



MINUTES OF
SPECIAL COUNCIL MEETING, MARCH 30, 2010
CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET

Council met in a Special Meeting in open session at 7:08 p.m.

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, B. Sharpe and L. Van Vliet.

Members of the Staff and Others Present:

City Manager, C. Stirtzinger

Deputy City Clerk, B. Nistico-Dunk

General Manager, Financial & Corporate Services/Treasurer, B. Silvestri (9:49 p.m.)

General Manager, Engineering, Public Works & Transportation Services/City Engineer, S. Iannello (9:49 p.m.)

Manager, Budgets and Financial Reporting/Deputy Treasurer, K. Douglas (9:49 p.m.)

General Manager, Planning & Development Services, D. Thorpe

Planning Assistant, C. Rossetto

Community Planner, A. Ogunkeye

Manager, Development Planning & Real Estate, R. DiFelice

(Councillor Belcastro did not take part in the consideration and discussion of the commercial component of the Official Plan, as he is President of the Seaway Mall).

PUBLIC MEETING REGARDING THE CITY OF WELLAND OFFICIAL PLAN

Chair, M. Dzugan outlined the format of the Public Meeting and General Manager, Planning and Development Services, D. Thorpe explained the purpose of the Public Meeting.

Patrick Kennedy and Ron Shishido of Dillon Consulting made a presentation regarding the Official Plan which included a process and consultation update and Official Plan highlights.

The following public and Council comments were received:

- Douglas Stewart, planner with IBI Group, Kitchener, representing Fusion Homes submitted the attached correspondence as Appendix I, dated March 30, 2010. He requested that Council consider proposed alterations to the Plan to ensure accurate information. He advised of significant consultation with Staff, the Region, the NPCA and the province on the lands in question. Regarding the future residential development parcel in Dain City, he advised that the environmental features in the area are of local interest and he requested acceptance of appropriate boundaries for the environmental features as identified through a scoped EIS. Mr. Stewart asked that Staff continue to consult with his client regarding such boundaries. He also indicated that provincial Staff has provided new information in this regard; however his client did not have access to it, the Plan does not reflect the information provided to them, and concern is with respect to the accuracy of the boundaries of the environmental features which should be revisited. He noted many discussions with the NPCA.
- Rocco Vacca, lawyer with Sullivan Mahoney, Niagara Falls, representing 3 clients.
 - Niagara Centre Land Development Ltd. – regarding site at Woodlawn Road and Hwy 406 containing Walmart, Canadian Tire and Rona as well as the vacant lands. He noted the future development potential of the lands is dependant on the zoning passed 14 years ago and concern is with the proposed designations in the new Plan as it is a reversal of the old Plan, thus negating the zoning rights previously established. He referred to a letter dated March 24, 2010. Regarding the H-BP-X1 Zone, he advised that the permitted uses would be negated with the proposed Gateway Economic Centre designation. Regarding H-C4-X9 Zone permitting business park uses as well as other automotive trade uses, the proposed designation would negate the zoning rights of past 14 years. He advised of a solution to allow all current uses rather than remove them, and add the new uses to be permitted by the Gateway Economic Centre designation. Regarding western portion of lands proposed to be designated Light Industrial he requested that the area be designated Gateway Economic Centre and the current uses permitted by the existing zoning continue to be permitted. Regarding Special Policy Area 2 being the former Atlas Landfill, he advised of concern that the ultimate use of these lands will not be detrimental to client's lands. Mr. Vacca noted that his client will have to object to the draft Official Plan as it ignores existing zoning rights, his client should have known if City changed its vision and property values will be affected. Councillor Alexander noted that he did not have the sketches of the 3 areas as referred to in March 24, 2010 letter. Mr. Thorpe advised that any additional comments, including the letter, received since the last package was circulated to Council will be included in their next package. Mayor Goulbourne indicated that the Economic Gateway Designation was given to the City by the province in 2005, and asked if the presenter was aware of this area being proposed as a tax free zone as a benefit. Mr. Vacca agreed with the tax free zone being a benefit and reaffirmed that the client does not want existing uses removed. Councillor Grenier noted that the uses of Gateway Economic Centre have not yet been determined.
- Greg Hynde, planner with Quartek Group Inc., St. Catharines, representing multiple clients (Zack, Harold Froude, Plamondon, Daniel Froude, Jones and Desjardins) owning lands in an area on the west side of Colborne Street, east side of Hwy 58 and north of the railway tracks. He noted concerns with these lands, 175 acres in total, being removed from the urban area and prohibiting

