



**SPECIAL AND REGULAR COUNCIL MEETING
DECEMBER 13, 2005**

**TO MEET IN COMMITTEE-OF-THE-WHOLE IN CAMERA TO
DISCUSS SECURITY OF PROPERTY MATTERS.**

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

Council met in Special Meeting Committee-of-the-Whole closed to the public at 6:15 p.m. and in open session at 7:10 p.m. to hold Statutory Public Hearings under the Planning Act; and pursuant to By-law 2005-176, the Procedural By-law of Council, in open regular session following the General Committee Meeting at 10:10 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present: Councillors D. Alexander (6:20 p.m.), P. Chiochio, M. Dzugan (until 10:10 p.m.), D. Fortier, P. Grenier, M.A. Grimaldi, J. Larouche (8:00 p.m.), S. O'Dell and B. Sharpe (6:20 p.m.).

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Solicitor G. Banks

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:10 p.m.)

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

General Manager, Human Resources R. Beaumont (7:10 p.m.)

General Manager of Parks and Recreation B. LaPlante (7:10 p.m.)

General Manager of Planning and Development Services D. Thorpe

Games Licensing Clerk L. Bubanko (7:10 p.m.)

Barbara Anne Vaspori, Consultant, Risk Pro Risk Management Consulting, was present during Committee-of-the-Whole discussions on a security of property matter.

05-25 Moved by Dzugan and Chiocchio that Council meet in Committee-of-the-Whole, closed to the public at 6:15 p.m. to consider:

- a) the security of the property of the municipality.

CARRIED

(Councillors Grenier and Chiocchio were not present during Committee-of-the-Whole discussions on a security of property matter).

05-25 Moved by Dzugan and Grimaldi that the Committee-of-the-Whole arise from its closed meeting at 7:00 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillors Grenier and Larouche disclosed an interest in Ref. No. 06-45, and did not take part in the consideration and discussion of same, and refrained from voting thereon, as they are employed in the insurance industry.

Councillor Chiocchio disclosed an interest in Ref. No. 06-45, and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his wife is employed in the insurance industry.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF DECEMBER 13, 2005:

96-129

04-126 – City Solicitor, G. Banks – Report on Hearing of Council with respect to an application by Chris Webb for an order exempting Chris Webb from the requirement that the owner's dog be muzzled pursuant to an order of Animal Control Officer, B. Ashcroft, application pursuant to the provisions of By-law 10715 section 14(f).

97-67 – Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Report on Provision of Contracted Snow Plowing to Supplement Existing City Forces.

99-99 – Mark Carl, Chairman, Welland Recreational Canal Corporation – Report from the Welland Recreational Canal Corporation.

99-125 – Rick Alakas, President, CAW Local 523 – Presentation regarding their "Solid Pensions-Secure Future" Campaign.

01-108 – Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Downtown Incentive Program Application - Matilda Coppola – 38 Division Street - Residential Conversion and Intensification Loan Program - Refund of Local Planning and Building Fees Program.

02-157 – Corwin Cambray, Commissioner of Planning and Development, Region of Niagara – Presentation regarding Urban Design Guidelines and Provincial Policy Statements.

04-89 – Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Proposed Regional Policy Plan Amendment 187; A Healthy Landscape – Healthy Communities; New Environmental Policies for Niagara.

04-123 – Kim Phillips, City Clerk, City of Burlington – letter regarding the Niagara to GTA Corridor Environmental Assessment.

04-123 – City of St. Catharines – faxed resolution regarding the Environmental Assessment of the proposed GTA Niagara Transportation Plan.

05-13 – Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Report on Welland Winter Lights 2005.

05-175 – Dave and Tracey Albano – letter regarding the storage of a bus on a private drive.

05-175 – Dino Pisani – letter regarding his opposition to the storage of a bus on a private drive.

05-176

05-176Z – Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on proposed amendment to the Official Plan and Zoning By-law 2667 – 1578967 Ontario Ltd, 11 Pietz Avenue (File 2005-13).

