



## MINUTES OF

COUNCIL MEETING, FEBRUARY 24, 2009

**BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE (IN CAMERA): TO DISCUSS A SECURITY OF PROPERTY MATTER AND A PERSONAL MATTER ABOUT AN IDENTIFIABLE INDIVIDUAL; AND IN OPEN SESSION TO HOLD PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT; AND TO HOLD A PUBLIC MEETING REGARDING THE WATER/SEWER BUDGET; 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 a Special Meeting of Committee-of-the-Whole closed to the public at 6:49 p.m. and in open session at 7:19 p.m. to hold Statutory Public Hearings under the *Planning Act*; and recessed at 8:10 p.m.; and reconvened to hold a Public Meeting regarding the Water/Sewer Budget; and recessed at 9:01 p.m.; and pursuant to By-law 2007-178, the Procedural By-law of Council, reconvened following the General Committee Meeting at 10:01 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

### **Members Present:**

Councillors R. Alakas, D. Alexander (6:55 p.m.), M. Belcastro, F. Campion, P. Chiocchio (6:53 p.m.), M. Dzugan, P. Grenier, J. Larouche, R. Letourneau, S. O'Dell, B. Sharpe and L. Van Vliet.

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

City Manager, C. Stirtzinger

Acting City Clerk, B. Nistico-Dunk

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

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

General Manager, Planning & Development Services, D. Thorpe

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

General Manager, Human Resources, R. Mantesso

Games Licensing & Committee Clerk, L. Bubanko (7:19 p.m.)

Manager, Budgets and Financial Reporting/Deputy Treasurer, K. Douglas (7:19 p.m. – 10:01 p.m.)

Revenue Services Coordinator, L. Keca (7:19 p.m. – 10:01 p.m.)

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:49 p.m. to consider:

- a) the security of the property of the municipality or local board; and
- b) personal matters about an identifiable individual, including municipal or local board employees.

**CARRIED**

**09-25** Moved by Van Vliet and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:07 p.m. with report.

**CARRIED**

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF FEBRUARY 24, 2009:**

**09-4** Gen. Mgr., Financial and Corp. Serv./Treasurer, B. Silvestri and Councillor Grenier, Chair, Budget Review Committee – Update.

**09-4**

**09-37** Gen. Mgr., Financial and Corp. Serv./Treasurer, B. Silvestri and Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – 2009 Water/Sanitary Sewer Operating and Capital Budgets with resulting rate structure.

**09-47** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – OAW – Scholfield Avenue Trunk Sewer Drainage Area Elimination of CSO System Overflows Study.

**09-63Z** Gen. Mgr., Planning & Development Serv., D. Thorpe – Application for Zoning By-law Amendment – Dr. Richard Hsiung Optometry Professional Corporation, Lot 4, Plan 665, north of Thorold Road, east of Carlton Avenue (114 Thorold Road) (File No. 2008-15).

**09-64Z** Gen. Mgr., Planning & Development Serv., D. Thorpe – Application for Zoning By-law Amendment – 1776433 Ontario Inc., part of Gore Lot 29, Concession 7, former Township of Crowland, now in the City of Welland, being Part 1, Plan 59R-11104, north side of Humberstone Road, west of Prince Charles Drive South (270 Humberstone Road) (File No. 2008-16).

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

**09-63Z** A By-law to amend City of Welland Zoning By-law 2667 (Dr. Richard Hsiung Optometry Professional Corporation – File 2008-15) 114 Thorold Road.

**09-64Z** A By-law to amend City of Welland Zoning By-law 2667 (1776433 Ontario Inc. – File 2008-16) 270 Humberstone Road.

**09-37** A By-law to provide for the fixing of water and sanitary services rates to be paid by consumers for public benefits for the 2009 billing year, effective April 1<sup>st</sup>, 2009.

**09-1** 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 24<sup>th</sup> day of February, 2009.

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

Councillor Dzugan presided as Chair of the Public Hearings:

**09-63Z** A complete application has been made by WENDY DYSON on behalf of DR. RICHARD HSIUNG OPTOMETRY PROFESSIONAL CORPORATION to rezone Lot 4, Plan 665 for lands at 114 Thorold Road from the existing RM3 – Multiple Dwelling – Third Density Zone By-law 2667 to a C3 Zone By-law 2667. The purpose of the Amendment is to permit a parking lot for the existing optometry office. There is no Official Plan coverage.

Councillor Dzugan outlined the procedures of the public hearing as required by the *Planning Act*.

