



MINUTES OF

COUNCIL MEETING, MARCH 24, 2009

**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 7:04 p.m. to hold Statutory Public Hearings under the *Planning Act*; and recessed at 8:11 p.m.; and pursuant to By-law 2007-178, the Procedural By-law of Council, reconvened following the General Committee Meeting at 8:33 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present:

Councillors R. Alakas, D. Alexander, M. Belcastro, F. Campion, P. Chiochio, M. Dzugan,
P. Grenier, J. Larouche, R. Letourneau, S. O'Dell, B. Sharpe and L. Van Vliet.

Members of the Staff and Others Present:

Acting City Manager, B. Fenwick (7:08 p.m.)
Acting City Clerk, B. Nistico-Dunk
Chief, Fire & Emergency Services, D. Prevost
Manager, Engineering Services, L. Ventresca
General Manager, Financial & Corporate Services/Treasurer, B. Silvestri
General Manager, Planning & Development Services, D. Thorpe
General Manager, Human Resources, R. Mantesso (7:14 p.m.)
Games Licensing & Committee Clerk, L. Bubanko
Manager, Development Planning & Real Estate, R. DiFelice (until 8:30 p.m.)
Transit Manager, Alfred Stockwell (7:14 p.m.)
Facilities Manager, Al Gaanderse

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

06-75 Gen. Mgr., Financial and Corp. Serv./Treasurer, B. Silvestri – Development Charges 2008 Year End Statement.

07-64Z Gen. Mgr., Planning & Development Serv., D. Thorpe – Application for Zoning By-law Amendment – Dillon Consulting Limited on behalf of 2090572 Ontario Inc., Galloway Trail (File No. 2008-13).

09-4 Councillor Grenier, Chair, Budget Review Committee – Meeting of March 24, 2009.

09-13 Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Transcab Service.

09-51 Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Street Sweeper Rental.

09-72

09-72Z Gen. Mgr., Planning & Development Serv., D. Thorpe – Application for Approval of Draft Plan of Subdivision and Application for Zoning By-law Amendment (File 26T-14-08004 and File 2008-14) 2090572 Ontario Inc., Part of Lots 18 and 19, Concession 2 and 3, former Township of Crowland, now in the City of Welland, west of the Welland By-Pass Canal, east of Lochness Golf Course and south of the Terminus of Daimler Parkway.

09-73 Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – 2008 Annual Summary Report – Safe Drinking Water Act 2002 Ontario Regulation 170/03.

THE FOLLOWING BY-LAWS WERE RECEIVED:

07-64Z A By-law to amend City of Welland Zoning By-law 2667 (2090572 Ontario Inc. – File 2008-13) north and south sides of Galloway Trail.

09-13 A By-law to authorize the entering into an Extension Agreement with 1032560 Ontario Inc. operating as 4500 Taxi (1993) for Transcab Service.

09-42 A By-law to authorize the acceptance of tender and the entering into a contract with Veritec Consulting Inc. for the Watermain Leak Detection and Water Use Profiling Study.

02-149 A By-law to amend By-law 9314, being a By-law to establish a record retention schedule for various documents.

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 24th day of March, 2009.

STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Councillor Dzugan presided as Chair of the Public Hearings:

07-64Z A complete Application has been made by DILLON CONSULTING LIMITED on behalf of 2090572 ONTARIO INC. to rezone Lots 64 to 83 inclusive, Plan 59M-269 being Parts 34 and 35, Plan 59R-13471 for lands on the north and south sides of Galloway Trail from the existing RM3-X23 Zone By-law 2667 to a Site Specific RM3 Zone By-law 2667. The purpose of the Amendment is to permit decks to be constructed in the rear yard with a zero setback from the interior side lot line, to permit a 1.8 metre high screening device with a zero setback to be located between decks and to permit porches/roofed platforms in the front yard with a zero setback from the interior side lot line. The Official Plan designation is RESIDENTIAL (R).

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:

- Allan Windrem, Jessica Kwan, on behalf of the applicant

There being no other supporters to the application the Chair asked for those opposing the application.

In opposition to the application:

- Melodie Baldin, 103 Aaron Trail, Welland, ON, L3B 6G4

There being no further opposition to the application the hearing was concluded.

