



COUNCIL MEETING, APRIL 8, 2008

**BY SPECIAL NOTICE TO MEET: IN OPEN SESSION TO HOLD PUBLIC
HEARINGS PURSUANT TO THE PLANNING ACT; AND**

**BY PROCEDURAL BY-LAW 2007-178:
TO RATIFY THE ACTIONS OF GENERAL COMMITTEE**

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

Council met in open session at 7:58 p.m. to hold Statutory Public Hearings under the *Planning Act* and recessed at 8:22 p.m. Pursuant to By-law 2007-178, the Procedural By-law, Council reconvened following the General Committee meeting at 8:25 p.m. on the above date. Council met in Committee-of-the-Whole closed to the public at 8:45 p.m.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present:

Councillors R. Alakas, D. Alexander, F. Campion, P. Chiocchio, P. Grenier, J. Larouche (until 8:45 p.m.),
R. Letourneau (until 8:45 p.m.), S. O'Dell and B. Sharpe.

Members of the Staff and Others Present:

City Manager, P. Simmons (until 8:45 p.m.)
General Manager, Communications, Council & Legislative Services/City Clerk, C. Stirtzinger (until 8:45 p.m.)
Acting Deputy Clerk, C. Mintoff
Chief, Fire & Emergency Services, D. Prevost (until 8:45 p.m.)
General Manager, Engineering, Public Works & Transportation Services/City Engineer, D. Shantz (until 8:45 p.m.)
General Manager, Financial & Corporate Services/Treasurer, B. Silvestri (until 8:45 p.m.)
General Manager, Planning & Development Services, D. Thorpe (until 8:45 p.m.)
General Manager, Parks, Facilities & Leisure Services, B. Fenwick (until 8:45 p.m.)
General Manager, Human Resources, R. Mantesso (until 8:45 p.m.)
Manager, Development Planning & Real Estate, R. Di Felice (until 8:25 p.m.)
Games Licensing & Committee Clerk, L. Bubanko (until 8:45 p.m.)

08-25 Moved by Alexander and Chiochio
 THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 8:45 p.m. to consider:
 a) personal matters about an identifiable individual, including municipal employees.

CARRIED

08-25 Moved by O'Dell and Chiochio
 THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 9:23 p.m. without report.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Sharpe disclosed an interest in Ref. No. 08-3 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is employed by Niagara College.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF APRIL 8, 2008:

03-128 Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz – Tender Award – Stop 19 Area Watermain Replacement.

07-109 Ron Shishido, Dillon Consulting and Scott Morgan, Scott Morgan & Associates – Commercial Strategy Update for the City of Welland.

06-156

08-10 Gen. Mgr., Planning & Development Serv., D. Thorpe – Appoint Members of the Dog Control Appeal Committee.

08-3 Niagara College Foundation – request to hold raffle lottery.

08-22 Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz – Parking Restrictions – Empire Street.

08-70 Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz – Award of Tender – Supply and Application of Road Traffic Paint and Pavement Markings - 2008.

08-73 Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz – Tender Award – Utility Cut Final Reinstatement 2008.

08-77 Gen. Mgr., Planning & Development Serv., D. Thorpe – Application for Approval of Draft Plan of Subdivision (File 26T-14-08002) Demac Properties Inc., Part Township Lot 258, Former Township of Thorold, now in the City of Welland, east of South Pelham Road, north of Webber Road.

08-92 Minister of Transportation, J. Bradley – 2008 Municipal Road and Bridge Infrastructure Investment.

THE FOLLOWING BY-LAWS WERE RECEIVED:

98-62 A By-law to Lay Out, Establish and Name Part of Block 165, Plan 59M-269, more particularly described as Part 1, Plan 59R-13640, being a 0.3 metre reserve for the City of Welland as Part of Daimler Parkway.

98-62

07-64 A By-law to authorize the exchange of easements on certain lands for emergency and pedestrian access between 2090572 Ontario Inc. and the Corporation of the City of Welland in the St. Andrew's Terrace Subdivision – Plan 59M-269.

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 8th day of April, 2008.

STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Mayor Goulbourne presided as Chair of the Public Hearings:

08-77

08-77Z Applications have been made by UPPER CANADA CONSULTANTS on behalf of DEMAC PROPERTIES INC. for Amendments to the Official Plan and Zoning By-law and for Approval of a Plan of Subdivision on Part of Township Lot 258, former Township of Thorold, now in the City of Welland for lands on the east side of South Pelham Road, north of Webber Road. The purpose of the Official Plan Amendment is to permit the development of the Plan of Subdivision to consist of one (1) Block for Commercial purposes (Commercial designation); one (1) Block for townhouses units or an apartment (maximum 66 units) (Medium Density Residential designation); and one (1) Block for independent living and extended care accommodations (173 units/beds) (Institutional designation) and to designate lands associated with Draper's Creek as Environmental Protection. The purpose of the Zoning By-law Amendment is to change the existing RA – Rural Agricultural Zone to a Site Specific C3, RM4 and IN-1 Zones. Each proposed Zone would contain site provisions such as yard setbacks, open space percentage, etc. The Applicant is also requesting exemptions to the parking requirements for the IN-1 Zone of 1 space per 3 beds/units. As well, there is a request to permit some Commercial uses within the proposed Institutional Zone.

Mayor Goulbourne 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, Consultant, Upper Canada Consultants, on behalf of applicant.
- John MacDonald, Vice-President, DeMac Properties Inc.
- Ray Jourdain, Executive Vice-President, Specialty Care

In opposition to the applications:

- No one spoke to the application.

There being no other submissions the hearing was concluded.