future urban uses. He advised that the lands have been in the urban area in the Regional Plan since the 1970's. The decision to purchase the lands by many of his clients was based on their location within the urban area and purchase prices were not based on agricultural land values. Mr. Vacca advised that Mr. Hynde has found no valid reason to remove the lands from the urban area; land owners are unable to make a living from the lands due to poor soil quality; the value of the lands will decrease 75 percent if the Plan is approved; the proposal is unfair to his clients as taxpayers; it is essentially expropriation without compensation; and the lands should remain within the urban area. Mr. Hynde advised that he is opposed to the removal of the lands from the urban area, the lands should remain in the urban area and the impact will be 2 fold as the lands would be removed from the urban area and will be designated agriculture. He indicated that the lands were determined to be urban since 1971 and that properties were purchased based on being within urban area. In 1975 the province requested that urban boundaries be reduced however Welland did not have this area reduced or any areas reduced. He was not aware of any reasons why lands would be removed from the urban area apart from the area not being contemplated for servicing. He advised of a recycling plant considered in 1980's and due to impact on future residential uses contemplated for this area, the proposed plant was not constructed. He noted other concept/secondary plans were considered however there must be a market, services are required, there is residential potential and the servicing potential has been analyzed. Mr. Hynde indicated that agriculture is not viable for the parcels as soils are not classed for specialty crops or good general agriculture and lands have poor drainage. He referred to the province's recent decision that it is not possible to remove one urban area in order to add another urban area.

- Rocco Vacca representing Evermore Equity Inc., Evermore Holdingz Inc., Junkyard Boyz and Auto and Metal Recycling Inc. which own various properties in Welland. Vacant King Street lands across from the Rex Hotel considered for a high rise apartment with commercial uses is now proposed in Plan to be designated commercial and client is opposed. Regarding lands at Hwy 140 and East Main Street, client is opposed to the proposed changes.
- Peter Brenner, 76 Division Street, Suite 201, Welland, advised he has received feedback from Planning Staff regarding plans provided by John Ariens for 211 King Street and 60 King Street. The designation is to be changed in the new Plan and he would lose many residential units. Regarding Dain City Tavern, the new Plan proposes residential; however it is now commercial. Regarding Ross Street and McMaster Avenue, now heavy industrial, brownfield, it is no longer feasible for heavy industrial, and access to lot has been removed as property turned into a park. Regarding 200 acres along Hwy 140, future services stop short of his property. Regarding 40 acres at north east corner of Buchner Road and Hwy 140, site is land-locked. Regarding 100 acres along Federal Road, he had City support for a liquid gas depot.
- Sharmini Mahadevan, lawyer with Wood Bull, Toronto, representing Calloway Reit, advised she had submitted a letter to the City today regarding their concern with OPA 132; the policies are similar in the Plan. It is on record that her client has issues with the commercial policies and requests continued discussion with Staff and the Region.
- Pat Ciolfi – 215 Doans Ridge Road, Welland, submitted attached correspondence as Appendix II. In response to Councillor Letourneau, Mr. Ciolfi advised that his property has 208' of frontage.
- John Parris, 26 Walts Avenue, Welland, representing property owners along Oxford Road whose lands are proposed to be designated Light Industrial and wetland. He noted that the new Plan is not business friendly; it is not developer friendly; the 20 year vision is too long and the proposed designation to wetland will devalue the properties, especially for the owners who want to sever their lands or farm.
- Dominic Ioannoni of Niagara Falls, representing his parent's property in Cooks Mills. He advised that letters sent in 2000 and 2004 and many discussions have occurred with Staff. He indicated that the property is zoned Rural Residential First Density and new Plan proposes a change to Agriculture. He indicated that the rights would be negated since the land was purchased in 1977. He advised that his parents paid \$20,000 for services and were told that it would be for 5 lots. He advised that he wants to work with the City to uphold the rights, dreams and vision of the owners.

