



MINUTES OF

COUNCIL MEETING, MARCH 10, 2009

BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE (IN CAMERA): TO DISCUSS A PERSONAL MATTER ABOUT AN IDENTIFIABLE INDIVIDUAL AND THE CITY MANAGER'S REPORT TO COUNCIL REGARDING A SECURITY OF PROPERTY MATTER; AND IN OPEN SESSION TO HOLD PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT; AND

**BY PROCEDURAL BY-LAW 2007-178:
TO RATIFY THE ACTIONS OF GENERAL COMMITTEE**

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

Council met in a Special Meeting of Committee-of-the-Whole closed to the public at 6:54 p.m. and in open session at 7:10 p.m. to hold Statutory Public Hearings under the *Planning Act*; and recessed at 7:38 p.m.; and pursuant to By-law 2007-178, the Procedural By-law of Council, reconvened following the General Committee Meeting at 8:54 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. Chiocchio,
P. Grenier, J. Larouche, R. Letourneau, S. O'Dell, B. Sharpe and L. Van Vliet.

Members of the Staff and Others Present:

City Manager, C. Stirtzinger
Acting City Clerk, B. Nistico-Dunk
Chief, Fire & Emergency Services, D. Prevost
General Manager, Engineering, Public Works & Transportation Services/City Engineer, S. Iannello
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 (7:10 p.m.)
Manager, Budgets and Financial Reporting/Deputy Treasurer, K. Douglas
Manager, Development Planning & Real Estate, R. DiFelice (7:10 p.m. – 8:20 p.m.)

09-25 Moved by Alakas and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:54 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 or local board employees; AND in addition to consider the following:
- c) Mayor – In Camera Report to Council: Security of Property Matter.

CARRIED

09-25 Moved by Van Vliet and Campion

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:03 p.m. without report.

CARRIED

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF MARCH 10, 2009:

08-147 Gen. Mgr., Planning & Development Serv., D. Thorpe – Request to delete sidewalks – east side of Regatta Drive – Regatta Subdivision, Plan 59M-247 (File 26T-14-93009).

09-3 Ian Marshall, Niagara Divers' Association – permission to sell lottery tickets.

09-4 Councillor Grenier, Chair, Budget Review Committee – Meeting of March 10, 2009.

09-4 Gen. Mgr., Financial and Corp. Serv./Treasurer, B. Silvestri – Properties Eligible for Tax Registration.

09-42 Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Award of Contract for Watermain Leak Detection and Water Use Profiling Study.

09-70

09-70Z Gen. Mgr., Planning & Development Serv., D. Thorpe – Applications for Official Plan Amendment and Zoning By-law Amendment – 240 Denistoun Street, Part Lot 26, Concession 5, former Township of Crowland, northeast corner of Lincoln and Denistoun Streets – City of Welland (File: 2009-01).

09-71

09-71Z Gen. Mgr., Planning & Development Serv., D. Thorpe – Applications for Official Plan and Zoning By-law Amendments, Lots 78 and 79, Part Lots 80 and 81, Plan 571, north side of McCormick Street, west of the Welland Recreational Waterway, City of Welland (File 2009-02).

09-75 Mgr., Business & Operations – WRCC, S. Fischer & Chair, WRCC, B. Mahler – Presentation to Council re: the Pan American Games Bid Involvement.

09-75 Mgr., Business & Operations – WRCC, S. Fischer – Pan American Games Bid Involvement.

09-80 Gen. Mgr., Financial and Corp. Serv./Treasurer, B. Silvestri – 2008 Remuneration and Expense Report – Members of Council.

THE FOLLOWING BY-LAWS WERE RECEIVED:

09-71 A By-law to authorize the adoption of Official Plan Amendment No. 129.

09-71Z A By-law to amend City of Welland Zoning By-law 2667 (The Corporation of The City of Welland – File 2009-02) North Side of McCormick Street, West of Welland Recreational Waterway.

09-70 A By-law to authorize the adoption of Official Plan Amendment No. 130.

09-70Z A By-law to amend City of Welland Zoning By-law 2667 (The Corporation of The City of Welland – File 2009-01) 240 Denistoun Street.

09-1 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 10th day of March, 2009.

THE FOLLOWING BY-LAWS WERE DELETED:

09-71 A By-law to authorize the adoption of Official Plan Amendment No. 129.

09-71Z A By-law to amend City of Welland Zoning By-law 2667 (The Corporation of The City of Welland – File 2009-02) North Side of McCormick Street, West of Welland Recreational Waterway.

STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Mayor Goulbourne presided as Chair of the Public Hearings:

09-70

09-70Z Applications have been made by DONALD B. THORPE on behalf of THE CORPORATION OF THE CITY OF WELLAND to amend the Official Plan and to rezone Part Lot 26, Concession 5, former Township of Crowland, now City of Welland for lands at 240 Denistoun Street from the existing RM4 and O2 Zones By-law 2667 to a Site Specific RM4 Zone By-law 2667. The purpose of the Amendment is to permit the lands to be developed for multiple residential uses with Site Specific provisions. The Official Plan designation is RESIDENTIAL AND OPEN SPACE.

Mayor Goulbourne outlined the procedures of the public hearing as required by the *Planning Act*.

D. Thorpe confirmed that the statutory requirements for the public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

In support of the application:

- Rose DiFelice, Manager, Development Planning & Real Estate, City of Welland, on behalf of the applicant
- Don Thorpe, General Manager, Planning & Development Services, City of Welland, on behalf of the applicant

In opposition to the application:

- Mary Sciliberto, 11 Loyalist Drive, Welland, ON, L3C 2X9

09-71

09-71Z Applications have been made by DONALD B. THORPE on behalf of THE CORPORATION OF THE CITY OF WELLAND to amend the Official Plan and to rezone Lots 78 and 79, Part Lots 80 and 81, Plan 571 for lands on the north side of McCormick Street, west of Welland Recreational Waterway from the existing R3 and O1 Zones By-law 2667 to a Site Specific RM3 Zone By-law 2667. The purpose of the Amendment is to permit multiple residential type uses such as townhouses and semi-detached dwellings. A Site Specific RM3 Zone is requested to recognize possible reduced setbacks and lot frontage requirements. The Official Plan designation is OPEN SPACE (OS).

Mayor Goulbourne outlined the procedures of the public hearing as required by the *Planning Act*.

D. Thorpe confirmed that the statutory requirements for the public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

In support of the application:

- Rose DiFelice, Manager, Development Planning & Real Estate, City of Welland, on behalf of the applicant
- Don Thorpe, General Manager, Planning & Development Services, City of Welland, 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.

08-147 Moved by Grenier and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND denies the request by residents on Regatta Drive to delete sidewalks on the east side of Regatta Drive.

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08-147 Moved by Grenier and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND defers Report PDS-2009-19 for approximately one month.

LOST

FOLLOWING THE LOST VOTE ON THE DEFERRAL MOTION, THE MAIN MOTION WAS PUT IN ITS ORIGINAL FORM AND

CARRIED

09-3 Moved by Grenier and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND grants permission to the Niagara Divers' Association to sell lottery tickets in the City of Welland under authority of Lottery License M017417; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

09-4 Moved by Letourneau and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the report by the Chair of the Budget Review Committee.

CARRIED

09-4 Moved by Grenier and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the following:
 The delinquent tax accounts (3 years in arrears) listed in Schedule 'A' and attached to Report FIN-2009-02 be placed under tax registration;
 The delinquent tax accounts (3 years in arrears) listed in Schedule 'B' and attached to Report FIN-2009-02, having commenced repayment agreements, not be placed under tax registration at this time; and further
 THAT any accounts listed in Schedule 'B' be placed under tax registration upon default of their repayment agreement.

CARRIED

09-42 Moved by Grenier and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND accepts the proposal of Veritec Consulting Inc. of Mississauga, Ontario for the Watermain Leak Detection and Water Use Profiling Study, as presented in report ENG-2009-06; and further
 THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to enter into an agreement with the said consultant to perform the proposed work at the upset limit bid price.

CARRIED

09-70

09-70Z Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND adopts an Official Plan Amendment to redesignate lands on the north side of Lincoln Street, east of Denistoun Street, being Part of Lot 26, Concession 5, former Township of Crowland, now in the City of Welland, municipally known as 240 Denistoun Street, from Open Space to Residential to permit multiple-type residential uses such as townhouses and a walk-up apartment; and further

THAT Welland City Council approves an Amendment to Zoning By-law 2667, as amended, for lands on the north side of Lincoln Street, east of Denistoun Street, being Part of Lot 26, Concession 5, former Township of Crowland, now in the City of Welland, municipally known as 240 Denistoun Street, from the existing RM4 – Multiple Dwelling, Fourth Density Zone and O2 - Open Space Zone to a Site Specific RM4 Zone to permit the construction of multiple-type residential uses such as townhouses and a walk-up apartment on the existing vacant parcel with site specific provisions.

CARRIED

09-71

09-71Z Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND adopts an Official Plan Amendment to redesignate lands on the north side of McCormick Street, west of the Welland Recreational Waterway, being Lots 78 and 79, Part Lots 80 and 81, Plan 571, from Open Space to Residential to permit single-detached, semi-detached, townhouses or street townhouses; and further

THAT Welland City Council approves an Amendment to Zoning By-law 2667, as amended, for lands on the north side of McCormick Street, west of the Welland Recreational Waterway, being Lots 78 and 79, Part Lots 80 and 81, Plan 571, from the existing R3 and O1 Zones to Site Specific RM3 Zone to permit single-detached, semi-detached, townhouses, or street townhouses with specific provisions including setbacks and lot frontage requirements.

