



MINUTES OF

COUNCIL MEETING, NOVEMBER 25, 2008

BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE (IN CAMERA): TO DISCUSS LITIGATION OR POTENTIAL LITIGATION, AND SECURITY OF PROPERTY MATTERS AND CITY MANAGER'S REPORT REGARDING LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS, INCLUDING MATTERS IN RESPECT OF WHICH A COUNCIL OR BOARD MAY HOLD A CLOSED MEETING UNDER ANOTHER ACT (MFIPPA); 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 6:35 p.m. and in open session at 7:13 p.m. to hold Statutory Public Hearings under the *Planning Act*; then recessed to reconvene the General Committee Meeting at 7:24 p.m.; then reconvened at 7:36 p.m. to hold a Public Meeting; and recessed at 8:20 p.m.; and pursuant to By-law 2007-178, the Procedural By-law of Council, reconvened following the General Committee Meeting at 8:21 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present:

Councillors R. Alakas, D. Alexander, M. Belcastro, F. Champion, P. Chiocchio, M. Dzugan, P. Grenier, J. Larouche (6:48 p.m.), R. Letourneau, S. O'Dell, B. Sharpe (6:45 p.m.) and L. Van Vliet.

Members of the Staff and Others Present:

City Manager, C. Stirtzinger

City Clerk, B. Gallaccio

General Manager, Engineering, Public Works & Transportation Services/City Engineer, S. Iannello

General Manager, Financial & Corporate Services/Treasurer, B. Silvestri

Manager, Development Planning & Real Estate, R. DeFelice (7:13 p.m. until 7:36 p.m.)

General Manager, Parks, Facilities and Leisure Services, B. Fenwick

General Manager, Human Resources, R. Mantesso

Chief Building Official, M. Mantesso (7:13 p.m.)

Games Licensing & Committee Clerk, L. Bubanko (7:13 p.m.)

Manager, Budgets and Financial Reporting/Deputy Treasurer, K. Douglas (7:13 p.m.)

08-25 Moved by Letourneau and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:35 p.m. to consider:

- a) the security of the property of the municipality or local board;
- b) labour relations or employee negotiations; and
- c) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and

in addition to consider the following:

- d) matters in respect of which a council, board, committee or other board may hold a closed meeting under another Act (MFIPPA).

CARRIED

(Councillor Larouche was not present during Committee-of-the-Whole discussions on litigation or potential litigation matters).

(Councillor Alakas was not present during Committee-of-the-Whole discussions on a labour relations or employee negotiations matter).

08-25 Moved by Belcastro and Campion

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:54 p.m. without report.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Larouche disclosed an interest in Ref. No. 09-45 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his employer is a former broker of record for the City of Welland.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF NOVEMBER 25, 2008:

08-3 City Clerk, B. Gallaccio – Lottery License.

08-6 Kellie Kirkwood, Niagara Centre for Independent Living – requesting that December 3^d be declared as “Independent Living Day”.

08-158Z Gen. Mgr., Planning & Development Serv., D. Thorpe – Application for Zoning By-law Amendment – Gary and Natalie Stickles and Stan and Kathy Stickles, part of Township Lot 176, former Township of Thorold, now in the City of Welland, municipally known as 136 and 188 Milkweed Trail (File 2008-09).

08-159Z Gen. Mgr., Planning & Development Serv., D. Thorpe – Application for Zoning By-law Amendment – Welland Office Centre Ltd., 27 Centre Street, south of Centre Street, north of Major Street (File No. 2008-10).

09-45 City Manager, C. Stirtzinger – 2009 City Insurance Renewal.

THE FOLLOWING BY-LAWS WERE RECEIVED:

08-159Z A By-law to amend City of Welland Zoning By-law 2667 (Welland Office Centre Ltd. – File 2008-10) 27 Centre Street.

08-62 A By-law requiring property owners to clear snow and ice from the public sidewalk adjacent to their property within twenty four hours of the substantial end of a snowfall or precipitation event.

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 25th day of November, 2008.

STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Councillor Dzugan presided as Chair of the Public Hearings:

08-158Z A complete application has been made by SHAWN AND JULIE EVANS on behalf of GARY AND NATALIE STICKLES AND STAN AND KATHY STICKLES to rezone Part Township Lot 176, former Township of Thorold, now City of Welland and Parts 5, 6 and 13, Plan 59R-8989 for lands at 136 and 188 Milkweed Trail from the existing R1 - Single-Detached Dwelling – First Density Zone By-law 2667 to a Site Specific R1 Zone By-law 2667. The purpose of the Amendment is to exempt the property at 188 Milkweed Trail from Sections 5.2 and 6.6 of Zoning By-law 2667, as amended, in order to permit the construction of a single-detached dwelling on the property which does not front on a street, as defined in the Zoning By-law and where municipal water and sanitary services may not be available. The Application also requests similar exemptions from Sections 5.2 and 6.6 of Zoning By-law 2667, as amended, for lands municipally known as 136 Milkweed Trail although no new construction is proposed for this property at this time. The Official Plan designation is CLUSTER AREA.

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:

- Julie Evans, agent on behalf of the applicant.

In opposition to the applications:

- No one spoke to the application.

