



**MINUTES OF
SPECIAL COUNCIL MEETING, JUNE 11, 2013**

**CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET**

Council met in Committee-of-the-Whole closed to the public at 5:32 p.m. and in open session at 7:10 p.m. on the above date.

Mayor Barry Sharpe in the Chair.

Members Present:

Councillors F. Champion, M. Carl (5:39 p.m.), P. Chiochio, T. DiMarco, P. Grenier, M.A. Grimaldi, J. Larouche, R. Letourneau, D. McLeod (5:58 p.m.), M. Petrachenko, and B. Wright.

Members of the Staff and Others Present:

General Manager, Human Resources/Acting Deputy Clerk, R. Mantesso
General Manager, Corporate Services/City Treasurer/Acting City Manager, K. Douglas
Deputy Fire Chief, B. Kennedy
General Manager, Infrastructure Services/City Engineer, S. Iannello (7:10 p.m.)
Interim General Manager, Recreation Services, D. Degazio (until 8:09 p.m.)
Recording Secretary, Games Licensing & Committee Clerk, T. Stephens (7:10 p.m.)
Planning Manager, R. Di Felice (7:10 p.m.)

(Tim Clutterbuck, Chair and Mario Falvo, Vice-Chair/Treasurer, Welland Hydro-Electric Holding Corporation were present 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 (Business Corporations Act).

13-25 Moved by Petrachenko and Campion

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 5:32 p.m. to consider:

- a proposed or pending acquisition or disposition of land by the municipality or local board;
- personal matters about an identifiable individual, including municipal or local board employees;
- for the purpose of educating or training members of Council; and
- a matter in respect of which a council, board, committee, or other body may hold a closed meeting under another Act.

CARRIED

13-25 Moved by Grenier and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:58 p.m. with report.

CARRIED

LEGISLATED PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Councillor Chiocchio presided as Chair of the Public Hearing:

13-73

13-73Z Complete applications have been made by UPPER CANADA CONSULTANTS on behalf of VINMAR DEVELOPMENTS LTD for approval of a Draft Plan of Subdivision and Zoning By-law Amendment for lands south of Balsam Street, east of Brookhaven Court, west of South Pelham Road. The subject lands are designated as LOW DENSITY RESIDENTIAL AND CORE NATURAL HERITAGE SYSTEM by the City of Welland Official Plan and are zoned RA and R2 by Zoning By-law 2667, as amended. The purpose of the Amendment is to permit single-detached dwellings on lots to be created through a plan of subdivision with site specific provisions for a reduced front yard setback. No change is proposed to the portion of the lands zoned R2.

Councillor Chiocchio outlined the procedures of the Public Hearing as required by the *Planning Act*.

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

Jennifer Vida, Senior Planner, Upper Canada Consultants, presented on behalf of the applicant, and David Wiens, applicant, also presented.

In support of the application:

- No one spoke to the application

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

In opposition of the application:

- Harvey Millejours, 825 South Pelham Road, Welland, Ontario, L3C 3C9
- Clifford Tattersall, 90 Balsam Street, Welland, Ontario, L3C 7H2
- Greg Norton, 81 Balsam Street, Welland, Ontario, L3C 7H2
- Louis Varga, 80 Balsam Street, Welland, Ontario, L3C 7H2

There being no others present to speak in opposition to the application, the hearing was concluded.

The Special Council Meeting recessed at 8:11 p.m. to reconvene the Open Session of the Annual Share Holder Meeting of Welland Hydro-Electric Holding Corporation and the Annual Member Meeting of Welland Recreational Canal Corporation, and reconvened at 9:28 p.m.

07-126 Moved by McLeod and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves an Exemption to Part Lot Control for Blocks 91 and 92, Plan 59M-392 Clare Estates 3 Subdivision, to permit the development of street townhouses; and further

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

CARRIED

13-43 Moved by Campion and Grimaldi

THAT THE COUNCIL OF THE CITY OF WELLAND, at its meeting of June 11, 2013, declares the Ward 3 Council seat previously held by Daniel Fortier vacant as a result of his appointment as Regional Niagara Councillor representing Welland, effective immediately, in accordance with section 262(1) of the *Municipal Act, 2001*.

CARRIED

13-43 Moved by Larouche and Wright

THAT THE COUNCIL OF THE CITY OF WELLAND chooses to fill the Ward 3 Vacancy on Welland City Council previously held by Daniel Fortier that was declared vacant on June 11, 2013 by Welland City Council, by appointing a person who has consented to accept the office.

