



**MINUTES OF
COUNCIL MEETING, JANUARY 19, 2010**

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

Council met in Committee-of-the-Whole closed to the public at 6:00 p.m. and in open session at 7:13 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present:

Councillors R. Alakas, D. Alexander, M. Belcastro, F. Champion, P. Chiochio, M. Dzugan, J. Larouche, P. Grenier, R. Letourneau, S. O'Dell, B. Sharpe and L. Van Vliet.

Members of the Staff and Others Present:

Acting City Manager/ General Manager, Parks, Facilities, Recreation & Cultural Services, B. Fenwick

Acting City Clerk, C. Mintoff

Deputy City Clerk, B. Nistico-Dunk (7:13 p.m.)

General Manager, Engineering, Public Works & Transportation Services/City Engineer, S. Iannello

General Manager, Financial & Corporate Services/Treasurer, B. Silvestri

General Manager, Human Resources, R. Mantesso

General Manager, Planning & Development Services, D. Thorpe

Manager, Engineering Services, L. Ventresca (until 7:05 p.m.)

Manager, Economic Development, D. Degazio (6:08 p.m. – 7:05 p.m.)

(Tom Hanrahan and Bruce Smith, Solicitors, were present during Committee-of-the-Whole discussions on receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose).

(Tom Richardson and Tom Hanrahan, Solicitors, were present during Committee-of-the-Whole discussions on a litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board).

10-25 Moved by Dzugan and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:00 p.m. to consider:

- the security of the property of the municipality or local board;
- a proposed or pending acquisition or disposition of land by the municipality or local board;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
- the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

(Councillor Grenier was not present during Committee-of-the-Whole discussions on a litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board).

10-25 Moved by Belcastro and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:05 p.m. without report.

CARRIED

PRESENTATION:

Jane Thompson and Angela Gravelle, Winter Lights Committee presented certificates to the following winners of the 2009 Winter Lighting Contest: 1st Place: Damiano and Maria Morrone - 62 Strathmore Crescent; 2nd Place: Kelly McComber, 118 Pinehurst Drive; 3rd Place: Norm Sawyer, 41 Bishop Road and People's Choice Award: Damiano & Maria Morrone, 62 Strathmore Crescent.

DELEGATIONS:

10-28 Madeline Woodhead, Director, Niagara Community Foundation and Peter Papp, Executive Director, United Way of South Niagara addressed Council regarding grant activity from 2009/2010 and donations.

09-162 Regional Councillor Brian Baty, Co-Chair, Public Health and Social Services Committee addressed Council regarding "Stop Family Violence: It's Everybody's Business".

10-28 Anthony Tofano and Haley Bateman, addressed Council relative to The Care's Foundation's 8th Annual Strike Out Violence Bowling to raise awareness of the Women's Place of South Niagara Inc.

04-47 Janet Booth, CAO, and Stephen Hanns, Manager of Public Services, Welland Public Library addressed Council regarding the Library's contribution to the Community.

STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Councillor Dzugan presided as Chair of the Public Hearing:

10-41Z A complete Application has been made by JOSEPH WOJDAT on behalf of MUTUAL INCOME ESTATES INC. to rezone Part Block A, Plan 92, now known as Plan 640 for lands at 30 Rice Road 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 a commercial school as an additional use to uses already permitted by the existing C2 Zone. There is no Official Plan coverage. (File No. 2009-15)

Councillor Dzugan 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.

Presenting for the applicant was Joseph Wojdat, owner and Susan Sheppard, proposed operator of Kumon Learning Centres.

In support of the application:

- No one spoke to the application.

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

In opposition of the application:

- No one spoke to the application.

09-43Z A complete Application has been made by TERRANCE WILLIAM EWANOCHKO to rezone Part Lot 4 and Part Lots 27 and 28, Plan 552 for lands at 65 West Main Street to permit Site Specific Amendments to the H-RZ-X8 Zone By-law 2667. The purpose of the Amendment is to permit a bed and breakfast in the converted church building and to reduce the required parking to a total of six (6) spaces for the permitted residential units and the proposed bed and breakfast use. The Official Plan designation is COMMERCIAL (C). (File No. 2009-16)

Councillor Dzugan 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.