08-159Z A complete Application has been made by CHAMBERS AND ASSOCIATES SURVEYING LTD. on behalf of WELLAND OFFICE CENTRE LTD. to rezone Lots 223 and 246 inclusive, Part of Lots 159 to 182 inclusive, Part of Lots 313 to 327 inclusive and part of Scholfield Avenue, Plan 945 being Part 1, Plan 59R-13050 for lands at 27 Centre Street from the existing I2 – Yard Storage and Heavy Manufacturing Zone By-law 2667 to a Site Specific I2 Zone By-law 2667. The purpose of the Amendment is to permit an athletic/fitness club, an artist's studio, a business office, a business incubator, a business service establishment, a call centre and a vocational training centre in the existing office building. In addition, this Application requests that the subject lands be exempt from Section 5.20.2 of Zoning By-law 2667, as amended, which requires parking spaces to be designed in accordance with Schedule B – Geometric Design Standard for Parking, By-law 2667, as amended. The effect of the latter is to recognize the size and configuration of the existing parking spaces on site. The Official Plan designation is INDUSTRIAL (I).

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:

- Don Chambers, Chambers and Associates Surveying Ltd, on behalf of the applicant .

In opposition to the application:

- No one spoke to the application.

There being no other submissions the hearings were concluded.

PUBLIC MEETING

The Chair of the Budget Review Committee, Councillor Grenier, explained the purpose of the Public Meeting.

08-4 To obtain input from members of the public regarding the 2009 Budget.

The following made presentations:

- Norm Wilde, 54 Lock Street, Welland, Ontario, L3C 1E4
- Yvette Ward, 216 Riverside Drive, Welland, Ontario, L3C 5E4
- John Levick, 155 Hagar Street, Unit 205A, Welland, Ontario, L3B 5Y2
- Dan Fortier, 83 Colbeck Drive, Welland, Ontario, L3C 7B2
- Larry Kowal, 56 Green Meadow Crescent, Welland, Ontario, L3C 6X4

There being no other submissions the public meeting was concluded.

08-3 Moved by Larouche and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves Knights of Columbus #8296 for Raffle Lottery Licensing.

CARRIED

08-6 Moved by Larouche and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND declares December 3, 2008 as "*Independent Living Day*" in the City of Welland as requested by the Niagara Centre for Independent Living.

CARRIED

08-1587 Moved by Larouche and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report PDS-2008-72 concerning an Application for Zoning By-law Amendment for lands described as Part of Township Lot 176, former Township of Thorold, now in the City of Welland, municipally known as 136 and 188 Milkweed Trail.

CARRIED

08-1597 Moved by Larouche and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves an Amendment to Zoning By-law 2667, as amended, for lands on the south side of Centre Street, north of Major Street, known municipally as 27

Centre Street from the existing I2 – Yard Storage and Heavy Manufacturing Zone to a Site Specific I1 Zone to permit an athletic/fitness club, an artist's studio, a business office, a business incubator, a business service establishment, a call centre and a vocational training centre in the existing building and to recognize the size and configuration of the existing parking spaces on site.

CARRIED

09-45 Moved by Van Vliet and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves the City's General and Transit Insurance renewal for the period December 31, 2008 to December 31, 2009 with Frank Cowan Company at annual premiums (plus applicable taxes) as follows:

- General \$ 731,797.00
- Transit \$ 125,808.00
- **MUNICIPAL TOTAL \$ 857,605.00**

CARRIED

BY - LAWS

BY-LAW PRESENTED FOR FIRST READING:

1. Moved by Belcastro and Alexander

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

08-62

BYL 2008-185

A By-law requiring property owners to clear snow and ice from the public sidewalk adjacent to their property within twenty four hours of the substantial end of a snowfall or precipitation event.

And that the same be now read a first time.

CARRIED

YEAS: Councillors O'Dell, Dzugan, Campion, Chiochio, Letourneau, Alexander, Larouche, Grenier, Alakas, Belcastro, Sharpe and Mayor Goulbourne

NAYS: Councillor Van Vliet

08-62 Moved by Campion and Van Vliet

THAT By-law No. 2008-185 being "a By-law requiring property owners to clear snow and ice from the public sidewalk adjacent to their property within twenty four hours of the substantial end of a snowfall or precipitation event", be deferred to the next meeting following further information from staff.

LOST

BY-LAW PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Larouche and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-law 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

YEAS: Councillors O'Dell, Dzugan, Chiocchio, Letourneau, Alexander, Larouche, Grenier, Alakas, Belcastro, Sharpe and Mayor Goulbourne

NAYS: Councillors Van Vliet and Campion

BY-LAWS PRESENTED FOR FIRST READING:

3. Moved by Larouche and Belcastro

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

08-159Z

BYL 2008-184

A By-law to amend City of Welland Zoning By-law 2667 (Welland Office Centre Ltd. – File 2008-10) 27 Centre Street.

08-1

BYL 2008-186

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 25th day of November, 2008.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

4. Moved by Larouche and Belcastro

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 9:09 p.m.

These Minutes approved and adopted by Motion of Council this 16th day of December, 2008.

MAYOR

CLERK