



SPECIAL COUNCIL MEETING, SEPTEMBER 23, 2003

**TO HOLD PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT; AND
TO HOLD PUBLIC HEARING PURSUANT TO THE MUNICIPAL ACT WITH RESPECT TO AMENDING
THE 2003 CAPITAL BUDGET RELATIVE TO THE FOLLOWING: THE CIVIC SQUARE PROJECT AND
THE OAKLAND-WILTON AREA (LINCOLN STREET TO MAPLE AVENUE) PHASE 1 – SANITARY
SEWER REPLACEMENT; AND TO CONSIDER THE ITEMS AS OUTLINED IN THE SPECIAL COUNCIL
AGENDA.**

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in open session at 7:00 p.m. on the above date.

Her Worship Mayor Cindy Forster in the Chair.

Members Present: Councillors R. Alakas, D. Beaudoin, M. Belcastro, N. Dmytrow Bilboe,
M. Dzugan, T. Eybel, D. Fortier, D. Grenier, J. Irvine, J. Mastroianni,
S. O'Dell (7:05 p.m.) and J. Spadafora .

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Solicitor G. Banks

City Manager T. Fitzpatrick

General Manager Engineering, Public Works & Transportation Services D. Shantz

General Manager Financial & Corporate Services/Treasurer B. Silvestri

Administrative Assistant/Deputy Clerk B. Gallaccio

Manager, Development Planning/Real Estate D. Thorpe

Acting Executive Assistant to the Mayor and City Manager L. Ip

Manager, Economic Development & Tourism D. Degazio

Vital Statistics Clerk Steno II L. Bubanko

DISCLOSURE OF INTEREST:

Councillor Belcastro disclosed an interest in Ref. No. 03-139 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his employer, Doral Holdings is affected by the proposed development.

THE FOLLOWING CORRESPONDENCE WAS READ:

03-139 Letter from John Clark, Chair, North Welland Business Improvement Area – Objecting to the **03-139Z** proposed shopping centre – First Pro, Hwy. 406 and Woodlawn Road, Welland.

03-139 Letter from Terry St. Amand, 1122144 Ontario Inc., – Objecting to the proposed shopping **03-139Z** centre – First Pro, Hwy. 406 and Woodlawn Road, Welland.

02-89Z A By-law to amend Zoning By-law 2667 upon the application of Imperial Oil Limited and 172965 Canada Limited to remove the holding symbol “H” from certain lands on the south west corner of Niagara Street and Woodlawn Road known municipally as 709 Niagara Street.

THE FOLLOWING CORRESPONDENCE WAS DELETED:

93-134 Letter from Clemence Vizsolyito requesting to address Council regarding barking dogs.

03-141 Letter from Ninetta Gallant requesting to address Council regarding the watermain at 200 Moyer Road.

PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Councillor Spadafora presided as Chair of the Public Hearings.

03-139

03-139Z An Application has been made by **GREEN SCHEELS PIDGEON PLANNING CONSULTANTS** on behalf of **1108889 ONTARIO LIMITED, 1108890 ONTARIO LIMITED, 1108893 ONTARIO LIMITED AND 1083295 ONTARIO LIMITED** to rezone Part of Lots 20 and 21, Concession 2 and part of the road allowance between Lots 20 and 21, Concession 2, former Township of Crowland, now City of Welland being Part 2 and part of Parts 3, 6 and 7, Plan 59R-9112 for lands on the north side of Woodlawn Road, east of Brown Road from the existing HC4-X9 By-law 2667 to a Site Specific HC4 Zone By-law 2667. The purpose of the Amendment is to allow the subject lands to be used for uses permitted in the BP-X1 Zone and the following uses: department store, automobile service station, automotive trade uses, large retail store (greater than 2,300 square metre floor area), home and auto supply store. The additional uses of retail stores, business offices and personal service establishments would be permitted provided a minimum of 11,845 square metres of department store or home improvement store uses or large retail stores have been, or are under, development on the subject lands. Zone provisions shall also be provided. The Official Plan designation is PRESTIGE LIGHT INDUSTRIAL/HIGHWAY COMMERCIAL DESIGNATION – OFFICIAL PLAN

AMENDMENT NO. 97. The subject lands are also the subject of an Application for Official Plan Amendment and Application for Red-Lined Revision – Subdivision File 26T-14-97003 (Niagara Centre). Councillor Spadafora outlined the procedures of the Public Hearings as required by the Planning Act. D. Thorpe confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

The following people spoke to the application:

In support of the application:

- Glenn Scheels, agent on behalf of the applicant.
- Mary Bull, Solicitor on behalf of the applicant.
- Mimi Ward, consultant, on behalf of the applicant.

