



**COUNCIL MEETING, JUNE 10, 2008**

**BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE (IN CAMERA): TO DISCUSS LITIGATION OR POTENTIAL LITIGATION, SECURITY OF PROPERTY, AND PERSONAL 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 5:45 p.m. and in open session at 7:25 p.m. to hold Statutory Public Hearings under the *Planning Act*, and recessed at 8:24 p.m.; and pursuant to By-law 2007-178, the Procedural By-law of Council, reconvened following the General Committee Meeting at 9:26 p.m. on the above date. Council met again in Committee-of-the-Whole closed to the public at 9:28 p.m.

His Worship Mayor Damian Goulbourne in the Chair.

**Members Present:**

Councillors D. Alexander, F. Champion, P. Chiochio, M. Dzugan, P. Grenier (6:50 p.m.),  
J. Larouche, R. Letourneau, B. Sharpe (5:50 p.m.) and L. Van Vliet (5:55 p.m.).

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

Acting City Manager, D. Shantz (until 9:45 p.m.)  
Deputy Clerk, B. Gallaccio (until 9:45 p.m.)  
Chief, Fire & Emergency Services, D. Prevost (7:25 p.m. until 9:45 p.m.)  
Manager, Engineering Services, L. Ventresca (7:25 p.m. until 9:45 p.m.)  
Manager, Budgets and Financial Reporting/Deputy Treasurer, K. Douglas (7:25 p.m. until 9:45 p.m.)  
General Manager, Planning & Development Services, D. Thorpe (7:25 p.m. until 9:45 p.m.)  
General Manager, Parks, Facilities and Leisure Services, B. Fenwick (7:25 p.m. until 9:45 p.m.)  
General Manager, Human Resources, R. Mantesso (5:50 p.m.)  
Chief Building Official, M. Mantesso (6:20 p.m. until 9:16 p.m.)  
Community Planner, A. Ogunkeye (7:25 p.m. until 9:26 p.m.)  
Games Licensing & Committee Clerk, L. Bubanko (7:25 p.m. until 9:26 p.m.)

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

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 5:45 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) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and in addition to consider the following:
- d) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

**CARRIED****08-25** Moved by Van Vliet and Campion

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 Grenier disclosed an interest in Ref. No. 08-117Z and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is President of the Welland Council of St. Vincent de Paul and a member of record in charge of the store.

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF JUNE 10, 2008:**

**01-174** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz – Continuation of Purchasing Agreement with John Deere.

**06-132** Gen. Mgr., Planning & Development Serv., D. Thorpe – Proposed Subdivider's Agreement with Jennifer Wuisman and removal of Holding (H) Symbol for Blue River Estates Subdivision (Phase 1) (File: 26T-14-06004 and 2006-11) south side of Gaiser Road, west of Colbeck Drive.

**07-109** Gen. Mgr., Planning & Development Serv., D. Thorpe – Regional Commercial Systems Study – City of Welland – Licence Plate Surveys, Consumer Telephone Survey & Projections of Residual Market Demands by W. Scott Morgan & Associates Limited.

**08-2** Gen. Mgr., Planning & Development Serv., D. Thorpe – New (Business) Licensing By-law.

**08-13** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz – Transit Fare Increase.

**08-117Z** Gen. Mgr., Planning & Development Serv., D. Thorpe - Application for Zoning By-law Amendment – Open Arms Mission Welland Inc., 298 Crowland Avenue, east side of Crowland Avenue, South of Hagar Street (File No. 2008-06).

**08-118**

**08-118Z** Gen. Mgr., Planning & Development Serv., D. Thorpe – Applications for Official Plan and Zoning By-law Amendments, 1515435 Ontario Limited and 1654990 Ontario Inc., Part Lot 29 Concession 5, Former Township of Crowland, now in the City of Welland, municipally known as 138 and 154 Riverside Drive (File 2007-08).