05-177Z – Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on proposed amendment to Zoning By-law 2667 – Bridgewater Court - Lots 2, 3 4 and 5, Plan 59M-311 – 18, 24, 30, 36, 42, 48, 54 and 60 Bridgewater Court (File 2005-14).

06-29

06-33

06-36

07-29 – Gen. Mgr. Financial & Corp. Serv./Treasurer B. Silvestri – Report on Council Calendar 2006 – Council Meeting Dates, Municipal Elections and Christmas Closure.

06-45 – Gen. Mgr. Financial & Corp. Serv./Treasurer B. Silvestri – Report on 2006 City Insurance Renewal.

THE FOLLOWING BY-LAWS WERE RECEIVED:

05-176

A By-law to authorize the signing of Official Plan Amendment No. 117.

05-176Z

A By-law to amend City of Welland Zoning By-law 2667 (1578967 Ontario Ltd. – File 2005-13) 11 Pietz Avenue.

05-177

A By-law to amend City of Welland Zoning By-law 2667 (Bantten, Salmon, Tirone, Falcone, Smith, Roy, Scarselli and Ravenda – File 2005-13) 18, 24, 30, 36, 42, 48, 54 and 60 Bridgewater Court.

05-1

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 13th day of December, 2005.

STATUTORY PUBLIC HEARINGS PURSUANT TO THE MUNICIPAL ACT

Mayor Goulbourne presided as Chair of the Public Hearing:

05-177Z An Application has been made by P. DOUGLAS REITSMA SURVEYING LTD. on behalf of LEONARD GEORGE BANTTEN, EDITH MARTHA MAE BANTTEN, LEONARD SALMON AND LOLA SALMON, JOSEPH TIRONE AND EVA FALCONE, JOHN SMITH AND ELIZABETH SMITH, ANDRE ROY AND MAUREEN ROY, VITO SCARSELLI AND ALFONSINA RAVENDA to rezone Lots 2, 3, 4 and 5, Plan 59M-311 for lands at 18, 24, 30, 36, 42, 48, 54, 60 Bridgewater Court from the existing RM4 - Multiple Dwelling – Fourth Density Zone By-law 2667 to a Site Specific RM4 Zone By-law 2667. The purpose of the Amendment is to permit an existing deck with a zero metre setback instead of the required 1.2 metre setback from the common/shared lot line for the existing semi-detached dwellings. There is no Official Plan designation.

Mayor Goulbourne 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.

In support of the application:

- Doug Reitsma, agent on behalf of the applicant.

In opposition to the application:

- No one spoke to the application.

05-176

05-176Z An Application has been made by 1578967 ONTARIO LTD. to rezone Lots 39, 40, 41 and 42, Plan 969 for lands at 11 Pietz Avenue from the existing RM2 – Multiple Dwelling – Second Density 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 a variety of commercial uses including retail store, personal service establishment, dry cleaning and laundry depot, bake shop, caterer, day care facility, artist studio, distillation establishment, contractors establishment, custom workshop, printing establishment, business service establishment and car detailing. The Official Plan designation is RESIDENTIAL (R). The subject lands are also the subject of an Application for Official Plan Amendment.

05-176

05-176Z An Application has been made by 1578967 ONTARIO LTD. to amend the Official Plan (Lots 39, 40, 41 and 42, Plan 969) for lands at 11 Pietz Avenue from RESIDENTIAL (R) to COMMERCIAL. The purpose of the Amendment is to permit the subject lands to be used for a variety of commercial uses including retail store, personal service establishment, dry cleaning and laundry depot, bake shop, caterer, day care facility, artist studio, distillation establishment, contractors establishment, custom workshop, printing establishment, business service establishment and car detailing. The subject lands are also the subject of an Application for Zoning By-law Amendment – File 2005-13.

Mayor Goulbourne 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.

In support of the applications:

- Phil Ritchie, one of the owners of 1578967 Ontario Ltd..