D. Thorpe confirmed that the statutory requirements for the public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

**In support of the application:**

- Dr. Richard Hsiung, owner, 114 Thorold Road, Welland, ON, L3C 3V2

**In opposition to the application:**

- Wendy Gadal, 4 Carlton Avenue, Welland, ON, L3C 1P9
- Cindy Laramee, 9 Carlton Avenue, Welland, ON, L3C 1P8
- Ron Barnhart, 17 Carlton Avenue, Welland, ON, L3C 1P8

**09-64Z** A complete application has been made by JOHN CONLIN, C/O AVALON CONSULTING PROFESSIONALS OF ONTARIO, LLC on behalf of 1776433 ONTARIO INC. to rezone Part of Gore Lot 29, Concession 7, former Township of Crowland, now City of Welland being Part 1, Plan 59R-11104 for lands at 270 Humberstone Road from the existing H-11-X6 Zone By-law 2667 to a Site Specific I1 Zone By-law 2667. The purpose of the Amendment is to permit a construction and trucking company, commercial greenhouses, a market garden, a nursery/garden centre and a contractor's establishment. The Official Plan designation is INDUSTRIAL (I).

Councillor Dzugan outlined the procedures of the public hearing as required by the *Planning Act*.

D. Thorpe confirmed that the statutory requirements for the public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

**In support of the application:**

- John Conlin and Michael DiRaddo, agents 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.

**PUBLIC MEETING REGARDING THE WATER/SEWER BUDGET**

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

- Joe Harris, 334 McAlpine Avenue South, Welland, ON, L3B 1V4
- Joseph Somers, 17 Lyons Avenue, Welland, ON, L3B 1L8
- Dan Fortier, 83 Colbeck Drive, Welland, ON, L3C 7B2

There being no other submissions the Public Meeting was concluded.

**09-4** Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by the General Manager, Financial & Corporate Services/Treasurer, Bruno Silvestri and Councillor Grenier, Chair, Budget Review Committee.

**CARRIED**

**09-4**

**09-37** Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND approves, as recommended by the Budget Review Committee, the following:

- 1) The 2009 Water and Sanitary Sewer Revenue and Expenditure Budget estimates (Schedules 'A' & 'B'); and
  - 2) The 2009 Water and Sanitary Sewer Capital Budget estimates (Schedule 'C'); and
  - 3) The 2009 Water and Sanitary Sewer Rate Structure (Schedule 'D'); and further
- THAT Welland City Council directs staff to prepare the necessary By-law to establish the 2009 Water and Sanitary Sewer billing rates effective April 1, 2009.

**CARRIED**

**09-47** Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the proposal from Kerry T. Howe Engineering Limited of St. Catharines, Ontario for the OAW - Scholfield Avenue Trunk Sewer Drainage Area Elimination of CSO System Overflows Study, as presented in report ENG-2009-03; 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 not to exceed \$85,000 plus applicable taxes.

**CARRIED**

**09-63Z** 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 described as Lot 4, Plan 665, known municipally as 114 Thorold Road to amend the existing R2 - Single-Detached Dwelling - Second Density Zone to a C3 - General Commercial Zone to permit a parking lot to occupy the northern portion of the subject property for the existing optometry office and to place a Holding (H) Symbol on the entire property for Site Plan purposes; and further THAT Welland City Council directs that prior to the lifting of the Holding (H) Symbol, upon request by the Owner, a Site Plan Agreement is entered into with the City to incorporate issues such as landscaping, lot grading and drainage, proper driveway aprons and sidewalk repairs/replacement, as required.

**CARRIED**

**09-64Z** 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 described as Part of Gore Lot 29, Concession 7, being Part 1, Plan 59R-11104, municipally known as 270 Humberstone Road to amend the existing H-11-X6 - Holding Site Specific Storage and Light Manufacturing Zone to permit a contractor's establishment as an additional use; and further

THAT Welland City Council directs that prior to the lifting of the Holding (H) Symbol, upon request by the Owner, services are extended to the subject property and a Site Plan Agreement is entered into with the City to incorporate issues such as landscaping, lot grading, drainage, parking, access and servicing.

**CARRIED**

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

**09-10** Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Bernice Alexander, Shelley Fripp, Pam Swick Janjac, Bonnie Magwood, Phyllis Pelette, Andy Roy and Pat Tooley to serve on the Senior Citizens Advisory Committee.

**CARRIED**

### **BY – LAWS**

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

1. Moved by Belcastro and Grenier

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

**09-63Z**

BYL 2009-21

A By-law to amend City of Welland Zoning By-law 2667 (Dr. Richard Hsiung Optometry Professional Corporation – File 2008-15) 114 Thorold Road.

**09-64Z**

BYL 2009-22

A By-law to amend City of Welland Zoning By-law 2667 (1776433 Ontario Inc. – File 2008-16) 270 Humberstone Road.

**09-37**

BYL 2009-23

A By-law to provide for the fixing of water and sanitary services rates to be paid by consumers for public benefits for the 2009 billing year, effective April 1<sup>st</sup>, 2009.

***(Councillors O'Dell and Alakas asked to be recorded as opposed to this By-law).***

**09-1**

BYL 2009-24

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 24<sup>th</sup> day of February, 2009.

And that same be now read a first time.

**CARRIED**

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

2. Moved by Belcastro and Grenier  
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 10:06 p.m.

These Minutes approved and adopted by Motion of Council this 24<sup>th</sup> day of March, 2009.

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**MAYOR**

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**ACTING CITY CLERK**