



## **COUNCIL MEETING, MAY 20, 2008**

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

Council met in Committee-of-the-Whole closed to the public at 6:08 p.m. and again in Committee-of-the-Whole at 7:04 p.m. and in open session at 7:39 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

The open meeting commenced with the playing of the National Anthem.

#### **Members Present:**

Councillors R. Alakas, D. Alexander (until 8:53 p.m.), F. Campion, M. Dzugan, J. Larouche, P. Grenier, R. Letourneau (6:25 p.m.), S. O'Dell, B. Sharpe (6:14 p.m.) and L. Van Vliet (6:15 p.m.)

#### **Members of the Staff and Others Present:**

City Manager, P. Simmons (6:08 p.m. – 7:03 p.m. & 7:39 p.m.)

General Manager, Communications, Council & Legislative Services/City Clerk, C. Stirtzinger (6:08 p.m. – 7:03 p.m. & 7:39 p.m.)

Acting Deputy Clerk, C. Mintoff (6:08 p.m. – 7:03 p.m. & 7:39 p.m.)

Chief, Fire & Emergency Services, D. Prevost (6:32 p.m. – 7:03 p.m. & 7:39 p.m.)

General Manager, Engineering, Public Works & Transportation Services/City Engineer, D. Shantz (6:08 p.m. – 7:03 p.m. & 7:39 p.m.)

General Manager, Financial & Corporate Services/Treasurer, B. Silvestri (6:08 p.m. – 7:03 p.m. & 7:39 p.m.)

General Manager, Human Resources, R. Mantesso

General Manager, Parks, Facilities, & Leisure Services, B. Fenwick (6:08 p.m. – 7:03 p.m. & 7:39 p.m.)

Manager, Development Planning & Real Estate, R. DiFelice (6:08 p.m. – 7:03 p.m. & 7:39 p.m.)

Records Clerk, C. Viger (7:39 p.m.)

(Bob Mahler, Chair and Steve Fischer, Manager, Business & Operations were present during Committee-of-the-Whole discussion on a security of property matter).

**08-25** Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:08 p.m. to consider:

- a) the security of the property of the municipality or local board; and
- b) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

**CARRIED****08-25** Moved by Campion and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:03 p.m.

**CARRIED****08-25** Moved by Campion 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 7:04 p.m., with Rosanne Mantesso appointed Deputy Clerk to consider:

- a) personal matters about an identifiable individual, including municipal employees.

**CARRIED****08-25** Moved by Campion and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:27 p.m. without report.

**CARRIED****DELEGATIONS:**

**08-113** Brian Smylski, Ronald Potts and David Gilbert, Art Gallery of Welland Project addressed Council regarding The Art Gallery of Welland Development Plans and Projects.

**07-123** Mike and Tina Papp, 113 Colbeck Drive, Welland spoke in opposition to the By-law to authorize the stopping-up, and closing of a portion of unopened Willson Road Allowance, north of Colbeck Drive, being Parts 7 & 8, Plan 59R-12793.

**07-123** Jim Cousineau, 8 Bellevue Court, Welland spoke in opposition to the By-law to authorize the stopping-up, and closing of a portion of unopened Willson Road Allowance, north of Colbeck Drive, being Parts 7 & 8, Plan 59R-12793.

**THE FOLLOWING CORRESPONDENCE WAS READ:**

**07-123** A By-law to authorize the stopping-up, and closing of a portion of unopened Willson Road Allowance, north of Colbeck Drive, being Parts 7 & 8, Plan 59R-12793.

**99-99****06-150**

**08-20** Welland Recreational Canal Corporation (WRCC) requesting Special Occasions Permits, road closures and exemptions to the Noise By-law 10204 for outdoor concert events.

