



**COUNCIL MEETING, MAY 27, 2008**

**BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE (IN CAMERA): TO DISCUSS PERSONAL, PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND, 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 2007-178:  
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 6:25 p.m. and in open session at 8:19 p.m. to hold Statutory Public Hearings under the *Planning Act* and recessed at 8:25 p.m.; and pursuant to By-law 2007-178, the Procedural By-law of Council, reconvened following the General Committee Meeting at 9:04 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

**Members Present:**

Councillors R. Alakas, D. Alexander (6:30 p.m.), M. Belcastro (until 7:25 p.m.), F. Campion, P. Chiocchio, M. Dzugan (6:30 p.m.), P. Grenier, J. Larouche, R. Letourneau, S. O'Dell, B. Sharpe (6:34 p.m.) and L. Van Vliet.

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

Acting City Manager, C. Stirtzinger  
Deputy Clerk, B. Gallaccio  
Chief, Fire & Emergency Services, D. Prevost (8:19 p.m.)  
General Manager, Engineering, Public Works & Transportation Services/City Engineer, D. Shantz (6:40 p.m.)  
Manager, Engineering Services, L. Ventresca  
Manager, Economic Development, D. Degazio (until 7:10 p.m.)  
General Manager, Financial & Corporate Services/Treasurer, B. Silvestri  
General Manager, Planning & Development Services, D. Thorpe  
Manager, Development Planning & Real Estate, R. DeFelice (8:19 p.m.)  
General Manager, Parks, Facilities and Leisure Services, B. Fenwick  
General Manager, Human Resources, R. Mantesso (8:19 p.m.)  
Community Planner, A. Ogunkeye (8:19 p.m.)  
Games Licensing & Committee Clerk, L. Bubanko (8:19 p.m.)

**08-25** Moved by Chiocchio 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 6:25 p.m. to consider:

- a) the security of the property of the municipality or local board;
- b) personal matters about an identifiable individual, including municipal employees;
- c) a proposed or pending acquisition of land or disposition of land by the municipality;
- d) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and in addition to consider the following:
- e) a proposed or pending acquisition of land or disposition of land by the municipality or local board matter.

**CARRIED**

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

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

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:10 p.m.

**CARRIED****DISCLOSURE OF INTEREST:**

Councillor Dzugan disclosed an interest in Ref. No. 07-125 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as the Memorial Contribution involves his family.

Councillor Belcastro disclosed an interest in Ref. No. 03-139/03-139Z and 07-135/07-135Z and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is President of the Seaway Mall.

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF MAY 27, 2008:**

**01-108** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz – Downtown Infrastructure Improvements Update.

**03-139**

**03-139Z** Gen. Mgr., Planning & Development Serv., D. Thorpe – Proposed Amendments to the Official Plan and Zoning By-law 2667 – Calloway REIT (Welland) Inc., north side of Woodlawn Road, east of Brown Road, “102 Primeway Drive” (east side) (Files: 2006-19; OPA).

**03-139****03-139Z****07-135**

**07-135Z** Deanna Vilella, Chair and Trevor Sainsbury, Vice-Chair, North Welland Business Improvement Area – Calloway REIT (Welland) Inc. applications.

**03-139****03-139Z****07-135**

**07-135Z** Greg D’Amico, Chair, Welland Downtown Business Improvement Area – Calloway REIT (Welland) Inc. applications.

**03-139****03-139Z**

**07-135**

**07-135Z** Louie Loberti, Land Development Manager, Calloway REIT and Mimi Ward, Malone Given Parsons Ltd. – Calloway REIT (Welland) Inc. applications.

**COMMUNICATIONS RECEIVED Cont'd:****03-139****03-139Z****07-135**

**07-135Z** Stanley B. Stein, Osler, Hoskin & Harcourt LLP – Calloway REIT (Welland) Inc. applications.

**03-139****03-139Z****07-135**

**07-135Z** Pam Gauvin, President, Seaway Mall Merchants Association – Calloway REIT (Welland) Inc. applications.

**05-118** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz – 2008 Conservation Program Purchase of Rain Barrels.

**06-154**

**07-70** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz – Assumption of South Pelham Subdivision Phases 2, 3, 4.

**07-123** Motion for three readings of By-law regarding Willson Road.

**07-135** David J. Cree, Director of Real Estate, Value Village Stores Inc. – prospective lease agreement at 102 Primeway Drive.

