



MINUTES OF

COUNCIL MEETING, APRIL 28, 2009

BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE (IN CAMERA): TO DISCUSS PERSONAL AND SECURITY OF PROPERTY MATTERS AND IN RESPECT OF WHICH A COUNCIL OR BOARD MAY HOLD A CLOSED MEETING UNDER ANOTHER ACT (MFIPPA); AND IN OPEN SESSION TO HOLD PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT; AND TO HOLD A PUBLIC MEETING REGARDING TAX WRITE-OFFS; 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 5:46 p.m. and in open session at 7:35 p.m. to hold Statutory Public Hearings under the *Planning Act* and to hold a Public Meeting pursuant to Section 357 of the *Municipal Act, 2001* regarding Tax Write-Offs; and pursuant to By-law 2007-178, the Procedural By-law of Council, reconvened following the General Committee Meeting at 8:45 p.m. on the above date. Council met again in Committee-of-the-Whole closed to the public at 8:50 p.m.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present:

Councillors R. Alakas, D. Alexander (5:49 p.m.), M. Belcastro, F. Campion (5:51 p.m.), P. Chiocchio, M. Dzugan, P. Grenier (5:54 p.m.), J. Larouche, R. Letourneau, S. O'Dell (7:35 p.m.), and B. Sharpe.

Members of the Staff and Others Present:

City Manager, C. Stirtzinger
Acting Deputy Clerk, C. Mintoff
Chief, Fire & Emergency Services, D. Prevost
Acting General Manager, Engineering, Public Works & Transportation Services, L. Ventresca
General Manager, Financial & Corporate Services/Treasurer, B. Silvestri
General Manager, Parks, Facilities and Leisure Services, B. Fenwick
General Manager, Planning & Development Services, D. Thorpe
General Manager, Human Resources, R. Mantesso
Manager, Economic Development, D. Degazio (until 7:35 p.m.)
Games Licensing & Committee Clerk, L. Bubanko (7:35 p.m.)

Vital Statistics & Customer Services Clerk II, T. Chasse (7:35 p.m.)

(Mike Deprez, Facility Manager, Larry Oates, Construction Manager, Walker Environmental Group and Nigel Guilford (via conference call), Principle, Guilford & Associates Inc. were present during Committee-of-the-Whole discussion on a matter in respect of which a Council, board, committee or other body may hold a closed meeting under another Act (MFIPPA)).

09-25 Moved by Sharpe 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 5:46 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 or local board employees; and
- c) a matter in respect of which a Council, board, committee or other body may hold a closed meeting under another Act (MFIPPA).

CARRIED

09-25 Moved by Belcastro and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:36 p.m. with report.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Belcastro disclosed an interest in Ref. No. 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.

Councillor Letourneau disclosed an interest in Ref. No. 05-118, and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his son will be employed by the City of Welland as part of the 2009 Conservation Program.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF APRIL 28, 2009:

05-118 Acting Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, L. Ventresca – 2008/2009 Conservation Program.

07-135Z Gen. Mgr., Planning & Development Serv., D. Thorpe – Proposed Amendment to Zoning By-law 2667 – Calloway Reit (Welland) Inc. – Walmart, north side of Woodlawn Road, east of Primeway Drive, 102 Primeway Drive (File: 2009-06).

08-143 Fiona McMurran and Dr. T.M. Abraham, The Health Care Working Group, South Niagara Chapter, Council of Canadians regarding the Hospital Improvement Plan of the Niagara Health System.

09-4 Gen. Mgr., Financial and Corp. Serv./Treasurer, B. Silvestri – Application for Tax Write-Offs – Section 357.

09-13 Acting Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, L. Ventresca – 2008/2009 Dedicated Gas Tax Funds Program for Public Transit.

09-19 Deanna Villella, Chair, North Welland BIA – application for fireworks on May 17, 2009.