CARRIED

13-43 Moved by Larouche and Wright

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Michael Belcastro to fill the vacant Ward 3 seat on Welland City Council previously held by Daniel Fortier and declared vacant by Welland City Council on June 11, 2013.

CARRIED

13-73

13-73Z Moved by McLeod and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report P&B-2013-12 concerning an Application for Draft Plan of Subdivision Approval, and an Application for Zoning By-law Amendment for lands south of Balsam Street, east of Brookhaven Court and west of South Pelham Road.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

13-75 Moved by Letourneau and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the Offer of Purchase and Sale from Toscani Development Ltd. for Part of Lots 12, 13, 14 and 40, Lots 41, 42 and 43, Plan 563; Part of Lots 79, 80 and 81, Lot 78, Plan 571, (described as Parts 5, 6, 7, 8, 9, 10, 13, 14, 15 and 16, Plan 59R-14555) north and south sides of Dufferin Street, north side of McCormick Street and west of the Welland Recreational Waterway; and further

THAT Welland City Council approves the entering into a Development Charges Deferral Agreement with Toscani Development Ltd. with respect to the development of Parts 5, 6, 7, 13 and 14, Plan 59R-14555 for single detached dwellings in partnership with the Niagara Catholic District School Board; and further

THAT Welland City Council approves an exemption to Part Lot Control for Part of Lots 12, 13, 14 and 40, Lots 41, 42 and 43, Plan 563; Part of Lots 79, 80 and 81, Lot 78, Plan 571, (described as Parts 5, 6, 7, 8, 9, 10, 13, 14, 15 and 16, Plan 59R-14555) north and south sides of Dufferin Street, north side of McCormick Street and west of the Welland Recreational Waterway; and further

...continued...

13-75...cont'd...

THAT Welland City Council authorizes staff to prepare the necessary documentation and By-law; and further

THAT Welland City Council authorizes the Mayor and Clerk to execute any necessary documents associated with this sale; and further

THAT Welland City Council directs that from the net proceeds of the sale \$364,200.00 be deposited to the Municipal Incentive Grant (MIG) Reserve Fund and any net proceeds greater than this amount be deposited to the Economic Development Reserve Fund.

(Councillor McLeod disclosed an interest and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his employer has reviewed the property in the last 24 months).

CARRIED**BY-LAWS**

Moved by Letourneau and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND having given due consideration to the following By-laws, as reproduced in this evening's Council Agenda, as amended, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

13-75

BYL 2013-69

A By-law to authorize acceptance of an offer to purchase from Toscani Development Ltd. for the sale of City-owned property located on the north and south sides of Dufferin Street, north of McCormick Street and west of Welland Recreational Canal, being Part Lots 12, 13, 14 and 40, Lots 41, 42 and 43, Plan 563 and Part Lots 79, 80, 81, Lot 78, Plan 571.

13-75

BYL 2013-70

A By-law to authorize entering into a Development Charges Deferral Agreement with Toscani Development Ltd. respecting Parts 5, 6, 7, 13 and 14, Plan 59R-14555.

13-75

BYL 2013-71

A By-law to exempt certain lands from Part-Lot Control – located on the north and south sides of Dufferin Street, north side of McCormick Street and west of the Welland Recreational Waterway (Part of Lots 12, 13, 14 and 40, Lots 41, 42 and 43, Plan 563; Part of Lots 79, 80 and 81, Lot 78, Plan 571, being Parts 5, 6, 7, 8, 9, 10, 13, 14, 15 and 16, Plan 59R-14555).

CARRIED

Moved by Grenier and Carl

THAT THE COUNCIL OF THE CITY OF WELLAND having given due consideration to the following By-laws, as reproduced in this evening's Council Agenda, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

07-126

BYL 2013-67

A By-law to exempt certain lands from Part-Lot Control - located south of Webber Road east and west of Silverwood Avenue, City of Welland (Blocks 91 and 92, Plan 59M-392).

13-10

13-12

BYL 2013-68

A By-law to appoint a member of Council as Vice-Mayor, and to amend By-law 2012-135.

13-1

BYL 2013-73

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 11th day of June, 2013.

CARRIED

Council adjourned at 9:47 p.m.

These Minutes approved and adopted by Motion of Council this 16th day of July, 2013.

MAYOR

CITY CLERK