**07-135**

**07-135Z** Gen. Mgr., Planning & Development Serv., D. Thorpe - Applications for Official Plan and Zoning By-law Amendments, Calloway Reit (Welland) Inc., (Part of Lots 21 and 22, Concession 2, Former Township of Crowland being Part of Part 1, Plan 59R-9112 (for lands north of Woodlawn Road west of Brown Road, "69 and 165 Primeway Drive" (west side) (Files: 2006-20; OPA).

**08-3** Plymouth Elementary School – Bazaar and Bingo Applications.

**08-4** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri – Debenture Request 2008.

**08-4** Budget Review Committee – Year End Report for 2007.

**08-20** Petro Kouretos, Owner/Operator, Golden Brothers Sports Bar and Tapps – Special Occasion Permit.

**08-99** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz – Northwest Area Inflow/Infiltration Study.

**08-112Z** Gen. Mgr., Planning & Development Serv., D. Thorpe - Application for Zoning By-law Amendment – Vincent Policella Masonry Contractor Limited South of Thorold Road, west of Willson Road (117 Willson Road) (File No. 2008-05).

**08-114** Councillor Paul Grenier – nomination application for Association of Municipalities of Ontario.

**THE FOLLOWING BY-LAWS WERE RECEIVED:**

**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 and 8, Plan 59R-12793.

**08-4** A By-law to establish tax ratios and tax rates and to levy taxes for the year 2008.

**08-112Z** A By-law to amend City of Welland Zoning By-law 2667 (Vincent Policella Masonry Contractor Limited – File 2008-05) 117 Willson Road.

**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 27th day of May, 2008.

**THE FOLLOWING BY-LAWS WERE DELETED:**

**03-139** A By-law to authorize the Adoption of Official Plan Amendment No. 127.

**03-139Z** A By-law to amend City of Welland Zoning By-law 2667 (Calloway Reit (WELLAND) Inc. (File 2006-19) north side of Woodlawn Road, west of Brown Road (102 Primeway Drive).

**STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT**

Councillor Dzugan presided as Chair of the Public Hearings:

**08-112Z** A complete Application has been made by P.D. REITSMA SURVEYING (2005) LTD. on behalf of VINCENT POLICELLA MASONRY CONTRACTOR LIMITED to rezone Niagara South Condominium Plan 63 for lands at 117 Willson Road from the existing RM4-X2 Zone By-law 2667 to a RM4-X2 Zone By-law 2667. The purpose of the Amendment is to permit an existing condominium apartment building to have nineteen (19) units instead of eighteen (18); to acknowledge a minimum north (front) yard of 7.5 metres; to permit parking in the exterior side yard within 1.2 metres of the exterior side lot line instead of the required 1.5 metres; to permit a minimum aisle width of 7.0 metres instead of 7.3 metres; to permit a minimum parking space width of 2.45 metres instead of 2.7 metres for spaces located in the exterior yard; and to permit a minimum of 28 spaces instead of the required 29. The request reflects the as-constructed situation. There is no Official Plan coverage.

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 application:**

- Doug Reitsma, on behalf of the applicant.

**In opposition to the application:**

- No one spoke to the application.

There being no other submissions the hearing was concluded.

**01-108** Moved by Dzugan and Van Vliet  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives the update on the Downtown Infrastructure Improvements, Roadway Designs as provided in REPORT TRAF-2008-01; and further  
 THAT Welland City Council directs staff to review and purchase the supply of 45 LED Decorative Light Fixtures to retrofit or install new fixtures.

