



SPECIAL COUNCIL MEETING, OCTOBER 28, 2003

**SENIOR'S CENTRE
145 LINCOLN STREET**

**IN COMMITTEE-OF-THE-WHOLE
TO DISCUSS LABOUR RELATIONS AND PROPERTY MATTERS
AND
IN OPEN SESSION
TO HOLD PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT; AND
TO CONSIDER THE ITEMS AS OUTLINED IN THE SPECIAL COUNCIL AGENDA.**

Council met in Committee-of-the-Whole at 6:30 p.m. and 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 (6:40 p.m.) , D. Grenier (7:10 p.m.), J. Irvine (6:35 p.m.), J. Mastroianni, S. O'Dell, and J. Spadafora (7:00 p.m.).

Members of the Staff and Others Present:

City Manager T. Fitzpatrick

City Solicitor G. Banks (7:00 p.m.)

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:00 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:00 p.m.)

Manager, Traffic and Parking D. Ferguson (7:00 p.m.)

Administrative Assistant/Deputy Clerk B. Gallaccio

Acting General Manager of Planning and Development Services D. Thorpe (7:00 p.m.)

Clerk Steno III C. Viger (7:00 p.m.)

Manager, Human Resources R. Beaumont

Employment Services Co-ordinator-Human Resources R. Mantesso

Manager , Economic Development & Tourism D. Degazio (8:40 p.m.)

03-25 Moved by Belcastro and Alakas that Council meet in Committee-of-the-Whole, closed to the public at 6:30 p.m. to consider:

- a) personal matters about an identifiable individual, including municipal employees; and
- b) labour relations or employee negotiations.

CARRIED

03-25 Moved by Alakas and Belcastro that the Committee-of-the-Whole arise from its closed meeting at 6:45 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Fortier disclosed an interest in Ref. Nos. 03-156Z, 2000-68 and By-law 2003 - 175 and did not take part in the consideration and discussion of same, and refrained from voting there as he owns property on Colbeck Drive.

DELEGATIONS:

2000-68 Robert Piper, Chairman, on behalf of Welland River Keepers addressed Council regarding amendment of conditions of Draft Approval for the Stonegate Estates Subdivision.

2000-68 Dr. Lewchuk addressed Council regarding his property at 78 Colbeck Drive and amendment of conditions of Draft Approval for the Stonegate Estates Subdivision.

THE FOLLOWING CORRESPONDENCE WAS READ:

03-3 Application from the Welland Wado Kai Karate Club requesting a license to hold a raffle.

2000-68 Verbal request from Dr. Larry Lewchuk to address Council regarding his property on Colbeck Drive and the revision to the Draft Plan Conditions for the Stonegate Estates Subdivision.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

2000-47 Mgr., Development Planning / Real Estate D. Thorpe – Lay out, establish and name a one foot reserve on Abbey Road west of Carlton Avenue.

2000-47 A By-Law to lay out, establish and name Lot 132, Plan 674 being A 0.3 metre reserve for the City Of Welland as part of Abbey Road.

2000-68 Mgr., Development Planning / Real Estate D. Thorpe - Request for extension to Draft Approval and to revise Draft Plan Conditions 3, o), p), q) and r) – Stonegate Estates Subdivision – Ravenda & Ravenda Construction Limited (File 26T-14-20001).

02-176 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri - Municipal Performance Measurement Program for the Year 2002.

