the Kingsway.

CARRIED

07-49

07-52 Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the letter from Claire Masswohl, Executive Director, Welland Multicultural Centre, requesting the waiving of fees for the following events: Niagara's Idol on September 15 and 22, 2007, and in conjunction with the Niagara Food Festival on September 28, 29 and 30, 2007; and further

THAT Welland City Council approves waiving of fees in the amount of \$1,250.00 for the rental of the portable staging unit and showmobile, and that the fee for services in the amount of \$678.00 be billed to the Welland Multicultural Centre.

CARRIED

07-55 Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the letter from Niagara Region dated August 27, 2007 advising of the Council decision to not support approval of Amendment 3-2007 regarding the providing of municipal sewer services to existing dwellings located on Quaker Road and Rice Road.

CARRIED

07-108Z Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Casey Holland at the September 11, 2007 General Committee Meeting regarding the application for an Amendment to Zoning By-law 2667 for lands municipally known as 114 Crowland Avenue.

CARRIED

07-108ZMoved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND approves an Amendment to Zoning By-law 2667, as amended, for lands known municipally as 114 Crowland Avenue (Lot 978, Plan 960) located on the east side of Crowland Avenue, north of Welland Street, from the existing R2 Zone to a Site Specific RM3 Zone to permit a single-detached dwelling, a semi-detached dwelling and/or a duplex; to recognize the current setbacks for the existing building only; to recognize the existing property parameters; and to provide an exemption from the requirement of providing up to two (2) parking spaces.

LOST

07-125 Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND approves the City of Welland Civic Square Art Display Policy for art to be displayed at the northwest entrance of the Civic Square (Canal Level Library entrance); and further

THAT Welland City Council appoints Lori Hayes Root, Dianna Kit Mete, and Carol Kitchen as the Welland Civic Square Art Task Force assigned the responsibility to administer the Policy to be reporting through the office of the General Manager, Communications, Council and Legislative Services/City Clerk; and further

THAT Welland City Council approves the City of Welland Civic Square Art Display Conditions/Contract for use by the Welland Civic Square Art Task Force.

CARRIED

07-126 Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report PDS-2007-68 concerning an Application for Draft Plan of Subdivision Approval for lands south of Webber Road between South Pelham Road and Clare Avenue.

CARRIED

07-127

07-127ZMoved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND adopts an Official Plan Amendment to redesignate lands described as Part Lot 145, Plan 618, known municipally as 163 First Avenue from Institutional to Residential; and further

THAT Welland City Council approves an Amendment to Zoning By-law 2667, as amended, for Part Lot 145, Plan 618, known municipally as 163 First Avenue from the existing IN-1-X5 (Site Specific Institutional One) Zone to a R1 (Single-Detached - First Density) Zone to permit the subject lands to be used for residential purposes.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

01-108 Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Application for the Downtown Improvement Incentive Programs from Karie Constantino for the land known municipally as 91 East Main Street, for the development of one residential dwelling unit; and further

THAT Welland City Council approves the Application for a Residential Conversion and Intensification Loan in the amount of \$23,000.00, which shall be for a period of ten years at 0% interest with the principal to be repaid in monthly installments over 120 months subject to satisfying the Terms and Conditions of Loan Funding; and further

THAT Welland City Council approves a refund of local Planning and Building fees in the amount of \$437.00, to be paid to the Applicant upon final inspection of the completed and occupied project; and further

THAT Welland City Council authorizes the Mayor and City Clerk to execute any documentation required to satisfy conditions related to participation in the Downtown Improvement Incentive Programs; and further

THAT Welland City Council directs that funding for this Application be from the Municipal Incentive Grant Reserve Fund.

CARRIED

BY - LAWS

BY-LAWS PRESENTED FOR FIRST READING:

1. Moved by Dzugan and Grenier

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

07-127

BYL 2007-134

A By-law to authorize the Adoption of Official Plan Amendment No. 123.

07-127Z

BYL 2007-135

A By-law to amend City of Welland Zoning By-law 2667 (2077254 Ontario Inc. - File 2007-05) 163 First Avenue.

07-19

BYL 2007-136

A By-law to authorize the acceptance of tender and entering into a contract with Artisan Landcraft and Stevensville Lawn Service Inc. for improvements at Almond Street and Hatter Avenue Parks.

07-19

BYL 2007-137

A By-law to authorize the acceptance of tender and entering into a contract with Belair Recreation Products Inc. for swing equipment replacements at various parks.

07-1

BYL 2007-138

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 11th day of September, 2007.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Dzugan and Grenier

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, as amended, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal same.

CARRIED

Council adjourned at 8:55 p.m.

These Minutes approved and adopted by Motion of Council this 2nd day of October, 2007.

MAYOR

DEPUTY CLERK