**08-121** Lora Beckwith, General Manager, Niagara Regional Housing – 2008 1<sup>st</sup> Quarterly Report.

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

- 06-132** A By-law to authorize the signing of a Subdivider's Agreement with Jennifer Wuisman Inc. with respect to the development of Blue River Estates Subdivision – Phase 1 (File 26T-14-06004).
- 06-132** A By-law to amend Zoning By-law 2667 upon the application of Jennifer Wuisman to remove the Holding Symbol "H" from certain lands south of Gaiser Road, west of Colbeck Drive (File 2006-11).
- 08-78** A By-law to lay out, establish and name Part 2, Plan 59R-13709, being a 0.3 metre reserve for the City of Welland as part of Dixon Crescent.
- 08-117Z** A By-law to amend City of Welland Zoning By-law 2667 (Open Arms Mission of Welland, Inc. – File 2008-06) 298 Crowland Avenue.
- 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 10th day of June, 2008.

**THE FOLLOWING CORRESPONDENCE WAS READ:**

- 98-62** A By-law to accept the transfer of an easement(s) for water service purposes from D'Orazio Group of Companies to the Corporation of the City of Welland in The Master's Subdivision (File 26T-14-97005).

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

Councillor Dzugan presided as Chair of the Public Hearings:

**08-118Z** Applications have been made by JOSEPH M. TOMAINO on behalf of 1515435 ONTARIO LIMITED AND 1654990 ONTARIO INC. to amend the Official Plan and to rezone Part Lot 29, Concession 5, former Township of Crowland now City of Welland for lands at 138 and 154 Riverside Drive from the existing C4 and O2 Zones By-law 2667 to a Site Specific RM4 Zone By-law 2667. The purpose of the Amendment is to permit the construction of two five storey apartment buildings containing a total of 107 units, one containing 89 units and the other containing 28 units. In addition, accessory commercial uses such as a convenience store, laundromat, and other such uses are also proposed for a portion of the ground floor of each of the apartment buildings. In order to facilitate this development, a reduction in the number of required parking spaces is also being requested. The Official Plan designation is OPEN SPACE AND COMMERCIAL.

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:**

- Joseph Tomaino, on behalf of the applicants.

**In opposition to the applications:**

- Frank Zimmer, 70 Riverside Drive, Welland, Ontario, L3C 5E2.

**08-117Z** A complete Application has been made by JERRY VANDERKLOK on behalf of OPEN ARMS MISSION OF WELLAND, INC. to rezone Lots 931 and 932, Registered Plan 40, now known as Plan 960, former Township of Crowland, now City of Welland for lands at 298 Crowland Avenue from the existing C1 – Local Commercial Zone By-law 2667 to a Site Specific C1 Zone By-law 2667. The purpose of the Amendment is to permit a second-hand store as an additional use.

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:**

- No one spoke to the application.

**In opposition to the application:**

- No one spoke to the application.

There being no other submissions the hearing was concluded.

**01-174** Moved by Dzugan and Sharpe  
 THAT THE COUNCIL OF THE CITY OF WELLAND authorizes Staff to renew the Purchasing Agreement with the John Deere Company for an additional five (5) year term to the end of 2012, as per REPORT ENG-2008-21; and further  
 THAT Welland City Council approves an exemption to the City Purchasing Policy for that same period to authorize Staff to make budget-approved purchases of suitable equipment manufactured and/or distributed by the John Deere Company and its affiliates.

**CARRIED**

**06-132** Moved by Dzugan and Sharpe  
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the entering into a Subdivider's Agreement with Jennifer Wuisman with respect to a residential Plan of Subdivision (Blue River Estates Subdivision - Phase 1) located on lands south of Gaiser Road and west of Colbeck Drive consisting of ten (10) single detached residential lots; 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 Subdivision; and further  
 THAT Welland City Council authorizes the Mayor to sign the Final Plan of Subdivision to allow the Plan to be registered once all Conditions of Draft Approval have been met and the Plan has been checked for conformity; and further  
 THAT Welland City Council approves the removal of the Holding (H) Symbol applicable to the ten (10) single-detached residential lots only, upon registration of the Subdivider's Agreement.

**CARRIED****07-109** Moved by Dzugan and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND adopts the Regional Commercial Systems Study – City of Welland, dated April 28, 2008 as prepared by W. Scott Morgan & Associates Limited as the City's Commercial Strategy Policy; and further

THAT Welland City Council directs staff to commence an Official Amendment process toward adopting Commercial Strategy Policies for the Official Plan.