- 03-4** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri - August 2003 Financial Statements.
- 03-13** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Transit Service Extension to Town of Pelham.
- 03-22** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Parking Concerns on River Road.
- 03-22** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Parking on Lancaster Drive.
- 03-22** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz - School Zone Safety Concerns.
- 03-151Z** Mgr., Development Planning / Real Estate D. Thorpe – Proposed amendment to Zoning By-law 2667 – Augusto and Franca Nardilli - 37 Rice Road (File 2003-11).
- 03-151ZA** By-law to amend City Of Welland Zoning By-law 2667 (Augusto and Franca Nardilli - File 2003-11) 35 and 37 Rice Road.
- 03-152Z** Mgr., Development Planning / Real Estate D. Thorpe – Proposed amendment to Zoning By-law 2667 – Belion Holdings Limited – 180 Fitch Street (File 2003-14).
- 03-152ZA** By-law to amend City Of Welland Zoning By-law 2667 (Belion Holdings Limited – File 2003-14) 180 Fitch Street.
- 03-153** Mgr., Development Planning / Real Estate D. Thorpe - Regional Policy Plan Proposed Official Plan – Amendment Number 185 – Servicing Policy Update – Extensions of Sewer & Water Services – Outside the Urban Area.
- 03-154** Mgr., Development Planning / Real Estate D. Thorpe – Condominium Approval, 937776 Ontario Inc., 162 First Street, City of Welland (File 26CD-14-03001).
- 03-155Z** Mgr., Development Planning / Real Estate D. Thorpe – Proposed amendment to Zoning By-law 2667 – City of Welland – 501 King Street (File 2003-13).
- 03-155ZA** By-law to amend City Of Welland Zoning By-Law 2667 (City of Welland – File 2003-13) 501 King Street.
- 03-156Z** Mgr., Development Planning / Real Estate D. Thorpe – Proposed amendment to Zoning By-law 2667 – City of Welland – East side of Colbeck Drive, south of Endicott Terrace (File 2003-12).
- 03-156ZA** By-law to amend City Of Welland Zoning By-law 2667 (City Of Welland - File 2003-12) East Side of Colbeck Drive, South of Endicott Terrace.

PUBLIC HEARING PURSUANT TO THE PLANNING ACT

Councillor Spadafora presided as Chair of the Public Hearings.

03-151Z An Application has been made by **P. DOUGLAS REITSMA SURVEYING LTD.** on behalf of AUGUSTO AND FRANCA NARDILLI to rezone Lots 163, 164 and 165, Plan 655 for lands at 37 Rice Road from the existing R2-Single-Detached Dwelling – Second Density Zone By-law 2667 to a Site Specific R2 Zone By-law 2667. The purpose of the Amendment is two fold. The first, for Part 1 on the attached sketch, is to recognize an existing duplex, to permit a lot area of 470 square metres, to permit a front yard setback of 3.0 metres, to permit a rear yard setback of 6.9 metres and to provide other Zone regulations. The second, for Part 2, is to permit a single-detached dwelling on a lot with a lot frontage of 11.9 metres, a lot area of 360 square metres, a front yard setback of 5.2 metres and a maximum lot coverage of 38% with all other provisions of the R2 Zone applying. There is no Official Plan designation. The subject lands are also the subject of an Application for Committee of Adjustment – Consent – File B004/2003WELL.

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:

- P. Douglas Reitsma, on behalf of the applicant.

In opposition to the application:

- No one spoke to the application.

03-152Z An Application has been made by **BELION HOLDINGS LIMITED, C/O THE EFFORT TRUST COMPANY** to rezone Part of Lot 251, former Township of Thorold, now City of Welland for lands at 180 Fitch Street from the existing C2 – Shopping Commercial Zone By-law 2667 to a Site Specific C2 Zone By-law 2667. The purpose of the Amendment is to permit the subject lands to be used for C2 uses as well as a Sales and Rental Garage and a Motor Vehicle Repair Shop Class “A”. The Official Plan designation is COMMERCIAL (C).

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:

- Paula Smith, Solicitor c/o Effort Trust, 292 Main Street East, Hamilton, Ontario L8N 1H5 on behalf of Belion Holdings Limited.

In opposition to the application:

- No one spoke to the application.

03-155Z An application has been made by **THE CORPORATION OF THE CITY OF WELLAND** to rezone Part of Block E, Plan 574 and Part of Lot 130, Plan 565 for lands at 501 King Street from the existing O2 – Open Space Zone By-law 2667 to a Site Specific O2 Zone By-law 2667. The purpose of the Amendment is to permit a portion of the existing building (Arena) to be used as a clinic. The Official Plan designation is OPEN SPACE (OS).

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:

- No one spoke to the application.

In opposition to the application:

- No one spoke to the application.

