



**COUNCIL MEETING, NOVEMBER 27, 2007**

**BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE (IN CAMERA): TO HOLD A SPECIAL COUNCIL MEETING PURSUANT TO SECTION 239 (3.1) OF THE *MUNICIPAL ACT, 2001*, AS AMENDED, FOR THE PURPOSE OF TRAINING AND EDUCATING MEMBERS OF COUNCIL REGARDING THE MUNICIPAL ACT – AMENDMENTS TO BILL 130; AND ALSO TO MEET TO DISCUSS SECURITY OF PROPERTY AND PERSONAL MATTERS; AND IN OPEN SESSION TO HOLD A PUBLIC MEETING PURSUANT TO THE MUNICIPAL ACT, 2001; AND**

**BY PROCEDURAL BY-LAW 2005-176:  
TO RATIFY THE ACTIONS OF GENERAL COMMITTEE**

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

Council met in Special Meeting Committee-of-the-Whole closed to the public at 5:05 p.m. and in open session at 7:28 p.m. to hold a Public Meeting pursuant to the *Municipal Act, 2001*; and recessed at 7:43 p.m.; and pursuant to By-law 2005-176, the Procedural By-law of Council, reconvened following the General Committee Meeting at 8:40 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

**Members Present:**

Councillors R. Alakas (5:14 p.m.), D. Alexander, M. Belcastro, F. Campion (5:10 p.m.), P. Chiocchio, M. Dzugan (5:30 p.m.), P. Grenier (5:12 p.m.), J. Larouche, R. Letourneau, S. O'Dell, B. Sharpe and L. Van Vliet (5:13 p.m.).

**Members of the Staff and Others Present:**

City Manager, P. Simmons  
General Manager, Communications, Council & Legislative Services/City Clerk, C. Stirtzinger  
Chief, Fire & Emergency Services, D. Prevost (7:28 p.m.)  
General Manager, Engineering, Public Works & Transportation Services/City Engineer, D. Shantz  
General Manager, Financial & Corporate Services/Treasurer, B. Silvestri  
General Manager, Planning & Development Services, D. Thorpe  
General Manager, Parks, Facilities and Leisure Services, B. Fenwick  
General Manager, Human Resources, R. Mantesso  
Games Licensing & Committee Clerk, L. Bubanko



**07-25** Moved by Belcastro and Alexander  
 THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 5:05 p.m. to consider:

- a) the security of the property of the municipality or local board; and
  - b) personal matters about an identifiable individual, including municipal employees; and
- under Section 239 (3.1) of the *Municipal Act, 2001*, as amended, for the purpose of training and educating members of Council concerning Municipal Act Bill 130 – Amendments Clean Up.

**CARRIED**

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

**07-25** Moved by Sharpe and Larouche  
 THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:55 p.m.

**CARRIED**

### **DISCLOSURE OF INTEREST:**

Councillor Belcastro disclosed an interest in Ref. No. 03-139/03-139Z and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is the President of the Seaway Mall.

Councillor Larouche disclosed an interest in Ref. No. 08-45 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his employer is a former broker of record for the City of Welland.

### **THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF NOVEMBER 27, 2007:**

**02-160** Gen. Mgr., Communications, Council and Legislative Services/City Clerk, C. Stirtzinger – Municipal Act Bill 130 Amendments Clean-Up.

**03-139**

**03-139Z** Scott Arbuckle, Planning & Engineering Initiatives Ltd. (PEIL) and Kathleen Freeman, Canadian Tire Real Estate Limited – Canadian Tire development.

**03-139**

**03-139Z** Deanna Villella, Chair and Trevor Sainsbury, Vice-Chair, North Welland Business Improvement Area – Calloway REIT (Welland) Inc. Zoning/OPA applications for Canadian Tire and proposed Rona centre.

**03-139**

**03-139Z** Mary Bull, Wood Bull LLP, Solicitors for Calloway REIT (Welland) Inc. – Official Plan and Zoning By-law Amendment for 102 Primeway Drive.

**03-139**

**03-139Z** Gen. Mgr., Planning and Development Services, D. Thorpe – Proposed Amendment to the Official Plan and Zoning By-law 2667 – Calloway REIT (Welland) Inc. – Canadian Tire site on the north side of Woodlawn Road, east of Brown Road (File: 2006-19).

**03-139Z** Stanley B. Stein, Osler, Hoskin & Harcourt LLP – Calloway Reit (Welland) Inc. – proposed Canadian Tire relocation – north side of Woodlawn Road, east of Brown Road.

**06-114** Gen. Mgr., Parks, Facilities and Leisure Services B. Fenwick – 150<sup>th</sup> Anniversary Planning Committee request for fee waiver.