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

- 2000-55** Evan Main, Chairman, Niagara Central Airport Commission – Snowbirds Fly Over on August 27, 2008.
- 01-108** Notice of Motion from Councillor O'Dell – Extend the Downtown Façade Program contained within the Community Improvement Plan along King Street to Ontario Road.
- 02-85** Russ Findlay, Chair, Accessibility Advisory Committee re: Port Colborne Resolution re: Provincial Funding to offset Municipal Costs relating to compliance with O.Reg. 429/07 under the Accessibility for Ontarians with Disabilities Act, 2005.
- 02-85** Janet Beckett, City Clerk, City of Port Colborne re: Provincial Funding to offset Municipal Costs relating to compliance with O.Reg. 429/07 under the Accessibility for Ontarians with Disabilities Act, 2005.
- 07-115** Gen. Mgr., Planning & Development Services, D. Thorpe – Proposed Development Agreement with Felice Del Prior, Gaetano Limoncelli and Alfonso Limoncelli, request for Part Lot Control Exemption and proposed By-law to remove the Holding (H) Symbol for Lots 422 to 440 and 571 to 585, Plan 960, municipally known as 160 Wallace Avenue, east side of Wallace Avenue, west of Schoolfield Avenue, north of Welland Street (File 2007-03).
- 07-115** A By-law to exempt certain lands from part-lot control on the north side of Welland Street between Wallace Avenue and Scholfield Avenue (160 Wallace Avenue), City of Welland.
- 07-115Z** A By-law to amend Zoning By-law 2667 upon the application of Felice Del Priore, Gaetano Limoncelli and Alfonso Limoncelli to remove the Holding Symbol "H" from certain lands on the east side of Wallace Avenue, west of Scholfield Avenue and north of Welland Street known municipally as 160 Wallace Avenue (File 2007-03).
- 07-115** A By-law to authorize the entering into a Development Agreement with Felice Del Priore, Gaetano Limoncelli and Alfonso Limoncelli concerning the development of thirty lots described as Lots 422 to 440 inclusive and Lots 571 to 585 inclusive, Plan 960 (160 Wallace Avenue).
- 07-123** A By-law to authorize the stopping-up, and closing of a portion of unopened Willson Road Allowance, north of Colbeck Drive, being Parts 7 & 8, Plan 59R-12793.
- 08-1** 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 20<sup>th</sup> day of May, 2008.
- 08-22** A By-law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Traffic and Parking By-law 89-2000 at Seaway Mall; and to repeal By-law 2008-3.
- 08-78Z** Gen. Mgr., Planning & Development Services, D. Thorpe – Proposed By-law to remove the Holding (H) symbol from lands on the north side of Thorold Road municipally known as 196 Thorold Road (File 2008-02)
- 08-78Z** A By-law to amend Zoning By-law 2667 upon the application of Christopher William Armstrong and Irene Armstrong to remove the Holding Symbol "H" from certain lands on the north side of Thorold Road, east of Dixon Crescent known municipally as 196 Thorold Road (File 2008-02)
- 08-103** A By-law to authorize the retention of Maltby & Associates Inc. to provide a conservation assessment of the Welland-Crowland War Memorial.
- 08-106** A By-law to appoint a Town Crier to represent the City of Welland.
- 08-108** Pam Gilroy, Niagara Region – Tax Arrears and Collection Experience of the Area Municipalities for 2006.
- 08-111** Notice of Motion from Councillor O'Dell – Region of Niagara to continue its funding to the Rainbow Nursery Centre.
- 08-113** Brian Smylski, Art Gallery of Welland Project re: The Art Gallery of Welland Development Plans and Projects.
- 08-1** Moved by Dzugan and Larouche  
 THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meetings of May 6, 2008 and May 13, 2008, as circulated.

**CARRIED**

**99-99**

**06-150**

**08-20**

Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND has no objection to the issuance of Special Occasion Permits to the Welland Recreational Canal Corporation for outdoor concerts on June 27, 2008; June 28, 2008; July 24, 2008; July 25, 2008; July 26, 2008, Aug. 22, 2008; and August 23, 2008, 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; and further THAT Welland City Council designates these Welland Recreational Canal Corporation events as Community Festivals; and further

THAT Welland City Council approves an exemption for Noise By-law 10204 for the Welland Recreational Canal Corporation for said outdoor concert events; and further

THAT Welland City Council delegates, in accordance with its Delegation of Powers Policy, for all future events of the Welland Recreational Canal Corporation, to the Clerk (or designate) the authority to support the Welland Recreational Canal Corporation application for Special Occasion Permits, and to deem the events community festivals; and, to the City Engineer (or designate), the authority to approve road closures for the events.