03-156Z An Application has been made by **THE CORPORATION OF THE CITY OF WELLAND** to rezone Block 15, Part Block 14, Plan M-86 for lands on the east side of Colbeck Drive, south of Endicott Terrace from the existing R1, O1, EP-X1 Zones By-law 2667 to HR1 and EP-X1 Zones By-law 2667. The purpose of the Amendment is to rezone those lands within the floodplain to Environmental Protection Zone EP-X1 and those lands above the floodplain to HR1. It is proposed to transfer the majority of the EP-X1 lands to merge in Title with proposed Lot 7 in the Stonegate Estates Draft Plan of Subdivision. The HR1 lands, together with the EP-X1 lands to the north, are proposed for single-detached residential development. The Official Plan designation is LOW DENSITY RESIDENTIAL AND ENVIRONMENTAL PROTECTION.

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:

- Dr. Stuart Bailey, AMEC Earth and Environmental Ltd., 3300 Merritville Hwy., Unit 5, Thorold, Ontario. L2V 4Y6
- Robert Piper, Chairman, on behalf of Welland River Keepers, 26-2000 Fitch Street, Suite 120, Welland, Ontario L3C 4V9, in favor of the buffer zone and NPCA guidelines.

In opposition to the application:

- Doug Todd, 50 Riverside Drive, Welland, Ontario L3C 5E2
- Robert Piper, Chairman, on behalf of Welland River Keepers, 26-200 Fitch Street, Suite 120, Welland, Ontario L3C 4V9
- Tom Whelan, 98 Riverside Drive, Welland, Ontario L3C 5E2

There being no other submissions the hearing was concluded. The Mayor then resumed the Chair.

2000-47 Moved by Dmytrow-Bilboe and Belcastro

1. That Council agree to Lay Out, Establish and Name the one foot reserve at the western limit of Lot 240, former Township of Thorold being Lot 132, Plan 674 being the whole of PIN 64085-0076 (LT) as part of Abbey Road; and,
2. That Staff be authorized to prepare the necessary By-law.

CARRIED

2000-68

03-156Z Moved by O'Dell and Eybel that Report PDS 2003-85 regarding proposed amendment to Zoning By-law 2667, east side of Colbeck Drive, south of Endicott Terrace (File 2003-12) and Report PDS 2003-81 regarding Extension to Draft Approval and to revise Draft Plan Conditions 3, o),p), q) and r) for the Stonegate Estates Subdivision (File 26T-14-20001) be referred to the Council Meeting of February, 2004.

LOST

2000-68 Moved by Belcastro and Mastroianni that the Report prepared by AMEC Earth and Environmental Limited with respect to the environmental issues in the Stonegate Estates Subdivision – Ravenda and Ravenda Construction Limited (File 26T-14-20001) be forwarded to the Ministry of Environment for information and comment.

LOST

2000-68 Moved by Spadafora and Irvine

1. That Council approve an extension to Draft Plan Approval for the Stonegate Estates Subdivision (File 26T-14-20001) for an additional one (1) year to November 8, 2004;
2. That the City of Welland agrees to amend the Conditions of Draft Approval for the Stonegate Estates Subdivision (File 26T-14-20001) by deleting Conditions 3. o), p), q) and r) and replacing them with the following:
 - o) That a Site Specific Risk Assessment (SSRA), or equivalent, be prepared by a qualified Consultant;
 - p) That the SSRA, or equivalent, be subject to a "Peer Review" process by a qualified Consultant retained by the City of Welland, at the expense of the Owner;
 - q) That following the Peer Review, the SSRA be submitted to the City of Welland for review and approval and the Regional Planning Department, and the NPCA for review, if required. Further, that the Owner agree in the Sub-division Agreement with the City of Welland to implement any recommendations that arise from the SSRA;
 - r) That upon completion and acceptance of the SSRA, the SSRA and any risk management plan that is developed as a result of the SSRA be registered on Title for those lots within the planned Subdivision.

CARRIED

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

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

02-176 Moved by Dzugan and Alakas that the results of the City of Welland 2002 Municipal Performance Measurement Program be received and posted on the City's internet site to comply with Provincial publication requirements.

CARRIED

03-3 Moved by Dmytrow-Bilboe and Belcastro that a Lottery License be granted to the following: Welland Wado Kai Karate Club - Raffle.