In opposition to the applications:

- Frank DeLuca, 4341 Kilman Place, Niagara Falls, Ontario, L2E 6P3.

There being no other submissions the hearings were concluded. The Council Meeting recessed at 7:35 p.m. to continue the General Committee meeting. The Council Meeting reconvened at 10:10 p.m.

96-129

04-126 Moved by Grenier and Sharpe that Council determines that the Order of Animal Control Officer, B. Ashcroft dated October 19th, 2005, shall stand with respect to the requirement that the dog owner, Chris Webb, muzzle his dog, and that the exemption from the Order, sought by the said owner, be refused.

CARRIED**97-67**

Moved by Grenier and Sharpe that Council authorize staff to retain the services of Vic Vattr Contracting and DeRose Construction to perform snow plowing for the year 2006 to supplement City forces at an estimated cost of \$47,840.

CARRIED**99-99**

Moved by Grenier and Sharpe that the presentation by Mark Carl, Chairman, Welland Recreational Canal Corporation at the December 13th, 2005 General Committee Meeting regarding the

WRCC semi-annual report prepared by Barry LaPlante, General Manager, Parks and Recreation, be received for information.

CARRIED

99-125 Moved by Grenier and Sharpe that the presentation by Rick Alakas, President, CAW Local 523 and Mike Menacarin, CAW assigned representative, at the December 13th, 2005 General Committee Meeting regarding their "Solid Pensions-Secure Future" campaign be received and referred to staff for study and report.

CARRIED

01-108 Moved by Grenier and Sharpe

1. That the City Of Welland approve an Application by Matilda Coppola for a Residential Conversion and Intensification Loan respecting Part of Lot 9; Part of Lot 10, Plan 1649, NP 564, known municipally as 38 Division Street in the amount of \$6,620.00 plus G.S.T, being \$10.00 per square foot of the 'habitable' floor space;
2. That Council approve a refund of local planning and building fees in the amount of \$171.00, being 100% of the eligible costs, to be repaid to the applicant once the required work is completed.
3. The Loan shall be for a period of ten (10) years at 0% to be repaid in monthly amounts. The first payment will be due six (6) months after the required work is completed subject to the Terms and Conditions of Loan Funding;
4. The Mayor and City Clerk are authorized to execute any documentation required to satisfy the Conditions of the Loan; and
5. That funding be from the Municipal Incentive Grant Reserve Fund.

CARRIED

02-157 Moved by Grenier and Sharpe that the presentation by Corwin Cambray, Commissioner of Planning and Development, Region of Niagara at the December 13th, 2005 General Committee Meeting regarding Urban Design Guidelines and Provincial Policy Statements, be received for information.

CARRIED

04-89 Moved by Grenier and Sharpe

1. That Council directs City Staff to appeal a favourable decision of Regional Council concerning Regional Policy Plan Amendment No. 187 (Environmental Policies); and
2. That the City Clerk be directed to send a copy of Report PDS-2005-89 to the Regional Municipality of Niagara Planning and Development Department and Regional Clerk.

CARRIED

04-123 Moved by Grenier and Sharpe that Welland City Council urges the Ministry of Environment and the Ministry of Transportation Ontario to proceed with the Environmental Assessment of the proposed GTA Niagara Transportation Plan without delay.

CARRIED

05-13 Moved by Grenier and Sharpe that Council approve a maximum fuel expenditure of \$500.00 to operate the Winter Lights Tours from December 20th to December 21st, 2005.

CARRIED

05-175 Moved by Grenier and Sharpe that the letter by Dave and Tracey Albano regarding the storage of a bus on a private drive at 234 Becken Crescent be received for information; and That it be noted that the Albanos did not appear at the December 13, 2005 General Committee meeting as scheduled.

CARRIED

05-175 Moved by Grenier and Sharpe that the letter from Dino Pisani presented at the December 13th, 2005 General Committee Meeting regarding his opposition to the storage of a bus on a private drive at 234 Becken Crescent be received for information.