09-72

09-72Z Applications have been made by DILLON CONSULTING LIMITED on behalf of 2090572 ONTARIO INC. for approval of a Draft Plan of Subdivision and to rezone Part of Lots 18 and 19, Concession 2 and 3, former Township of Crowland, now City of Welland for lands on the west side of the Welland By-pass Canal, east of Lochness Golf Course and south of the terminus of Daimler Parkway from the existing H-R3 and H-RM3 Zones By-law 2667 to a Site Specific Residential and Open Space Zones By-law 2667. The purpose of the Amendment is to permit the development of a Plan of Subdivision composed of a mix of singles, townhouses, walk-up apartments, parks and open space areas. Site Specific Zones addressing provisions such as lot area, lot frontage, setbacks, building height and dwelling floor area will be developed to permit the proposed Plan of Subdivision. The Official Plan designation is RESIDENTIAL (R).

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:

- Allan Windrem, Jessica Kwan, on behalf of the applicant
- Jim D'Orazio, Developer, 2787 Brighton Road, Oakville, ON, L6H 6J4

There being no other supporters to the application the Chair asked for those opposing the application.

In opposition to the application:

- Mitch Preston, 171 Magnolia Lane, Welland, ON, L3B 6H9
- Bob McGeown, 166 Magnolia Lane, Welland, ON, L3B 6H9
- Melodie Baldin, 103 Aaron Trail, Welland, ON, L3B 6G4
- Nick Smit, 46 Magnolia Lane, Welland, ON, L3B 6H9
- Robert Bell, 145 Muirfield Trail, Welland, ON, L3B 6G7

There being no further opposition to the application the hearing was concluded.

06-75 Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives the Treasurer's Statement attached to Report FIN-2009-04 in accordance with the Development Charges Act, 1997 as amended; and further THAT Welland City Council instructs the City Clerk to forward a copy of this Statement to the Minister of Municipal Affairs within 60 days of giving this report to Council as per Section 43(3) of the Development Charges Act, 1997.

CARRIED**07-64Z** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves an Amendment to Zoning By-law 2667, as amended, for lands on the north and south sides of Galloway Trail (Lots 64 to 83 inclusive, Plan 59M-269, being Parts 34 and 35, Plan 59R-13471) to amend the existing RM3-X23 Zone provisions to permit decks to be constructed in the rear yard with a zero setback from the interior side lot line, to permit a 1.8 metre high screening device with a zero setback to be located between decks and to permit porches/roofed platforms in the front yard with a zero setback to the interior side lot line.

CARRIED**09-4** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the report by the Chair of the Budget Review Committee.

CARRIED**09-13** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the renewal of the TransCab agreement with 4500 Taxi (1993) O/A 1032560 Ontario Inc. for a three year period commencing April 15, 2009 through April 2012 with no rate increase; and further THAT Welland City Council directs the City Clerk to prepare the By-law to authorize entering into an agreement for the supply of TransCab (taxi) service.

CARRIED**09-51** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of A & G The Road Cleaners Limited for street sweeping rentals at the tendered price of \$98.00/hour, plus GST.

CARRIED**09-72****09-72Z** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report PDS-2009-21 concerning an Application for Draft Plan of Subdivision Approval and an Application for Zoning By-law Amendment for lands west of the Welland By-Pass Canal, east of Lochness Golf Course and south of the terminus of Daimler Parkway, more specifically described as Part of Lots 18 and 19, Concession 2 and 3, former Township of Crowland, now in the City of Welland.

CARRIED**09-73** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report ENG-2009-05 regarding the 2008 Annual Summary Report as required per the Safe Drinking Water Act 2002, Ontario Regulation 170/03.

CARRIED

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

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

07-64Z

BYL 2009-33

A By-law to amend City of Welland Zoning By-law 2667 (2090572 Ontario Inc. – File 2008-13) north and south sides of Galloway Trail.

09-13

BYL 2009-34

A By-law to authorize the entering into an Extension Agreement with 1032560 Ontario Inc. operating as 4500 Taxi (1993) for Transcab Service.

09-42

BYL 2009-35

A By-law to authorize the acceptance of tender and the entering into a contract with Veritec Consulting Inc. for the Watermain Leak Detection and Water Use Profiling Study.

02-149

BYL 2009-36

A By-law to amend By-law 9314, being a By-law to establish a record retention schedule for various documents.

09-1

BYL 2009-37

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 24th day of March, 2009.

And that same be now read a first time.

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

2. Moved by Dzugan 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 8:34 p.m.

These Minutes approved and adopted by Motion of Council this 7th day of April, 2009.

MAYOR

ACTING CITY CLERK