CARRIED

03-4 Moved by Dmytrow-Bilboe and Belcastro that the financial reports for the period ending August 31, 2003 be received.

CARRIED

03-13 Moved by Dmytrow-Bilboe and Belcastro

1. That Council authorizes the addition of up to three return runs per day during normal service hours to the Town of Pelham as trial until the end of February 2004.
2. That the service be reviewed in January and brought back to Council for a further decision.

CARRIED

03-22 Moved by Dzugan and Alakas that the City Solicitor be directed to prepare a By-law to amend Schedule 'C' – Parking Prohibitions – By-law 89-2000 by adding:

Column 1 Street	Column 2 Side	Column 3		Column 4 Period (Times\Day)
		From	To	
River Road	East Side	Evan Street	A point 130 meters north of Evans Street	At No Time

CARRIED

03-22 Moved by Dmytrow-Bilboe and Belcastro that the City Solicitor be directed to prepare a By-law to amend Schedule 'C' of By-law 89-2000 by:

i) DELETING the following:

Column 1 Highway	Column 2 Side	Column 3		Column 4 Period Times/Day
		From	To	
Lancaster Drive	North and South Sides	Niagara Street North	East limit of Lancaster Drive	At No Time

ii) ADDING the following:

Column 1 Highway	Column 2 Side	Column 3		Column 4 Period Times/Day
		From	To	
Lancaster Drive	Both	Niagara Street North	Quaker Road	At No Time

CARRIED

03-22 Moved by Dmytrow-Bilboe and Belcastro that the City Solicitor be directed to prepare a By-law to amend **Stopping Prohibited – Specified Places, With Signs** and **Parking Prohibited – Specified Places, With Signs** of By-law 89-2000 by:

i) DELETING the following:

Stopping Prohibited – Specified Places, With Signs

- 203.02.03 On either side or both sides of such highway adjacent to a school or playground at such times as displayed on the signs;
- 203.02.05 Within sixty meters (60m) of an intersection controlled by a traffic signal.

ii) ADDING the following:

Stopping Prohibited – Specified Places, With Signs

- 203.02.03 On either side or both sides of the portion of highway adjacent to a school property between the hours of 7:00 a.m. and 5:00 p.m. Monday to Friday, inclusive;
- 203.02.05 Within sixty meters (60m) of an intersection controlled by a traffic signal;
- 203.02.06 On either side or both sides of the portion of a highway adjacent to a playground or parkland.

Parking Prohibited – Specified Places, With Signs

- 205.02.12 On either side or both sides of the portion of highway adjacent to a school property between the hours of 7:00 a.m. and 5:00 p.m. Monday to Friday, inclusive;
- 205.02.13 On either side or both sides of the portion of a highway adjacent to a playground or parkland.

CARRIED

03-151Z Moved by Mayor Forster and Irvine

1. That Zoning By-law 2667, as amended, be further amended for 37 Rice Road (Part of Lot 164 and Lot 165, Plan 655) as shown as Part 1 on the sketch submitted with the Application from the R2 Zone to a Site Specific R2 Zone to recognize an existing duplex dwelling with a front yard setback of 3.0 metres; a rear yard setback of 6.9 metres; a north side yard of 3.0 metres; a south side yard setback of 1.8 metres; a maximum lot coverage of 35 percent; and to permit a lot area of 470 square metres with all other provisions of the R2 Zone applying; and
2. That Zoning By-law 2667, as amended, be further amended for lands to be known as 35 Rice Road (Lot 163 and Part of Lot 164, Plan 655) as shown as Part 2 on the sketch submitted with the Application from the R2 Zone to a Site Specific R2 Zone to permit a minimum lot frontage of 11.9 metres; to permit a minimum lot area of 360 square metres; to permit a minimum front yard setback of 6.0 metres and to permit a maximum lot coverage of 38 percent with all other provisions of the R2 Zone applying.

CARRIED

03-152Z Moved by Beaudoin and Eybel that Zoning By-law 2667, as amended, be further amended for 180 Fitch Street (Part of Lot 251, former Township of Thorold, now City of Welland) from the existing C2 Zone to

a Site Specific C2 Zone to permit a Motor Vehicle Repair Shop Class "A" and a Sales or Rental Garage in addition to the uses permitted in the C2 Zone.