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09-71

09-71Z Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND defers the decision pending a neighbourhood design.

LOST

09-71

09-71Z Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND removes the reference to semi-detached, townhouses, or street townhouses from the main motion.

LOST

FOLLOWING THE LOST VOTES ON THE DEFERRAL MOTION AND AMENDING MOTION, THE MAIN MOTION WAS PUT IN ITS ORIGINAL FORM AND

YEAS: Councillors Van Vliet, Larouche, Grenier, Belcastro, Sharpe and Mayor Goulbourne.

NAYS: Councillors O'Dell, Champion, Chiochio, Letourneau, Alexander and Alakas.

LOST

09-71**09-71Z**

Moved by Sharpe and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND refers Report PDS-2009-18 to Planning & Development staff for a further report relative to budget implications and any future revenue potential.

YEAS: Councillors Van Vliet, Alexander, Larouche, Grenier, Belcastro, Sharpe
and Mayor Goulbourne.

NAYS: Councillors O'Dell, Campion, Chiochio, Letourneau and Alakas.

CARRIED**09-75**

Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Stephen Fischer, Manager, Business & Operations - WRCC and Bob Mahler, Chair, WRCC at the March 10, 2009 General Committee Meeting regarding the Pan American Games Bid Involvement.

CARRIED**09-75**

Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves, as recommended by the Welland Recreational Canal Corp (WRCC), the joint City of Welland and WRCC participation in the 2015 Pan American/Para Pan American Games (Pan Am Games), subject to Canada being awarded the Pan Am Games through the Toronto 2015 Pan Am Games bid; and further

THAT Welland City Council, subject to the success of the Toronto 2015 Pan Am Games bid and Canada being awarded the Games, endorses the building of the associated community-based, centre for flatwater sports excellence, the Welland International Flatwater Centre (WIFC), as outlined in Report WRCC-SR-2009-05 for the City of Welland, for the 2015 Pan Am Games, and further

THAT Welland City Council, subject to the success of the Toronto 2015 Pan Am Games Bid and Canada being awarded the Games, approves investing to an upset limit of \$4 million to build the WIFC facility, which represents 44% of the shared capital based on 2009 construction cost dollars of \$9,059,600, with the remaining 56% of investment coming from the Federal Government and Government of the Province of Ontario, combined, and further

THAT Welland City Council directs staff to forward Report WRCC-SR-2009-05 to the City Treasurer for consideration as part of the City's 10-year capital planning model, and further

THAT Welland City Council directs staff from the City to work with the WRCC to pursue funding opportunities and funding sources to reduce the financial obligations of the City and the WRCC, including: other levels of government, public-private partnerships, private and corporate contributions, fundraising initiatives, private and corporate investment, partnership with other public agencies, use of fund monies, asset sales, accessing other provincial or federal funding sources, and naming right sales, to report back to Council with same on an on-going basis, and further

THAT Welland City Council authorizes the City Manager, City Treasurer, and General Manager of Parks, Facilities & Leisure Services to work with the WRCC Business & Operations Manager to negotiate the necessary agreements with the Federal Government, Provincial Government, Canadian Olympic Committee (COC), BIDCO, other Ontario municipalities and other funding partners, wholly or separately, formalizing how the parties intend to deliver the Pan American/ParaPan American Games, subject to the Bid being successful, and setting out the language that legally binds all of the financial contributors and partners in regard to their capital and/or operating contributions and inherent benefits of contributing; and that such agreements allow for adjustments to the contribution amounts to recognize capital cost inflation as applicable, for Council's approval, and further

THAT Welland City Council directs staff of the City to work with the WRCC to provide regular updates to Council during the bid phase, which is expected to conclude in November 2009.

CARRIED

09-80 Moved by Grenier and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND receives Report FIN-2009-03 with respect to 2008 Remuneration and Expenditures covering Members of Council; and further
 THAT Welland City Council authorizes the approved report be placed on file in the Clerk's Department.

CARRIED

BY – LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

09-70

BYL 2009-30

A By-law to authorize the adoption of Official Plan Amendment No. 128.

09-70Z

BYL 2009-31

A By-law to amend City of Welland Zoning By-law 2667 (The Corporation of The City of Welland – File 2009-01) 240 Denistoun Street.

09-1

BYL 2009-32

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 10th day of March, 2009.

And that same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Letourneau and Belcastro
 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, as amended, 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 9:02 p.m.

These Minutes approved and adopted by Motion of Council this 7th day of April, 2009.

MAYOR

ACTING CITY CLERK