**CARRIED****08-2** Moved by Dzugan and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes Staff to proceed with the development of a new Licensing By-law; and further

THAT Welland City Council approves the circulation of classes of licenses identified in Appendix 1 of Report PDS 2008-35; and further

THAT Welland City Council directs Staff to bring forward regulations for each class of license along with license fees designed to limit the fees to the cost of administering and enforcing the new By-law; and further THAT Welland City Council directs Staff to hold a Public Meeting to gauge input from the public and community groups concerning the proposed By-law and fee structure, prior to bringing the By-law to Council for approval, and that BIA's, the Chamber of Commerce and other business groups be so notified about the meeting; and further

THAT Welland City Council directs Staff to bring forward a subsequent Report, along with the proposed By-law, once the recommended regulations and fee structures are established.

**CARRIED****08-13** Moved by Dzugan and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report TRANS-2008-06 that proposes the implementation of a Transit Fare Increase based on a \$2.50 cash fare. Approval of the Report and its recommendation will be considered at the June 17, 2008 Council meeting following a Public Meeting on that date.

**CARRIED****08-117** Moved by Dzugan and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND approves an Amendment to Zoning By-law 2667, as amended, for lands on the east side of Crowland Avenue, south of Hagar Street, known municipally as 298 Crowland Avenue from the existing C1 - Local Commercial Zone to a Site Specific C1 Zone to permit a second hand store in addition to uses currently permitted in the C1 Zone.

**CARRIED****08-118****08-118** Moved by Dzugan and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report PDS-2008-31 concerning Applications for Official Plan and Zoning By-law Amendments for lands municipally known as 138 and 154 Riverside Drive, being Part of Lot 29, former Township of Crowland, now in the City of Welland.

**CARRIED**

**08-121** Moved by Dzugan and Sharpe  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the Niagara Regional Housing (NRH) 2008 1<sup>st</sup> Quarterly Report.

**CARRIED**

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

**08-10** Moved by Dzugan and Sharpe  
 THAT THE COUNCIL OF THE CITY OF WELLAND appoints the members of the Committee of Adjustment, namely, George Anderson, John Perry and Diane Zakraysek to also serve as the Court of Revision for the purposes of section 97 of the Drainage Act, R.S.O. 1990, c.D.17, as amended.

**CARRIED**

### **BY - LAWS**

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

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

**06-132**

BYL 2008-80

A By-law to authorize the signing of a Subdivider's Agreement with Jennifer Wuisman Inc. with respect to the development of Blue River Estates Subdivision – Phase 1 (File 26T-14-06004).

**06-132**

BYL 2008-81

A By-law to amend Zoning By-law 2667 upon the application of Jennifer Wuisman to remove the Holding Symbol "H" from certain lands south of Gaiser Road, west of Colbeck Drive (File 2006-11).

**08-78**

BYL 2008-82

A By-law to lay out, establish and name Part 2, Plan 59R-13709, being a 0.3 metre reserve for the City of Welland as part of Dixon Crescent.

**08-117Z**

BYL 2008-83

A By-law to amend City of Welland Zoning By-law 2667 (Open Arms Mission of Welland, Inc. – File 2008-06) 298 Crowland Avenue.

**98-62**

BYL 2008-84

A By-law to accept the transfer of an easement(s) for water service purposes from D'Orazio Group of Companies to the Corporation of

the City of Welland in The Master's Subdivision (File 26T-14-97005).

**08-1**

BYL 2008-85

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 June, 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 Sharpe

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**

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

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 9:28 p.m. to consider:

- a) the security of the property of the municipality or local board; and in addition to consider the following:
- b) personal matters about an identifiable individual, including municipal employees; and further

THAT Welland City Council appoints Rosanne Mantesso as Acting Deputy Clerk in the absence of the Deputy Clerk.

**CARRIED**

**08-25** Moved by Sharpe and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 10:09 p.m. without report.

**CARRIED**

Council adjourned at 10:10 p.m.

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

---

**MAYOR**

---

**DEPUTY CLERK**