**CARRIED**

**2000-55**

Moved by Sharpe and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND receives correspondence from the Niagara Central Airport Commission dated April 25, 2008 concerning the Snowbirds Fly Over; and further

THAT Welland City Council provides the requested funding to the Niagara Central Airport Commission for this event.

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**2000-55** Moved by Sharpe and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND refers the matter regarding correspondence and funding request from the Niagara Central Airport Commission dated April 25, 2008 concerning the Snowbirds Fly Over to the next Budget Review Committee meeting.

**LOST**

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

**LOST**

**2000-55**

Moved by Alexander and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information correspondence from the Niagara Central Airport Commission dated April 25, 2008 concerning the Snowbirds fly Over; and further

THAT Welland City Council supports the offer from the 150<sup>th</sup> Anniversary Planning Committee to provide financial assistant to this event subject to the conditions requested by the 150<sup>th</sup> Anniversary Planning Committee.

**CARRIED**

**01-108**

Moved by O'Dell and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to review for Council's consideration the process to extend the Downtown Façade Program contained within the Community Improvement Plan along King Street to Ontario Road.

**CARRIED**

**02-85** Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND supports the resolution from the Accessibility Advisory Committee at its meeting of April 23, 2008, in response to a request from the City of Port Colborne to call upon the Association of Municipalities of Ontario to petition for and work with the Province of Ontario on the development and provision of a proper and fair provincial funding mechanism to assist municipalities and other provincially funded public sector organizations in complying with the provisions of Reg. 429/07 so that the financial burden imposed by the Regulation is fairly shared by all the residents of Ontario.

**CARRIED****07-115** Moved by Dzugan and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND approves the entering into a Development Agreement with Felice Del Priore, Gaetano Limoncelli and Alfonso Limoncelli with respect to the development of lands described as Lots 422 to 440 and 571 to 585, Plan 960 for the construction of thirty (30) single-detached dwellings; and further

THAT Welland City Council approves the exemption to Part Lot Control for Lots 422 to 440 and 571 to 585, Plan 960 (east side of Wallace Avenue, west of Scholfield Avenue, north of Welland Street) to realize the proposed development of these lands for thirty (30) single-detached dwellings; and further

That Welland City Council approves a By-law to remove the Holding (H) Symbol on land located on the east side of Wallace Avenue, west of Scholfield Avenue, north of Welland Street to permit the development of thirty (30) single-detached dwellings in accordance with the provision of Zoning By-law 2007-132; and further THAT Welland City Council directs Staff to prepare any necessary By-laws; and further

THAT Welland City Council authorizes the Mayor and Clerk to execute any necessary documents associated with the Development Agreement and the development of the subject lands being Lots 422 to 440 and 571 to 585, Plan 960.

**CARRIED****07-123** Moved by Sharpe and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND refers the By-law regarding the stopping-up and closing of a portion of unopened Willson Road Allowance, north of Colbeck Drive, being Parts 7 and 8, Plan 59R-12793 to General Committee at the earliest possible date.

**CARRIED****08-78Z** Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND approves the removal of the Holding (H) Symbol on lands municipally known as 196 Thorold Road to permit a financial services business office in accordance with Zoning By-law 2008-42; and further

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

**CARRIED****08-108** Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Regional Report CSD 47-2008, dated April 16, respecting Tax Arrears and Collection Experience of the Area Municipalities for 2006.

**CARRIED****08-111** Moved by O'Dell and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND urges the Region of Niagara to continue its funding to the Rainbow Early Learning and Parenting Program.