Presenting for the applicant was Terry Ewanochko, 65 West Main Street, Welland.

In support of the application:

- No one spoke to the application.

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

In opposition of the application:

- No one spoke to the application.

10-42

10-42Z Applications have been made by RAFFAELE BELVEDERE on behalf of CENTRE DE SANTE COMMUNAUTAIRE HAMILTON/NIAGARA INC. to amend the Official Plan and to rezone Part of Lot 22, Concession 4, former Township of Crowland, now in the City of Welland for lands at 810 East Main Street from the existing C3 and RM2 Zones By-law 2667 to a Site Specific C3 Zone By-law 2667. The purpose of the Amendment is to rezone that portion of the subject lands currently used for parking purposes, to recognize a 0.00 metre west side yard setback to the existing building and to permit a reduction in the number of parking spaces to a total of 72 spaces associated with the construction of an addition to the existing building in order to establish a Community Health and Social Service Centre. The Official Plan designation is COMMERCIAL AND RESIDENTIAL. (File No. 2009-17)

Councillor Dzugan 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.

Presenting for the applicant were Ralph Belvedere, Architect and Marcel Castonguay, Executive Director, Centre De Sante Communautaire Hamilton/Niagara Inc.

In support of the application:

- No one spoke to the application.

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

In opposition of the application:

- No one spoke to the application.

There being no further opposition to the application the hearing was concluded.

AGENCIES, BOARDS, COMMISSIONS REPORTS

10-4 Councillor Grenier, Chair of the Budget Review Committee provided an update on the Budget Review Committee meeting of January 19, 2010.

10-1 Moved by Dzugan and Larouche
 THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of December 15, 2009, as circulated.

CARRIED

99-92 Moved by Belcastro and Van Vliet
 THAT THE COUNCIL OF THE CITY OF WELLAND approves an extension to Draft Plan Approval for the Harry W. Diffin Industrial Park Subdivision (File 26T-14-89015) for two (2) years to February 3, 2012.

CARRIED

01-108 Moved by Belcastro and Van Vliet
 THAT THE COUNCIL OF THE CITY OF WELLAND endorses the Public Domain Incentive Program and directs staff to apply for Regional funding for the Downtown Improvements Program.

CARRIED

04-47 Moved by Chiochio and Grenier
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Janet Booth, CEO, and Stephen Hanns, Manager of Public Services, Welland Public Library relative to the Library's contribution to the Community.

CARRIED

07-120 Moved by Belcastro and Van Vliet
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report PDS-2010-6 with respect to the installation of 9-1-1 signage east of the Welland Canal.

CARRIED

08-62 Moved by Sharpe and Larouche
 THAT THE COUNCIL OF THE CITY OF WELLAND approves expanding the Sidewalk Snow Clearing Program to include all sidewalks adjacent to city-owned properties that provide access to a school or Welland Transit stop, and that sufficient funding be included in the 2010 Operating Budget for this purpose.

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08-62 Moved by Belcastro and Van Vliet
 THAT the matter regarding expanding the Sidewalk Snow Clearing Program be deferred to the February 9, 2010 General Committee Meeting.

CARRIED

08-136 Moved by Belcastro and Van Vliet
 THAT THE COUNCIL OF THE CITY OF WELLAND supports the correspondence from the Town of Lincoln dated November 16, 2009 to hereby petition the Government of Canada to support the Ontario Fruit and Vegetable Growers' Association to work with farmers to establish a program to ensure sustainability of the fruit and vegetable sector.

CARRIED

08-143 Moved by Campion and Letourneau
 THAT THE COUNCIL OF THE CITY OF WELLAND supports the City of Niagara Falls Resolution No. 40 of November 30, 2009 (attached) which calls for the Lieutenant Governor in Council to appoint an investigator to investigate and report on the quality of management and administration of the Niagara Health System; and further
 THAT Welland City Council directs copies of this resolution be forwarded to area municipalities, the Premier of Ontario, the Minister of Health and Long-Term Care and all area MPs & all MPP's.