CARRIED

05-176

05-176Z Moved by Grenier and Sharpe

1. That the City Of Welland adopt Official Plan Amendment No. 117 respecting Lots 39, 40, 41, and 42, Plan 969, known municipally as 11 Pietz Avenue from Residential to Commercial with permitted uses limited to a personal service establishment; dry cleaning and laundry depot; bake shop; caterer; artist studio; distillation establishment; contractor's establishment; custom workshop; printing establishment; business service establishment and car detailing;
2. That Zoning By-law 2667, as amended, be further amended for lands known municipally as 11 Pietz Avenue (Lots 39, 40, 41, and 42, Plan 969) from the existing RM2 - Multiple Dwelling - Second Density Zone By-law 2667 to a Site Specific H-C2 Holding Zone to permit a personal service establishment; dry cleaning and laundry depot; bake shop; caterer; artist studio; distillation establishment; contractor's establishment; custom workshop; printing establishment; business service establishment and car detailing; and to indicate a maximum of three (3) parking spaces and to create zone provisions; and
3. That the Holding Symbol (H) be removed, upon Application, once all the requirements of a new Site Plan Control Agreement with the City of Welland have been fulfilled.

CARRIED

05-177Z Moved by Grenier and Sharpe that Zoning By-law 2667, as amended, be further amended for Lots 2, 3, 4 and 5 Plan 59M-311 known municipally as 18, 24, 30, 36, 42, 48, 54 and 60 Bridgewater Court from the existing RM4 - Multiple Dwelling - Fourth Density Zone to a Site Specific RM4 Zone to recognize existing deck setbacks from the common/shared lot line.

CARRIED

06-29

06-33

06-36

07-29 Moved by Sharpe and Alexander that Report CLK 2005-22 - Council Calendar 2006 - Council Meeting Dates, Municipal Elections and Christmas Closure dated December 13, 2005, be accepted; and

That the Regular Council Meeting of January 2, 2007 be cancelled; and further

That the 2006 Christmas closure at Welland City Hall be from Monday, December 25, 2006 to Monday, January 1, 2007 inclusive.

LOST

06-45 Moved by Grenier and Sharpe that Council approve Option II of the consultant, RiskPro, for the renewal of the City of Welland's, and the Welland Recreational Canal Corporation's 2006 Insurance renewal with the Frank Cowan Company in the amounts of \$832,469 (plus taxes) and \$18,872 (plus taxes) respectively.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE ON DECEMBER 13TH, 2005

05-19 Moved by Fortier and Grenier

1. That Council approve a one year lease between Laurent Viger Construction Company Limited, Welland and the City of Welland for lands adjacent to Memorial Park in Welland.
2. That the lease be reviewed at the end of one year.

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

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

05-176

BYL 2005-192

A By-law to authorize the adoption of Official Plan Amendment No. 117.

05-176Z

BYL 2005-193

A By-law to amend City of Welland Zoning By-law 2667 (1578967 Ontario Ltd. – File 2005-13) 11 Pietz Avenue.

05-177

2005-194

A By-law to amend City of Welland Zoning By-law 2667 (Leonard George Bantten, Edith Martha Mae Bantten, Leonard Salmon and Lola Salmon, Joseph Tirone and Eva Falcone, John Smith and Elizabeth Smith, Andre Roy and Maureen Roy, Vito Scarselli and Alfonsina Ravenda – File 2005-14) 18, 24, 30, 36, 42, 48, 54, 60 Bridgewater Court.

05-1

2005-195

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 13th day of December, 2005.

And that the same be now read a first time.

CARRIED**BY-LAWS PRESENTED FOR SECOND AND THIRD READING:**

2. Moved by Grenier and Sharpe 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

Council adjourned at 10:25 p.m.

These Minutes approved and adopted by Motion of Council this 20th day of December, 2005.

MAYOR

CLERK