In opposition to the application:

- Stanley Stein, Solicitor on behalf of Seaway Mall. P.O. Box 50, First Canada Place, Toronto , M5X 1V8.
- Edmond Halstab, 6 Terrace Heights, Fonthill L0S 1E0.
- Pam Godin on behalf of the Business Merchants Association, 1045 Quaker Rd., Fonthill L0S 1E4.
- John Riley, Treasurer, North Welland Business Improvement Area, 655 Niagara Street L3C 1L9

03-140Z An Application has been made by **P. DOUGLAS REITSMA SURVEYING LTD.** on behalf of **HELGA TOWNSEND** to rezone Part of Lot 19, Concession 6, former Township of Crowland, now City of Welland for lands at 92 Ridge Road from the existing I1 – Storage and Lighting Manufacturing Zone By-law 2667 to a Site Specific I1 Zone By-law 2667. The purpose of the Amendment is to permit a residential single-detached dwelling to the rear of an existing building used for light industrial uses. The Official Plan designation is INDUSTRIAL AND OPEN SPACE.

Councillor Spadafora outlined the procedures of the Public Hearings as required by the Planning Act. D. Thorpe confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

The following people spoke to the application:

In support of the application:

- D. Reitsma, agent 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. The Mayor then resumed the Chair
PUBLIC HEARING PURSUANT TO THE MUNICIPAL ACT

- 03-4** Revision to the City's 2003 Capital Budget with respect to reports for the award tender for the Oakland-Wilton Area (Lincoln Street to Maple Avenue) Phase 1 – Sanitary Sewer Replacement and the Civic Square Project. .

The following people were present to speak on the proposed amendments:

John Ward, 107 Rice Road, Welland.

There being no other submissions the hearing was concluded.

DELEGATIONS:

98-82

- 99-99** William Summers, Vice Chair, Welland Recreational Canal Corporation, addressed Council regarding the Welland Recreational Canal Corporation plans for development between Merritt Island and Merritt Park near the proposed Civic Square.

- 98-82** Janet Booth, CEO, Welland Public Library addressed Council regarding the need for a new library at the Civic Square.

98-82 Moved by Belcastro and Irvine

1. That Council accept the tender from Bondfield Construction Company Limited of Concord, Ontario for the construction of the Civic Square Project, renovations to 3 Cross Street and Civil works in the Parking Lot behind the Civic Square at a tender price of \$12,600,000 plus GST;
2. That the City of Welland enter into an agreement with 1264345 Ontario Limited, the Owner of 3 Cross Street respecting the renovation of the south wall at 3 Cross Street, and the creation of exiting facilities at 3 Cross Street, all at the cost of the City of Welland and that as part of that agreement the City pay the Owner of 3 Cross Street \$125,000;
3. That the Mayor and Clerk be authorized to execute the agreement with 1264345 Ontario Limited respecting 3 Cross Street;
4. That Council approve a revised 2003 Capital Budget relative to the Civic Square Project, 3 Cross Street, the Skating Rink/Reflecting Pool on the front Plaza of the Civic Square Project and the Parking Lot behind the Civic Square Project as set out in Report CM -2003-23;

5. That the Mayor and Clerk be authorized to execute all necessary documents relative to awarding the tender for the Civic Square Project to Bondfield Construction Company Limited;

...continued...

98-82...CONT'D.

6. That Carruthers Shaw & Partners Limited, Architects be authorized, on behalf of the City of Welland to issue a letter of intent advising Bondfield Construction Company Limited that the City of Welland has selected the company to undertake the construction of the Civic Square Project and to mobilize its forces immediately to commence construction on the Civic Square Project; and
7. That the City Solicitor be directed to prepare all necessary by-laws and documents to effect these recommendations.

CARRIED

YEAS: Councillors Mastroianni, Dzugan, Fortier, Beaudoin, Dmytrow-Bilboe, Irvine, Belcastro, Spadafora and Mayor Forster.

NAYS: Councillors Alakas, Eybel, Grenier and O'Dell.

98-82 Moved by Dmytrow-Bilboe that the presentation by Janet Booth, Welland Public Library regarding the need for a new library at the Civic Square be received for information.

CARRIED

98-82

99-99 Moved by Mastroianni and Dmytrow-Bilboe that the presentation by William Summers, Vice Chair, Welland Recreational Canal Corporation regarding the Welland Recreational Canal Corporation plans for development between Merritt Island and Merritt Park near the proposed Civic Square be received for information.

CARRIED

02-151 Moved by Mastroianni and Belcastro that Council authorize the General Manager Engineering, Public Works and Transportation Services to retain Bob Robinson and Son Construction to undertake the closed circuit camera (CCTV) inspection of gravity sewers as presented in Report ENG-2003-60; and

That the City Solicitor be directed to prepare all necessary and appropriate by-laws to enter into a contract with the said contractor at the tender price of \$36,800.00 plus G.S.T.