CARRIED

08-143 Moved by Campion and Dzugan
 THAT THE COUNCIL OF THE CITY OF WELLAND establishes a standing committee of council which would represent the interests of City Council and the residents of Welland relative to the Niagara Health System (NHS) Hospital Improvement Plan to ensure that the NHS, LHIN, Provincial Government and other organizations are aware of issues with health care services at the Welland Hospital site; and further
 THAT Welland City Council directs this committee to act as a liaison and in unison with other area municipalities and organizations in order to present the unified messages and take necessary actions that will be required to convince the LHIN, NHS and Provincial Government that changes to the HIP are necessary in order to protect the integrity and availability of health care services for all residents of Niagara.

CARRIED

09-43Z Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves an Amendment to Zoning By-law 2667, as amended, (File No. 2009-16) for lands on the south side of West Main Street, west of Frazer Street, more specifically described as Part Lots 4, 27 and 28, Plan 552, known municipally as 65 West Main Street to amend the existing Holding Site Specific RZ-X8 Reinvestment Zone to permit a bed and breakfast in the existing converted church building; to reduce the parking to a total of six (6) spaces for the permitted residential units and bed and breakfast use and to permit a minimum parking aisle width of 4.5 metres for the two (2) most easterly parking spaces; and further

THAT Welland City Council approves the removal of the Holding (H) Symbol (File No. 2008-12) on the land located at 65 West Main Street to permit the conversion of the existing church building in accordance with the provisions of Zoning By-law 2009-10; and further

That Welland City Council authorizes Staff to prepare the necessary By-law.

CARRIED**09-94Z** Moved by Belcastro and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND approves the removal of the Holding (H) Symbol on lands municipally known as 70 Elmwood Avenue to allow the uses permitted in the RM3-X28 Zone; and further

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

CARRIED**09-130** Moved by Belcastro and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes the Semi-Annual Subdivision Status Report as of December 31, 2009.

CARRIED**09-162** Moved by Alakas and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Regional Councillor Brian Baty relative to "Stop Family Violence: It's Everybody's Business".

CARRIED**10-4** Moved by Dzugan and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the report by the Chair of the Budget Review Committee.

CARRIED**10-6** Moved by Larouche and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND declares the month of February as "Tim Horton's Bowling for Kids Sake" in the City of Welland as requested by the Big Brothers Big Sisters of South Niagara.

CARRIED

10-22 Moved by Dzugan and Campion
 THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to prepare the necessary By-Law to amend By-law 89-2000, as follows:

ADD THE FOLLOWING:

TO SCHEDULE "V"

COLUMN 1 STREET	COLUMN 2 SIDE	COLUMN 3		COLUMN 4 PERIOD (TIMES\DAY)
		FROM	TO	
Michael Drive	South & West Sides	North Valley Drive	North Termination	AT NO TIME

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10-22 Moved by Van Vliet and Sharpe
 THAT the matter regarding parking restrictions – Michael Drive be deferred to the February 16, 2010 Council Meeting.

CARRIED

10-28 Moved by Larouche and Letourneau
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Anthony Tofano and Haley Bateman, regarding The Cares Foundation 8th Annual Strike Out Violence Bowling Tournament and raising awareness of Women's Place of South Niagara Inc.

CARRIED

10-28 Moved by Larouche and Dzugan
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Madeline Woodhead, Director, Niagara Community Foundation and Peter Papp, Executive Director, United Way of South Niagara, relative to providing an update of the Foundation's 2009/2010 grant activity and donations.

CARRIED

10-41Z Moved by Van Vliet and Larouche
 THAT THE COUNCIL OF THE CITY OF WELLAND approves an Amendment to Zoning By-law 2667, as amended, for lands known municipally as 30 Rice Road to amend the existing C2 – Shopping Commercial Zone to a Site Specific C2 Zone to permit a commercial school in addition to uses currently permitted by the C2 Zone.