09-64Z Gen. Mgr., Planning & Development Serv., D. Thorpe – Proposed By-law to remove the Holding (H) Symbol from lands on the north side of Humberstone Road municipally known as 270 Humberstone Road (File 2008-16).

09-90

09-90Z Gen. Mgr., Planning & Development Serv., D. Thorpe – Applications for Official Plan and Zoning By-law Amendments, Upper Canada Consultants on behalf of Gerald Van Amelsvoort, Doreen Van Amelsvoort, Frank Van Amelsvoort, Gerry Van Amelsvoort, Louis Van Amelsvoort and 1681034 Ontario Inc., Parts 1, 2 and 3, Plan 59R-13141 and unopened Seeley Street Road Allowance, municipally known as 130 Niagara Street and 32 Seeley Street (File 2009-05 and OPA).

THE FOLLOWING BY-LAWS WERE RECEIVED:

01-35 A By-law to amend the Agreement with the Ministry of Transportation for the Highway 406 and Woodlawn Road Interchange.

07-135Z A By-law to amend City of Welland Zoning By-law 2667 (Calloway Reit (Welland) Inc. – File 2009-06) 102 Primeway Drive.

09-64Z A By-law to amend Zoning By-law 2667 upon the application of 1776433 Ontario Inc. to remove the Holding Symbol “H” from certain lands on the north side of Humberstone Road, west of Vaughan Road known municipally as 270 Humberstone Road (File 2008-16).

09-15 A By-law to authorize an amendment to the existing agreement with the City of St. Catharines to provide computer-aided dispatch services for the Welland Fire Department.

09-13 A By-law to authorize the entering into a Letter of Agreement with Her Majesty the Queen in Right of the Province of Ontario, as represented by the Minister of Transportation, for provincial funding under the 2008/2009 Dedicated Gas Tax Funds for Public Transportation Program.

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 28th day of April, 2009.

STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Councillor Dzugan presided as Chair of the Public Hearings:

09-90

09-90Z Applications have been made by UPPER CANADA CONSULTANTS on behalf of GERALD VAN AMELSVOORT, DOREEN VAN AMELSVOORT, FRANK VAN AMELSVOORT, GERRY VAN AMELSVOORT, LOUIS VAN AMELSVOORT AND 1681034 ONTARIO INC. to amend the Official Plan and to rezone Parts 1, 2 and 3, Plan 59R-13141 and Unopened Seeley Street Road Allowance for lands at 130 Niagara Street and 32 Seeley Street from the existing RM4 and O1 Zones By-law 2667 to a Site Specific H-RM4 Zone By-law 2667. The purpose of the Amendment is to permit the construction of a 17 storey, 145 unit residential apartment building on the subject lands. In addition, this Application requests Site Specific provisions such as setbacks, lot coverage and reduced parking. The Official Plan designation is RESIDENTIAL AND OPEN SPACE.

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.

Presenting for the applicant were Alison Enns and Richard Hodge from Upper Canada Consultants and Ralph Belvedere, Architect.

In support of the application:

- No one spoke to the application.

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

In opposition to the application:

- Norm Wilde, 54 Lock Street, Welland, ON L3C 1E4
- Doug MacMillan, 12 Merritt Street E., Welland, ON L3C 4S8

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

07-135Z A complete application has been made by WOOD BULL, LLP on behalf of CALLOWAY REIT (WELLAND) INC. to rezone 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 for lands at 102 Primeway Drive to permit Site Specific Amendments to the C4-X13 Zone By-law 2667. The purpose of the Amendment is to increase the maximum Gross Leasable Floor Area for a department store from 12,314 square metres to 16,443 square metres and to increase the maximum Gross Leasable Floor Area for the site from 24,945 square metres to 29,116 square metres in order to permit the expansion of the existing Wal-Mart (department) store approximately 4,170 square metres for a food component. The Official Plan designation is PRESTIGE LIGHT INDUSTRIAL/HIGHWAY COMMERCIAL DESIGNATION – OFFICIAL PLAN AMENDMENT NO. 113.