03-128

Moved by Grenier and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of A. VanEgmond Construction (2005) Ltd. of Smithville, Ontario, as detailed in Report ENG-2008-13, for the Stop 19 Area Watermain Replacement – Rose Avenue, Donald Avenue, Sharpe Avenue, Lacy Avenue, Hatter Avenue, and the Connecting Laneway at the quoted price of \$415,273.00 including applicable PST; and further THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to enter into a contract with A. VanEgmond Construction (2005) Ltd., to execute the construction.

CARRIED

07-109 Moved by Campion and Letourneau
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Ron Shishido, Dillon Consulting and Scott Morgan, Scott Morgan & Associates, at the April 8, 2008 General Committee Meeting regarding Commercial Strategy Update for the City of Welland; and further
 THAT Welland City Council directs staff to post the powerpoint presentation on the City's website.

CARRIED**06-156**

08-10 Moved by Campion and Letourneau
 THAT THE COUNCIL OF THE CITY OF WELLAND appoints Margaret Hudak, Donald Belanger and Gary Galambos as members of the Dog Control Appeal Committee, in a manner consistent with their current appointments as members of the Property Standards Committee; and further
 THAT Welland City Council increases the remuneration fee for Property Standards Committee members from \$25 per meeting to \$50 per meeting, to be current and in line with the fees established for the Dog Control Appeal Committee.

CARRIED

08-3 Moved by Campion and Letourneau
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the following Lottery License:
 Niagara College Foundation - Raffle.

CARRIED

08-22 Moved by Campion and Letourneau
 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare the necessary By-law to amend by-law 89-2000, Schedule V "No Parking" as follows:

DELETE:

| COLUMN 1 STREET | COLUMN 2 SIDE | COLUMN 3 | | COLUMN 4 PERIOD (TIMES\DAY) |
|--------------------|------------------|-------------|--------------|-----------------------------------|
| | | FROM | TO | |
| Empire Street | East Side | Cozy Street | Hagar Street | AT NO TIME |

CARRIED

08-70 Moved by Campion and Letourneau
 THAT THE COUNCIL OF THE CITY OF WELLAND awards the Road Traffic Paint contracts to be charged to the 2008 Operating Budget as follows:
 Part 'A' of the tender for the Supply and Application of Road Traffic Paint, which includes Spring and Fall painting of: Centre Line, Edgeline, Transitions and those pavement markings usually applied with truck mounted line marking equipment, be awarded to Provincial Maintenance in the amount of \$26,723.52 excluding G.S.T.; and,
 Part 'B' of the tender for the Supply and Application of Road Traffic Paint which includes Spring and Fall painting of: Stop Bars, Directional Arrows, On-Street Parking Stalls, pedestrian Crossings, etc., those pavement markings usually applied with manual line marking equipment, be awarded to BP Pavement Markings Inc. in the amount of \$20,248.00 excluding G.S.T.; and,

Part 'C' of the Tender for the Supply and Application of Road Traffic Paint which covers Pavement Markings in Municipal Parking Lots, be awarded to BP Pavement Markings Inc. in the amount of \$3,763.00 excluding G.S.T.; and further

THAT THE COUNCIL OF THE CITY OF WELLAND directs the City Clerk to prepare the necessary By-laws.
CARRIED

08-73 Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of CTC Contracting Ltd. of Welland, Ontario, as detailed in Report ENG-2008-12 for the Utility Cut Final Reinstatement 2008 at the quoted price of \$212,375.00 including applicable PST; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to enter into a contract with CTC Contracting Ltd., to execute the construction.

CARRIED

08-77 Moved by Campion and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report PDS-2008-12 concerning an Application for Draft Plan of Subdivision Approval for lands east of South Pelham Road, north of Webber Road, more specifically described as Part of Township Lot 258, former Township of Thorold, now in the City of Welland.

CARRIED

08-92 Moved by Campion and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND receives the letter dated March 31, 2008 from the Minister of Transportation, Jim Bradley, approving the City to receive funds in the amount of \$811,625 towards municipal road and bridge capital investment needs; and further

THAT Welland City Council acknowledges that:

- The \$811,625 allocated to the City of Welland by the province will be used for municipal road and bridge capital investment needs;
- A final summary report detailing expenditures, use of provincial funding, and outcomes achieved shall be submitted to the ministry and the ministry may request an independent audit of the project; and
- Any funds intended for the project that are not used in accordance with rehabilitation of municipal road and bridge capital investment needs or the terms outlined above will be returned to the ministry; and further

THAT Welland City Council designates the Mayor to sign the acknowledgement return as requested by the Minister of Transportation.

CARRIED

BY - LAWS

BY-LAWS PRESENTED FOR FIRST READING:

1. Moved by Campion and Letourneau

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

98-62

BYL 2008-44

A By-law to Lay Out, Establish and Name Part of Block 165, Plan 59M-269, more particularly described as Part 1, Plan 59R-13640, being a 0.3 metre reserve for the City of Welland as Part of Daimler Parkway.

98-62

07-64

BYL 2008-45

A By-law to authorize the exchange of easements on certain lands for emergency and pedestrian access between 2090572 Ontario Inc. and the Corporation of the City of Welland in the St. Andrew's Terrace Subdivision – Plan 59M-269.

BY-LAWS PRESENTED FOR FIRST READING Cont'd:

08-1

BYL 2008-46

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 8th day of April, 2008.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Campion and Letourneau
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 same.

CARRIED

Council adjourned at 9:23 p.m.

These Minutes approved and adopted by Motion of Council this 15th day of April, 2008.

MAYOR

DEPUTY CLERK