CARRIED

10-42Z Moved by Dzugan and Letourneau
 THAT THE COUNCIL OF THE CITY OF WELLAND redesignates a portion of the lands on the north side of East Main Street and west of White Avenue, being Part of Lot 22, Concession 4, former Township of Crowland, now in the City of Welland, from Residential to Commercial to permit the on-going use of the land for parking purposes; and further

...continued

10-42Z

THAT Welland City Council approves an Amendment to Zoning By-law 2667, as amended, for lands on the north side of East Main Street and west of White Avenue, being Part of Lot 22, Concession 4, former Township of Crowland, now in the City of Welland, known municipally as 810 East Main Street, from the existing C3 – General Commercial Zone and RM2 – Multiple Dwelling – Second Density Zone to a Site Specific Holding C3 Zone to permit a total of 80 parking spaces associated with the construction of a new three (3) storey, 7,580 square foot (approximately 700 square metre) building for a Community Health and

Social Service Centre and exempting the 3.0 metre wide landscaped strip at the southeast corner of the subject property; and further

THAT Welland City Council directs that prior to lifting the Holding Symbol (H), upon request by the Owner, the Owner shall enter into Site Plan Agreement(s) with the City to ensure the proper development of the subject property; and further

THAT Welland City Council directs Staff to prepare the necessary documents and By-law(s).

(Councillor Alexander did not take part in the consideration and discussion of same, and refrained from voting thereon, as his wife works for Renaissance Mid-wifery who is a tenant of Centre de Sante).

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

1. Moved by Larouche and Grenier

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

10-41Z

BYL 2010 - 1

A By-law to amend City of Welland Zoning By-law 2667 (Mutual Income Estates Inc. - File 2009-15) 30 Rice Road.

09-43Z

BYL 2010 - 2

A By-law to amend Zoning By-law 2667 upon the application of Terrance William Ewanochko to remove the Holding Symbol "H" from certain lands south of West Main Street, north of Bald Street, west of Frazer Street known municipally as 65 West Main Street (File 2008-12).

09-43Z

BYL 2010 - 3

A By-law to amend Zoning By-law 2667 (Terrance William Ewanochko - File 2009-16) 65 West Main Street.

10-42Z

BYL 2010 - 4

A By-law to authorize the adoption of Official Plan Amendment No. 135.

10-42Z

BYL 2010 - 5

A By-law to amend Zoning By-law 2667 (Centre De Sante Communautaire Hamilton/Niagara Inc. - File 2009-17) 810 East Main Street.

And that same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Larouche and Grenier
 THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-laws listed in the foregoing motion and, 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**BY-LAWS PRESENTED FOR FIRST READING:**

3. Moved by Belcastro and Van Vliet
 THAT THE COUNCIL OF THE CITY OF WELLAND now gives leave to introduce the following proposed By-laws entitled:

09-94Z

BYL 2010 - 6

A By-law to amend Zoning By-law 2667 upon the application of Grey Forest Homes Ltd. to remove the Holding Symbol "H" from certain lands on the west side of Elmwood Avenue, south of Lincoln Street and north of Windsor Street known municipally as 70 Elmwood Avenue (File 2009-08).

10-19

BYL 2010 - 7

A By-law to authorize an extension of the Lease Agreement with Laurent Viger Construction Limited for lands adjacent to Memorial Park.

06-156

BYL 2010 - 8

A By-law to authorize the entering into an agreement with the Welland and District Society for the Prevention of Cruelty to Animals for animal control and municipal pound services within the City of Welland.

10-43

BYL 2010 - 9

A By-law to provide for advance votes to be held prior to voting day.

10-01

BYL 2010 - 10

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 19th day of January, 2010.

And that same be now read a first time.

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

4. Moved by Belcastro and Van Vliet
 THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-laws listed in the foregoing motion and, 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

NOTICE OF MOTION

In accordance with By-law 2007-178 passed on November 27, 2007, Councillor(s) must submit their NOTICE OF MOTION(S) in writing no later than Wednesday, January 27, 2010 for inclusion on the next regular Council meeting agenda of February 2, 2010.

Council adjourned at 9:42 p.m.

These Minutes approved and adopted by Motion of Council this 2nd day of February, 2010.

MAYOR

ACTING CITY CLERK