CARRIED

03-134 Moved by Dmytrow-Bilboe and Mastroianni that Council accepts the tender of Vic Vattr Contracting Limited for the Oakland Avenue Sanitary Sewer and Watermain Replacement (Oakland – Wilton Area – Phase 1) from Lincoln Street to Maple Avenue, as presented in report ENG-2003-59; That the City Solicitor be directed to prepare all necessary and appropriate by-laws to enter into a contract with the said contractor, to execute the construction, at the tender price of \$585,203.86, plus applicable G.S.T.;

That the revised project cost of \$717,000.00, based on the low bid, be approved as follows:

- Sanitary Sewer Replacement - \$490,000.00 to be funded from the revised 2003 Sanitary Sewer Capital Budget, whereby the Capital Contribution from water/sewer reserve be increased from \$300,000.00 to \$395,000.00, and \$95,000.00 from Capital Surplus as previously proposed.

- Watermain Replacement - \$230,000.00 to be funded from the approved 2003 Waterworks Capital Budget of \$350,000.00;
That the City Solicitor be directed to prepare all necessary and appropriate by-laws to execute same.

CARRIED

03-139

03-139ZMoved by Fortier and Dzugan that Report PDS-2003-69 concerning Applications for Official Plan and Zoning By-law Amendments for 1108889 Ontario Limited, 1108890 Ontario Limited and 1083295 Ontario Limited be received for information purposes.

CARRIED

03-139

03-139ZMoved by Fortier and Dzugan that the letter from Michael Del Ben, Gorge Holdings Inc., regarding the objection to the proposed Shopping Centre - First Pro, Hwy. 406 and Woodlawn Road, Welland be received for information; and

That the request for all notices of proceedings be referred to the Development Services and Clerks Departments for their information and action.

CARRIED

03-139

03-139ZMoved by Fortier and Dzugan that the letter from John Clark, Chair North Welland Business Improvement Area, regarding the objection to the proposed Shopping Centre - First Pro, Hwy. 406 and Woodlawn Road, Welland be received for information; and

That the request for all notices of proceedings be referred to the Development Services and Clerks Departments for their information and action.

CARRIED

03-139

03-139ZMoved by Fortier and Dzugan that the letter from Terry St. Amand, 1122144 Ontario Inc., regarding the objection to the proposed Shopping Centre - First Pro, Hwy. 406 and Woodlawn Road, Welland be received for information.

CARRIED

03-140ZMoved by O'Dell and Belcastro that Zoning By-law 2667, as amended, be further amended for 92 Ridge Road (Part of Lot 19, Concession 6, former Township of Crowland) from the I1 Zone to a Site Specific I1 Zone to permit a single-detached residential dwelling as a secondary use to a permitted I1 use.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

1. Moved by Irvine and Belcastro that leave now be given to introduce the following proposed By-laws entitled:

03-4

BYL 2003 - 148

A By-law to adopt the revised 2003 Capital Budget.

...continued...

BY-LAWS PRESENTED FOR FIRST READING:

03-134

BYL 2003 - 149

A By-law to authorize the entering into a contract with Vic Vatrt Contracting Limited for the Oakland Avenue Sanitary Sewer and Watermain Replacement (Oakland-Wilton Area-Phase 1) from Lincoln Street to Maple Avenue.

98-82

BYL 2003 - 150

A By-law to accept the tender and authorize execution of an agreement with Bondfield Construction Company Limited for the construction of the Civic Square Project.

97-34

98-82

BYL 2003 - 151

A By-law to authorize the entering into an agreement with 1264345 Ontario Limited respecting 3 Cross Street.

02-89Z

BYL 2003 - 152

A By-law to amend Zoning By-law 2667 upon the application of Imperial Oil Limited and 172965 Canada Limited to remove the holding symbol "H" from certain lands on the south west corner of Niagara Street and Woodlawn Road known municipally as 709 Niagara Street.

03-1

BYL 2003 - 153

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 23rd day of September, 2003.

And that the same be now read a first time.

CARRIED

(Councillors Alakas, Eybel, Grenier and O'Dell asked to be recorded as opposed to By-laws 2003-150 and 2003-152)

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Irvine and Belcastro that the By-laws listed in the foregoing motion for first reading and as reproduced in this Evening's Council Agenda, as amended, having been read a first time and considered, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal the same.

CARRIED

***(Councillors Alakas, Eybel, Grenier and O'Dell asked to be recorded
as opposed to By-laws 2003-150 and 2003-152)***

Council adjourned at 10:00 p.m.

These Minutes approved and adopted by Motion of Council this 7th day of October, 2003.

MAYOR

CLERK