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.

Presenting for the applicant were Glenn Scheels from GSP Group and Christine Cote from Smart Centres.

In support of the application:

- No one spoke to the application.

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

In opposition to the application:

- No one spoke to the application.

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

PUBLIC MEETING PURSUANT TO SECTION 357 OF THE MUNICIPAL ACT, 2001 REGARDING TAX WRITE-OFFS

The Mayor explained the purpose of the Public Meeting.

No one was present to speak.

There being no submissions the Public Meeting was concluded.

05-118 Moved by Sharpe and Larouche
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information REPORT ENG-2009-10 on the 2008/2009 Conservation Program; and further
 THAT Welland City Council approves the 2009 Conservation Program and the proposed budget as per Appendix IV; and further
 THAT Welland City Council will review the need for the ongoing operation of this committee and its incentive programs at the end of 2009.

CARRIED

07-135Z Moved by Sharpe and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves Amendments to the provisions of the existing C4-X13 Zone, Zoning By-law 2667, as amended, for Part of Lot 1, Plan 59M-377, known municipally as 102 Primeway Drive to permit an increase in the maximum gross leasable floor area for a department store from 12,314 square metres (approximately 132,550 square feet) to 16,485 square metres (approximately 177,000 square feet) encompassing a gross leasable floor area of 3,902 square metres (42,000 square feet) for the display, cold storage and preparation of food products in the department store, to increase the maximum total gross leasable floor area for the site from 24,945 square metres (approximately 268,515 square feet) to 29,115 square metres (313,402 square feet) and to provide a Site Specific definition for department store.

CARRIED**08-143** Moved by Sharpe and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Fiona McMurrin and Dr. T.M. Abraham, The Health Care Working Group, South Niagara Chapter, Council of Canadians regarding the Hospital Improvement Plan of the Niagara Health System.

CARRIED**09-4** Moved by Sharpe and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves the write-off of taxes in the amount of \$3,534.88 as contained in Report FIN-2009-07 for the reduction or cancellation of taxes, pursuant to Section 357 of the Municipal Act, 2001.

CARRIED**09-13** Moved by Sharpe and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves the signing of the 2008/2009 Letter of Agreement between the City of Welland and the Province of Ontario related to the conditions for eligible expenditures, which can be applied against the provincial funding provided under the Dedicated Gas Tax Funds for Public Transportation Program; and further

THAT Welland City Council authorizes that the Mayor and Treasurer are hereby authorized to execute the 2008/2009 Letter of Agreement substantially in the same format as attached hereto, and all subsequent years' agreements or amendments in respect of the Dedicated Gas Tax Program with the Minister of Transportation; and further

THAT Welland City Council directs the Treasurer to set up a Dedicated Gas Tax Fund Reserve Account to receive the provincial gas tax funding for 2008/2009, and subsequent years, and these funds be specifically directed to the continuance and expansion of local public transportation service as required by the Province; and further

THAT Welland City Council authorizes Staff to prepare the necessary By-law.

CARRIED**09-19** Moved by Sharpe and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves the application from North Welland BIA to hold fireworks on May 17, 2009 at the Welland Sports Complex; subject to the applicant's completion of all conditions of the City of Welland's Fireworks By-law 2003-127.

CARRIED**09-64Z** Moved by Sharpe and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves the removal of the Holding (H) Symbol on lands municipally known as 270 Humberstone Road to allow the uses permitted in the I1-X6 Zone; and further

THAT Welland City Council authorizes Staff to prepare the necessary By-law.