**07-4** Audit Review Committee Report.

**08-45** Gen. Mgr., Communications, Council and Legislative Services/City Clerk, C. Stirtzinger – 2008 Insurance Renewal.

**THE FOLLOWING BY-LAWS WERE RECEIVED:**

- 02-160** A By-law to govern the Proceeding and Conduct of Council and the Committees thereof and to repeal By-law 2005-176.
- 02-160** A By-law to establish and adopt a City policy governing the Delegation of Powers.
- 02-160** A By-law to establish and adopt a City policy governing Accountability and Transparency.
- 02-160**
- 02-172** A By-law to adopt a policy for the providing of public notice pursuant to the Municipal Act, 2001; and to repeal By-law 2002-195.
- 99-110** A By-law to authorize the entering into an agreement with the Regional Municipality of Niagara, the City of Thorold and the City of Port Colborne and various user groups regarding the operation of the East Side Trail.
- 99-110** A By-law to establish authorized and prohibited uses of East Side Trail.
- 03-28**
- 03-40** A By-law to amend By-law 2006-193, being a By-law to establish and regulate fees and charges for various services or activities and use of property as provided by the Municipality.
- 05-120** A By-law to amend City of Welland Building By-law 2005-91.
- 03-139** A By-law to authorize the adoption of Official Plan Amendment No. 124.
- 03-139Z** A By-law to amend City of Welland Zoning By-law 2667 (Calloway Reit (Welland) Inc. – File: 2006-19) north side of Woodlawn Road, east of Brown Road.
- 07-1** 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 27th day of November, 2007.

**THE FOLLOWING BY-LAWS WERE DELETED:**

- 03-28**
- 03-40** A By-law to amend By-law 2006-193, being a By-law to establish and regulate fees and charges for various services or activities and use of property as provided by the Municipality.
- 05-120** A By-law to amend City of Welland Building By-law 2005-91.

**PUBLIC MEETING PURSUANT TO SECTION 357 OF THE MUNICIPAL ACT, 2001**

- 07-4** To consider User Fees.
- Cliff Durant, 321 Southworth Street, Welland, ON, L3B 1Z8, in opposition to the arena fee rates.

There being no other submissions the public meeting was concluded.

**02-160** Moved by Grenier and Sharpe  
 THAT THE COUNCIL OF THE CITY OF WELLAND approves for implementation effective January 1, 2008:  
 The revised Procedural By-law of Council;  
 The revised By-law on Public Notice;  
 The Policy on Delegation of Power; and  
 The Policy on Accountability and Transparency.

**CARRIED**

**03-139****03-139Z**Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Scott Arbuckle, Planning & Engineering Initiatives Ltd. (PEIL) and Kathleen Freeman, Canadian Tire Real Estate Limited at the November 27, 2007 General Committee Meeting regarding the Canadian Tire Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA).

**CARRIED****03-139****03-139Z**Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Deanna Villella, Chair and Trevor Sainsbury, Vice-Chair, North Welland Business Improvement Area at the November 27, 2007 General Committee Meeting regarding the Calloway REIT (Welland) Inc. Zoning/Official Plan Amendment (OPA) for Canadian Tire and the proposed Rona centre.

**CARRIED****03-139****03-139Z**Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Mary Bull, Wood Bull LLP, Solicitors for Calloway REIT (Welland) Inc. at the November 27, 2007 General Committee Meeting regarding 102 Primeway Drive.

**CARRIED****03-139****03-139Z**Moved by Grenier and Sharpe

1. THAT THE COUNCIL OF THE CITY OF WELLAND adopts Official Plan Amendment No. 124 respecting Part of Lot 21, Concession 2, former Township of Crowland, now City of Welland being part of Parts 2, 6 and 7, Plan 59R-9112 to modify the Prestige Light Industrial/Highway Commercial designation - Official Plan Amendment No.: 113 to permit the expansion of the Home and Auto Supply Store to a maximum of 9,379 square metres, to allow a wind turbine/wind mill as a permitted use and to guide development of the subject lands by providing site specific policies designed to ensure that the proposal is proper and in keeping with sound planning principles; and further,
2. That Welland City Council amends Zoning By-law 2667, as amended, for Part of Lot 21, Concession 2, former Township of Crowland, now City of Welland being part of Parts 2, 6 and 7, Plan 59R-9112 to a Site Specific H-C4 (Holding) Zone to permit a home and auto supply store having a gross leasable floor area of 9,379 square metres, to permit a wind turbine/wind mill and to create specific Zone provisions;
3. That the Holding Symbol in the Site specific H-C4 Zone be removed, upon application, after a Site Plan Agreement has been executed between the Developer and the City;
4. The Zoning By-law shall only come into force once the Official Plan Amendment has been approved; and
5. That Staff be authorized to prepare the necessary By-laws.