**CARRIED**

**03-139**

**03-139Z** Moved by Dzugan and Van Vliet  
 THAT THE COUNCIL OF THE CITY OF WELLAND denies the Applications for Official Plan Amendment and Rezoning from Calloway REIT (Welland) Inc. respecting Part of Lots 20 and 21 and Part of the closed Road Allowance between Lots 20 and 21, Concession 2, Former Township of Crowland, now City of Welland being Part of Part 2, Plan 59R-9112 to modify the Prestige Light Industrial/Highway Commercial designation - Official Plan Amendment No. 113 and to amend the Zoning By-law as the applications are premature and

approval of which may result in unacceptable negative impacts to the existing commercial hierarchy within the City.

**CARRIED**

**03-139**

**03-139Z**

**07-135**

**07-135Z** Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Deanna Villella, Chair, and Trevor Sainsbury, Vice-Chair, North Welland Business Improvement Area at the May 27, 2008 General Committee Meeting regarding Calloway REIT (Welland) Inc. Official Plan and Zoning Applications.

**CARRIED**

**03-139**

**03-139Z**

**07-135**

**07-135Z** Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Greg D'Amico, Chair, Welland Downtown Business Improvement Area at the May 27, 2008 General Committee Meeting regarding Calloway REIT (Welland) Inc. Official Plan and Zoning Applications.

**CARRIED**

**03-139**

**03-139Z**

**07-135**

**07-135Z** Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Louie Loberti, Land Development Manager, Calloway REIT and Mimi Ward, Malone Given Parsons Ltd. at the May 27, 2008 General Committee Meeting regarding Calloway REIT (Welland) Inc. Official Plan and Zoning Applications.

**CARRIED**

**03-139**

**03-139Z**

**07-135**

**07-135Z** Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Stanley B. Stein, Osler, Hoskin & Harcourt LLP, on behalf of the Seaway Mall, at the May 27, 2008 General Committee Meeting regarding Calloway REIT (Welland) Inc. Official Plan and Zoning Applications.

**CARRIED**

**03-139**

**03-139Z**

**07-135**

**07-135Z** Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Pam Gauvin, President, Seaway Mall Merchants Association at the May 27, 2008 General Committee Meeting regarding Calloway REIT (Welland) Inc. Official Plan and Zoning Applications.

**CARRIED**

**05-118** Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND approves the direct purchase of 125 500-Litre Rain Barrels from RiverSides Stewardship Alliance at a cost of \$19,375.00 and 624 315-Litre Rain Barrels from Forest City Models and Patterns at a cost of \$40,560.00; and further

THAT Welland City Council acknowledges a deviation from the City Purchasing Policy for the 2008 program and stresses that purchases by the Conservation Committee in future address the full intent of the City Purchasing Policy.

**CARRIED**

**06-154**

**07-70** Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND approves the assumption of the following subdivision:

The South Pelham Phase 2, 3 & 4 Plan of Subdivision, located on the west side of South Pelham Road and north of Chantler Road; and further

THAT the City Clerk be directed to prepare all necessary and appropriate By-laws to execute same.

**CARRIED**

**07-123** Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND gives three readings to 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 with the amendment to delete "SAVE AND EXCEPT for a 3.0 metre wide public access" from the authorizing By-law.

**CARRIED**

**07-135** Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the letter from David J. Cree, Director of Real Estate, Value Village Stores Inc., regarding 102 Primeway Drive and the prospective lease agreement between Value Village Stores Inc (Tenant) and SmartCentres (Landlord).

**CARRIED**

**07-135**

**07-135Z** Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND denies the Application for Official Plan Amendment from Calloway REIT (Welland) Inc. respecting Part of Lots 21 and 22, Concession 2, former Township of Crowland, now City of Welland being part of Part 1, Plan 59R-9112 to modify the Prestige Light Industrial/Highway Commercial designation - Official Plan Amendment No. 97 as the Application is premature and approval of which may result in unacceptable negative impacts to the existing commercial hierarchy within the City; and further

THAT Welland City Council denies the Application for Zoning By-law Amendment for Part of Lots 21 and 22, Concession 2, former Township of Crowland, now City of Welland being part of Part 1, Plan 59R-9112 as the Application is premature and approval of which would result in unacceptable negative impacts to the existing commercial hierarchy within the City.