**CARRIED**

**08-113**

Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Brian Smylski, Ronald Potts and David Gilbert, Art Gallery of Welland Project and supports The Art Gallery of Welland Development Plans and Projects; and further

THAT Welland City Council refers this presentation to the City of Welland Arts and Culture Advisory Committee.

**CARRIED****BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE****99-99**

Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND endorses the initiative by the Welland Recreational Canal Corporation to construct an outdoor natural amphitheatre in Merritt Park subject to budgetary and financial policies of the City.

**CARRIED****04-57**

Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the Mayor, City Manager, and applicable staff to meet with their counterparts in Thorold to discuss the following: Shared Services; Go Quietly Program; and Joint Municipal Development Projects; and further

THAT Welland City Council requests that this information come back to both Councils at a Joint Welland/Thorold Council meeting.

**CARRIED****07-81**

Moved by Dzugan and Van Vliet

THAT THE Council of the Corporation of the City of Welland authorizes the appointed engineer, K. Smart Associates Limited (John Kuntze, P.Eng.) to proceed as prescribed in Section 8 of the Drainage Act to make an examination of the area requiring drainage as described in the petition submitted by April Comazzolo and Joe Comazzolo of Lot 7, Plan 59M242 (Meadows Subdivision), 50 Balsam Street and prepare a report as required.

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

1. Moved by Larouche and Sharpe

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

07-123

BYL 2008-75

A By-law to authorize the stopping-up and closing of a portion of unopened Willson Road Allowance, north of Colbeck Drive, being Parts 7 and 8, Plan 59R-12793.

And that same be now read a first time.

**NOT PUT**

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

2. 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:

**08-22**

BYL 2008 - 67

A By-law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Traffic and Parking By-law 89-2000 at Seaway Mall; and to repeal By-law 2008-3.

**08-78Z**

BYL 2008 - 68

A By-law to amend Zoning By-law 2667 upon the application of Christopher William Armstrong and Irene Armstrong to remove the Holding Symbol "H" from certain lands on the north side of Thorold Road, east of Dixon Crescent known municipally as 196 Thorold Road (File 2008-02).

**08-106**

BYL 2008 - 69

A By-law to appoint a Town Crier to represent the City of Welland.

**07-115**

BYL 2008 - 70

A By-law to exempt certain lands from part-lot control on the north side of Welland Street between Wallace Avenue and Scholfield Avenue (160 Wallace Avenue), City of Welland.

**07-115Z**

BYL 2008 - 71

A By-law to amend Zoning By-law 2667 upon the application of Felice Del Priore, Gaetano Limoncelli and Alfonso Limoncelli to remove the Holding Symbol "H" from certain lands on the east side of Wallace Avenue, west of Scholfield Avenue and north of Welland Street known municipally as 160 Wallace Avenue (File 2007-03).

**07-115**

BYL 2008 - 72

A By-law to authorize the entering into a Development Agreement with Felice Del Priore, Gaetano Limoncelli and Alfonso Limoncelli concerning the development of thirty lots described as Lots 422 to 440 inclusive and Lots 571 to 585 inclusive, Plan 960 (160 Wallace Avenue).

**08-103**

BYL 2008 - 73

A By-law to authorize the retention of Maltby & Associates Inc. to provide a conservation assessment of the Welland-Crowland War Memorial.

**08-1**

BYL 2008 - 74

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 20th day of May, 2008.

And that same be now read a first time.

**CARRIED**

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

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

**CARRIED**

**NOTICE OF MOTION**

**In accordance with By-law 9972 as amended by By-law 2001-2 passed on January 16, 2001, Councillor(s) must submit their NOTICE OF MOTION(S) in writing no later than Wednesday, May 28, 2008 for inclusion on the next Regular Council Meeting Agenda of June 3, 2008.**

Council adjourned at 9:08 p.m.

These Minutes approved and adopted by Motion of Council this 3<sup>rd</sup> day of June, 2008.

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**MAYOR**

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**DEPUTY CLERK**