- Bob Campbell, 424 Thorold Road, Welland advised he is happy with designation of his property and the area has been treated well in the Plan. He advised of density concerns and restrictions imposed by the Plan that would make it difficult to achieve LEED accreditation. He noted a variety of housing units are proposed by the Plan and a popular type of development at this time is lifestyle living such as condos however the costs to commence such a project requires that costs be spread over large number of units/people. He noted that limiting the number of units per acre restricts density, as do the brownfield policies. Regarding the downtown, concern is with intensification as underground parking can not be provided due to the existing high water table, poor soil conditions and buildings not structurally sound to allow additional storeys. He questioned where the density will go in order to comply with provincial guidelines. He advised that Welland will stagnate, goals are not attainable, and more thought is required as to location of high density areas and policies in light of economic realities. He noted that Welland is in a unique position and can become the centre of the Peninsula however the Plan will not allow the density targets to happen. Councillor Alexander questioned as to the type of language that should be incorporated regarding brownfields and Mr. Campbell advised that Sarnia had a good Official Plan. Concern also that the Plan does not allow density in other areas of the municipality.
- Wendell Sutch, 8204 Regional Road 27, Fenwick, regarding his lands along Oxford Road. He noted that the land was designated industrial and proposed designation is wetland and environmental which means he cannot invest any more money into the property and it will sit dormant. He asked if he could receive a tax break or recoup money.
- Joe Schonberger, R.R. #1, Port Robinson, advised he is president of Niagara South Federation of Agriculture and owns a Darby Road property with a woodlot on the north end. He noted concern with the Natural Heritage mapping, specifically the provincially significant wetland which is not reasonable. He questioned the timing and method of preparing the mapping as features may be mapped and interpreted incorrectly. He noted that there are lots of restrictions with provincially significant wetlands. The identification of aquifers and significant groundwater recharge areas are of concern. He noted that at the Source Water Protection Committee open house that he recently attended a different method of determining these features was discussed.
- Patrick Kennedy and Ron Shishido of Dillon Consulting provided the following comments in response to the public and Councillor comments.
 - The Official Plan is business friendly and issues can be addressed with Staff and Council. Wetland mapping has been provided by MNR and we are obliged to incorporate it into the Plan. With respect to the site specific matters, strategic decisions will need to be made by Council in the context of the City's vision. Mr. Shishido indicated that the issues as well as their implications on the overall direction of the Plan can be highlighted for Council.
 - Regarding the Natural Heritage mapping and wetland mapping, the MNR revised the mapping in December and municipality is obligated to include it in the Plan. Mr. Shishido advised that there is a process for individual property owners to have their wetlands reviewed by the MNR on site. Mr. Kennedy indicated that the hydrogeological information is included as a map and therefore it does not form part of the Plan but is for information purposes.
 - Mr. Shishido advised that there is a commercial hierarchy in the City. Council has dealt with it through the commercial strategy study. A supply and demand study was used to develop the commercial policies. He noted that the historic zoning provisions will require further investigation and can come back to Council for discussion/decision.
 - In response to comments from Mayor Goulbourne, Mr. Kennedy indicated that the protection of significant wetlands was a matter of provincial interest. The Municipality was required to protect them in their Plan.
 - Regarding Fusion Home lands, Mr. Kennedy advised that the process would be to complete the EIS and submit it to the NPCA as the wetlands are determined to be of local significance. The concern raised by Fusion Homes is with respect to timing of the completion of the EIS study with the timing of the Plan.