**CARRIED****03-139Z**Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the letter from Stanley B. Stein, Osler, Hoskin & Harcourt LLP, dated November 26, 2007, on behalf of the Seaway Mall, clarifying the position of the Mall in regards to the proposed Canadian Tire application being not in opposition to the Canadian Tire proposed application but confirming the Mall's continuing objection to the new commercial retail unit (CRU) space and removal of minimum unit sizes proposed by the Calloway Reit application.

**CARRIED**

**06-114** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND approves the waiving of fees, as contained in Report PF&LS 2007-31, for approved 150<sup>th</sup> Anniversary events in 2008 which will be held in or on City-owned facilities.

**CARRIED****07-4** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the Year to Date - Budget Performance Report (CM 2007-12) as recommended by the Audit Review Committee.

**CARRIED****08-45** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND approves the City's General and Transit Insurance renewal for the period December 31, 2007 to December 31, 2008 with the Frank Cowan Company at annual premiums (plus applicable taxes) as follows:

General \$758,654

Transit \$124,607

MUNICIPAL TOTAL \$883,261

Welland Recreational Canal Corporation \$24,517 (revised premium based on increased deductible).

**CARRIED**

### **BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE**

**08-45****99-99** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information that the Welland Recreational Canal Corporation (WRCC) approves of the insurance renewal from Frank Cowan Company Ltd. at a revised premium of \$24,517 with increased deductible; and further

THAT Welland City Council receives for information that the WRCC approves changing the deductibles for Errors & Omissions and Environmental Liability to \$10,000.

**CARRIED****99-99** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information that the Welland Recreational Canal Corporation (WRCC) approves of the contract renewal with Universal Maintenance and the Corporation of the City of Welland for Landscape Maintenance Services at "Various Locations along the Canal Lands"; and further

THAT Welland City Council approves of the Welland Recreational Canal Corporation becoming the principal of the aforementioned contract, as recommended by the WRCC; and further

THAT Welland City Council approves of the assignment of responsibility of said contract and regular communication with the supplier to the Welland Recreational Canal Corporation's Business & Operations Manager from the General Manager, Parks, Facilities and Leisure Services, as recommended by the WRCC.

**CARRIED**

**BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE Cont'd:**

**99-99**

Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information that the Welland Recreational Canal Corporation (WRCC) approves changing the structure of staff reporting as it pertains to the Flatwater Rental Program, moving the responsibility of the Welland Recreational Canal Corporation's (WRCC) Business & Operations Manager from the Manager of Leisure Services of Parks, Facilities and Leisure Services Department of the City of Welland, as recommended by the WRCC; and further

THAT Welland City Council receives for information that the Welland Recreational Canal Corporation (WRCC) approves creating an account for direct and indirect wage costs associated with the Flatwater Rental Program under the WRCC's Sub-Account; and further

THAT Welland City Council receives for information that the Welland Recreational Canal Corporation (WRCC) approves of labour costs associated with the Flatwater Rental Program being budgeted to the newly created account and reported and accumulated as realized, as recommended by the WRCC.

**CARRIED**

**BY - LAWS**

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

1. Moved by Grenier and Sharpe

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

**02-160**

BYL 2007-178

A By-law to govern the Proceeding and Conduct of Council and the Committees thereof and to repeal By-law 2005-176.

**02-160**

BYL 2007-179

A By-law to establish and adopt a City policy governing the Delegation of Powers.

**02-160**

BYL 2007-180

A By-law to establish and adopt a City policy governing Accountability and Transparency.

**02-160**

**02-172**

BYL 2007-181

A By-law to adopt a policy for the providing of public notice pursuant to the Municipal Act, 2001; and to repeal By-law 2002-195.

**99-110**

BYL 2007-182

A By-law to authorize the entering into an agreement with the Regional Municipality of Niagara, the City of Thorold and the City of Port Colborne and various user groups regarding the operation of the East Side Trail.

**BY-LAWS PRESENTED FOR FIRST READING Cont'd:****99-110**

BYL 2007-183

A By-law to establish authorized and prohibited uses of East Side Trail.

**03-139**

BYL 2007-184

A By-law to authorize the adoption of Official Plan Amendment No. 124.

**03-139Z**

BYL 2007-185

A By-law to amend City of Welland Zoning By-law 2667 (Calloway Reit (Welland) Inc. – File: 2006-19) north side of Woodlawn Road, east of Brown Road.

**07-1**

BYL 2007-186

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 27th day of November, 2007.

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 COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-laws listed in the foregoing motion 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 8:45 p.m.

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**MAYOR**

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**DEPUTY CLERK**