CARRIED

09-90**09-90Z**

Moved by Sharpe and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report PDS-2009-26 concerning Applications for Official Plan and Zoning By-law Amendments for lands municipally known as 130 Niagara Street and 32 Seeley Street, more specifically described as Parts 1, 2 and 3, Plan 59R-13141 and unopened Seeley Street Road allowance.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

02-85**05-141****08-19**

Moved by Belcastro and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Bernice Alexander, Martha Barnes, Eric V. Farnell, Deanna Gallagher, David Honey, Yvette O. Plentai and Lyle M. Packham to serve on the Market Square Advisory Committee; and further

THAT Welland City Council appoints Marsha Cousins, Michael Gall, and Stephen Quesnelle to serve on the Accessibility Advisory Committee; and further

THAT Welland City Council appoints Patti Fagan to serve on the Arts & Culture Advisory Committee.

CARRIED**04-48**

Moved by Belcastro and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the execution of a lease agreement, a land aggregation agreement, and an escrow agreement between the Corporation of the City of Welland and Integrated Municipal Services Inc. (IMS) to undertake the "Atlas Remediation Project" to remedy an industrial landfill site, located north of Woodlawn Road at River Road; and further

THAT Welland City Council authorizes the Mayor and Clerk to sign the necessary agreements; and further

THAT Welland City Council delegates the Mayor, Treasurer, and City Manager to authorize actions contained within said agreements.

CARRIED**05-158****09-91**

Moved by Belcastro and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND supports the Woodlawn Sportsplex Phase 1 Project for Intake 2 of the Communities Component of the Building Canada Fund; and further

THAT Welland City Council authorizes staff to complete the necessary application forms; and further

THAT Welland City Council authorizes staff to utilize consulting engineering services for completion of the funding applications, if required.

CARRIED**09-91**

Moved by Belcastro and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND supports the three (3) projects identified for the Infrastructure Stimulus Funding application being, the River Road Improvements and Ross Street Extension; Thorold Road Intersection and Roadway Improvements; and, Swimming Pools Rehabilitation; and further

THAT Welland City Council authorizes staff to complete the necessary application forms; and further

THAT Welland City Council authorizes staff to utilize consulting engineering services for completion of the funding applications, if required.

CARRIED

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

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

01-35

BYL 2009-51

A By-law to amend the Agreement with the Ministry of Transportation for the Highway 406 and Woodlawn Road Interchange.

07-135Z

BYL 2009-52

A By-law to amend City of Welland Zoning By-law 2667 (Calloway Reit (Welland) Inc. – File 2009-06) 102 Primeway Drive.

09-64Z

BYL 2009-53

A By-law to amend Zoning By-law 2667 upon the application of 1776433 Ontario Inc. to remove the Holding Symbol “H” from certain lands on the north side of Humberstone Road, west of Vaughan Road known municipally as 270 Humberstone Road (File 2008-16).

09-15

BYL 2009-54

A By-law to authorize an amendment to the existing agreement with the City of St. Catharines to provide computer-aided dispatch services for the Welland Fire Department.

09-13

BYL 2009-55

A By-law to authorize the entering into a Letter of Agreement with Her Majesty the Queen in Right of the Province of Ontario, as represented by the Minister of Transportation, for provincial funding under the 2008/2009 Dedicated Gas Tax Funds for Public Transportation Program.

09-1

BYL 2009-56

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 28th day of April, 2009.

And that same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Grenier and Larouche
 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

09-25 Moved by Alexander 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 8:50 p.m. to consider:
 a) a matter in respect of which a Council, board, committee or other body may hold a closed meeting under another Act (MFIPPA); and further
 THAT THE COUNCIL OF THE CITY OF WELLAND appoints Craig Stirtzinger, City Manager, as Acting City Clerk in the absence of the City Clerk during Committee-of-the-Whole discussions on a matter in respect of which a Council, board, committee or other body may hold a closed meeting under another Act (MFIPPA).

CARRIED

09-25 Moved by Alexander and Chiocchio
 THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 9:06 p.m. without report.

CARRIED

Council adjourned at 9:06 p.m.

These Minutes approved and adopted by Motion of Council this 19th day of May, 2009.

MAYOR

ACTING CITY CLERK