- In response to Councillor Larouche's objections to the change in designations for areas along Colborne Street and Oxford Road, Mr. Shishido advised that they will identify implications of site specific decisions on the overall integrity of the Plan, assess and articulate why certain decisions were made and identify future actions to address these matters.
- In response to Councillor Alakas's comments/questions regarding wetland issues, impacts on future development of lands and mitigation techniques, Mr. Shishido advised that before the Plan is approved, landowners will have to contact the MNR regarding defining the actual wetlands. He noted that there is a process to be followed to carryout development opportunities on adjacent lands.
- Councillor Alakas provided comments regarding Section 6 – Culture and Heritage. He advised of significant growth in the area of arts and culture and suggested that the Plan reference the committees involved including Heritage Welland and Welland Arts Committee as vehicles of consultation.
- Councillor Sharpe raised two questions 1. with respect to Cooks Mills and 2. clarification regarding the process and adoption of the Plan. He noted that Section 5.13.1.iii of the Consultation Report dealt with comments from the Region regarding infill lots. Mr. Kennedy advised that the Plan proposes a unique solution to recognize the historic settlement pattern. With respect to the Region's hamlet reference for Cook Mills he advised that the Policy Plan must also be read. He further advised that through this Regional process, Staff realized that Cooks Mills was never a hamlet in the Plan. In addition, he noted that Region will have to amend their Plan in this regard. In response to the Official Plan process, it was noted that the open houses have been completed, the issues will be addressed, and that the Consultation Report and Plan will be revised and brought back to Council. Mr. Thorpe, also outlined the process to date, the items requiring consideration as noted by the public this evening, and advised that the Plan could be to Council for adoption in 4 to 6 weeks.
- Councillor Alexander questioned receiving copies of the latest correspondence and reports on the environmental boundary adjustments and employment lands. Mr. Thorpe indicated that such information will be appended to Staff's recommendation report. Councillor Alexander raised a number of other issues including density in the context of LEED, accuracy of wetland mapping and source water mapping, promotion of arts and culture, means to encourage healthy ecosystems, transit and requirements for telecommunications. The consultants will address these issues in the updated Consultation Report.
- Councillor Grenier requested the forthcoming report to address rural agricultural land, employment lands in the context of taxation, Gateway Economic Centre designation and accuracy of data contained in the draft Plan.
- Mayor Goulbourne advised that it was necessary that the City be clear as to provincial/regional direction for the Plan to incorporate certain policies and designations, specifically consent policies for the east side and environmental mapping across the City. Mr. Shishido advised that the City could choose to disagree with the PPS. With respect to growth management and the growth plan, he indicated that the focus for growth was to be directed to the urban area; however the Plan provides some opportunity for development in Cooks Mills while maintaining its growth focus. The consultants noted that, although the PPS does not permit residential severances in rural/agricultural areas, the Plan proposes a compromise for the City.
- Mr. Thorpe reiterated the process would involve updating the consultation report by incorporating and addressing additional comments and amending the Plan as necessary. He advised Council that should they wish for the Plan to be significantly amended, he would request direction in that regard. He cautioned, however, that conformity with provincial requirements is still required by mid June.
- Chair Dzugan concluded the meeting by advising with respect to the appeal process.

10-4

10-37 Moved by Grenier and Belcastro

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

- 1) The 2010 Water and Sanitary Sewer Revenue and Expenditure Budget estimates (Schedules 'A' & 'B'); and
- 2) The 2010 Water and Sanitary Sewer Capital Budget estimates (Schedule 'C'); and
- 3) The 2010 Water and Sanitary Sewer Rate Structure (Schedule 'D'); and
- 4) The 2010 Water Haulage Rates be amended to include a \$60 monthly fixed charge; and further THAT Welland City Council directs staff to prepare the necessary By-law to establish the 2010 Water and Sanitary Sewer billing rates effective April 1, 2010.

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10-4

10-37 Moved by Campion and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND removes \$150,000 from the sewer use By-law to reduce the water and sanitary sewer rate.

LOST

10-4

10-37 Moved by Van Vliet and Campion

THAT THE COUNCIL OF THE CITY OF WELLAND removes \$151,700 from the sidewalk and roads budget to reduce the water and sanitary sewer rate.

LOST

FOLLOWING THE LOST VOTES ON THE AMENDMENTS, THE MAIN MOTION WAS PUT IN ITS ORIGINAL FORM AND...

YEAS: Councillors Dzugan, Letourneau, Larouche, Grenier, Alakas, Belcastro, Sharpe, and Mayor Goulbourne.

NAYS: Councillors Van Vliet, Campion, Chiocchio, and Alexander.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

1. Moved by Belcastro and Dzugan

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

10-4

10-37

BYL 2010-41

A By-law to provide for the fixing of water and sanitary services rates to be paid by consumers for public benefits for the 2010 billing year, effective April 1st, 2010.

10-1

BYL 2010-42

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 30th day of March, 2010.

And that same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Belcastro and Dzugan
THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-laws listed in the foregoing motion and, 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 10:17 p.m.

These Minutes approved and adopted by Motion of Council this 20th day of April, 2010.

MAYOR

CITY CLERK