**CARRIED**

**08-3** Moved by Dzugan and Van Vliet  
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the following Lottery License: Plymouth Elementary School - Bazaar and Bingo Applications.

**CARRIED**

**08-4** Moved by Dzugan and Van Vliet  
 THAT THE COUNCIL OF THE CITY OF WELLAND requests that the Regional Municipality of Niagara issue debentures in the amount of \$4,823,000 in accordance with the terms of the various authorizing By-laws outlined in Appendix I to Report FIN 2008-10 dated May 27, 2008; and further  
 THAT Welland City Council directs the City Treasurer to make available to the Regional Municipality of Niagara certified copies of all applicable By-laws and Ministry of Environment Certificates applicable and all other information required in connection thereto to ensure the issue of the debentures in the amount of \$4,823,000 are for the projects described on the said Appendix I.

**CARRIED**

**08-4** Moved by Dzugan and Van Vliet  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the Year End Report for 2007 (CM 2008-08), as recommended by the Budget Review Committee.

**CARRIED**

**08-20** Moved by Dzugan and Van Vliet  
 THAT THE COUNCIL OF THE CITY OF WELLAND has no objections to the issuance of a Liquor License and Special Occasion Permit to Golden Brothers Sports Bar and Tapps, 21 Southworth Street for a Benefit BBQ on June 7, 2008, subject to the applicant receiving approval through the Special Event Application Review Team (SEART) process.

**CARRIED**

**08-99** Moved by Dzugan and Van Vliet  
 THAT THE COUNCIL OF THE CITY OF WELLAND accepts the proposal from XCG Consultants of Oakville, Ontario for the Northwest Area Inflow/Infiltration Study, as presented in report ENG-2008-19; and further  
 THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to enter into an agreement with the said consultant to undertake the study for a fee of \$78,634 plus applicable taxes.

**CARRIED**

**08-112** Moved by Dzugan and Van Vliet  
 THAT THE COUNCIL OF THE CITY OF WELLAND approves an Amendment to Zoning By-law 2667, as amended, for lands known municipally as 117 Willson Road to amend the existing provisions of the RM4-X2 (Site Specific Multiple Dwelling - Fourth Density Zone) to permit the existing condominium apartment building to have nineteen (19) units and to recognize the existing minimum 7.5 metre north (front) yard, parking in the exterior side yard 1.2 metres from the exterior side lot line, a minimum 7.0 metre aisle width, a minimum of 28 parking spaces, and a minimum parking space width of 2.45 metres for spaces located in the exterior yard. Amendments to said Zone category will recognize the as-built situation.

**CARRIED**

**08-114** Moved by Dzugan and Van Vliet  
 THAT THE COUNCIL OF THE CITY OF WELLAND supports the nomination application of Councillor Paul Grenier to the Association of Municipalities of Ontario (AMO) Small Urban Caucus.

**CARRIED**

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

**07-125**

Moved by Sharpe and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND approves the recommendation of the Welland Civic Square Art Task Force to designate a plaque in the display area on the brick wall inside the lower northwest entrance of Civic Square used for the purpose of promoting and highlighting the artistic talents of local artists as the "Ann Dzugan Memorial Contribution Towards Civic Square Art".

**CARRIED**

**BY - LAWS**

**BY-LAWS 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-laws 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.

**08-4**

BYL 2008-76

A By-law to establish tax ratios and tax rates and to levy taxes for the year 2008.

**08-112Z**

BYL 2008-77

A By-law to amend City of Welland Zoning By-law 2667 (Vincent Policella Masonry Contractor Limited – File 2008-05) 117 Willson Road.

**08-1**

BYL 2008-78

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 May, 2008.

And that the same be now read a first time.

**CARRIED**

**BY-LAWS 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-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 9:06 p.m.

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

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**MAYOR**

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**DEPUTY CLERK**