CARRIED

03-153 Moved by Dmytrow-Bilboe and Belcastro

1. That Council requests the Regional Municipality of Niagara Planning and Development Department to review its recommended policy changes considering the comments outlined in Report PDS-2003-84, *Regional Policy Plan Proposed Official Plan Amendment Number 185 – Servicing Policy Update – Extensions of Sewer & Water Services – Outside the Urban Area* dated October 28, 2003; and
2. That the City Clerk be directed to send a copy of Report PDS-2003-84 to the Regional Municipality of Niagara Planning and Development Department for information purposes.

CARRIED

03-154 Moved by Dmytrow-Bilboe and Belcastro that the request by 937776 Ontario Inc. to exempt its Application for Condominium Approval for nineteen (19) townhouses located at 162 First Street (Part of Lot 24, Concession 6, former Township of Crowland, now City of Welland being Parts 2 and 4, Plan 59R-11756) in accordance with Section 9(7) of the Condominium Act, Chapter 4, 1998 be approved.

CARRIED

03-155Z Moved by Mastroianni and Belcastro that Zoning By-law 2667, as amended, be further amended for 501 King Street (part of Block E, Plan 574 and part of Lot 130, Plan 565) from the existing O2 Zone to a Site Specific O2 Zone to permit a portion of the building to be used as a medical clinic.

CARRIED

03-156Z Moved by Spadafora and Irvine

1. That Zoning By-law 2667, as amended, be further amended for lands on the east side of Colbeck Drive, south of Endicott Terrace (Block 15 and part of Block 14, Plan M-86) from the existing R1, O1 and EP-X1 Zones to a H-R1 Zone for lands above the floodplain and a Site Specific EP Zone for lands below the floodplain which will restrict development and preserve natural vegetation; and
2. That the Holding Symbol (H) shall be removed, upon Application upon the satisfactory completion of a Peer Review Study related to the Environmental Reports on the subject lands.

CARRIED

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

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

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

98-82 Moved by O'Dell and Dmytrow-Bilboe that Welland Council declare part of Lot 25 Concession 5 (28, 30, and 40 East Main Street) former Township of Crowland surplus to the needs of the City of Welland and dispose of the lands in accordance with the provisions of the Municipal Act.

CARRIED

03-23 Moved by Beaudoin and Eybel that the City of Welland extend the current agreement with Lidkea, Stob, Venema & Associates to provide an all inclusive Employee/Family Assistance Program in the

amount of \$13,500.00 per year, plus G.S.T. for a three (3) year term commencing November 1st, 2003 and terminating on October 31st, 2006.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

03-151Z

BYL 2003 - 172

A By-law to amend City of Welland Zoning By-law 2667 (Augusto and Franca Nardilli - File 2003-11) 35 and 37 Rice Road.

...continued...

BY-LAWS PRESENTED FOR FIRST READING...CONT'D.:

03-152Z

BYL 2003 - 173

A By-law to amend City of Welland Zoning By-law 2667 (Belion Holdings Limited - File 2003-14) 180 Fitch Street.

03-155Z

BYL 2003 - 174

A By-law to amend City of Welland Zoning By-Law 2667 (City of Welland - File 2003-13) 501 King Street.

03-156Z

BYL 2003 - 175

A By-law to amend City of Welland Zoning By-law 2667 (City of Welland - File 2003-12) East Side of Colbeck Drive, South of Endicott Terrace.

2000-47

BYL 2003 - 176

A By-Law to lay out, establish and name Lot 132, Plan 674 being a 0.3 metre reserve for the City of Welland as part of Abbey Road.

(Councillor O'Dell asked to be recorded as opposed to By-law 2003-175).

BY-LAWS PRESENTED FOR THIRD READING:

2. Moved by Dzugan and Spadafora that the By-laws listed in the foregoing motion for first reading and as reproduced in this Evening's Council Agenda, 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

(Councillor O'Dell asked to be recorded as opposed to By-law 2003-175).

Council adjourned at 10:10 p.m.

These Minutes approved and adopted by Motion of Council this 2nd day of December, 2003.

MAYOR

CLERK