



MINUTES OF

COUNCIL MEETING, APRIL 14, 2009

BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE (IN CAMERA): TO DISCUSS A PERSONAL MATTER ABOUT AN IDENTIFIABLE INDIVIDUAL; AND IN OPEN SESSION TO HOLD PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT; AND TO HOLD A PUBLIC MEETING REGARDING THE 2009 CAPITAL AND OPERATING BUDGETS; 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 6:25 p.m. and in open session at 7:08 p.m. to hold Statutory Public Hearings under the *Planning Act*; and recessed at 7:54 p.m.; and reconvened to hold a Public Meeting regarding the 2009 Capital and Operating Budgets; and recessed at 8:30 p.m. to hold a Budget Review Committee Meeting; and pursuant to By-law 2007-178, the Procedural By-law of Council, reconvened at 10:27 p.m. on the above date. Council met again in Committee-of-the-Whole closed to the public at 10:30 p.m.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present:

Councillors R. Alakas, D. Alexander, M. Belcastro, F. Campion, P. Chiocchio, M. Dzugan, P. Grenier, J. Larouche, R. Letourneau, S. O'Dell (6:45 p.m.), B. Sharpe and L. Van Vliet.

Members of the Staff and Others Present:

City Manager, C. Stirtzinger

Acting Deputy Clerk, C. Mintoff

Chief, Fire & Emergency Services, D. Prevost (7:15 p.m.)

Acting General Manager, Engineering, Public Works & Transportation Services, L. Ventresca (7:08 p.m. until 10:30 p.m.)

General Manager, Financial & Corporate Services/Treasurer, B. Silvestri (7:08 p.m.)

General Manager, Parks, Facilities and Leisure Services, B. Fenwick

General Manager, Planning & Development Services, D. Thorpe (7:08 p.m. until 10:30 p.m.)

General Manager, Human Resources, R. Mantesso (7:08 p.m.)

Manager, Budgets and Financial Reporting/Deputy Treasurer, K. Douglas (7:08 p.m. until 10:30 p.m.)

Recording Secretary, Records Clerk, C. Viger (7:08 p.m. until 10:30 p.m.)

Vital Statistics & Customer Services Clerk II, T. Chasse (7:08 p.m. until 10:30 p.m.)

Transit Manager, Alfred Stockwell (8:39 p.m. until 10:30 p.m.)

Fleet Manager, Mike Fortier (8:39 p.m. until 10:30 p.m.)

(Ross MacFarlane, Gord Hunchak, and John Clark, representatives of the Food Festival, were present during Committee-of-the-Whole discussion on a personal matter about an identifiable individual).

09-25 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 6:25 p.m. to consider:

- a) personal matters about an identifiable individual, including municipal or local board employees.

CARRIED

09-25 Moved by Alakas and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:00 p.m. without report.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Alakas disclosed an interest in Ref. No. 09-17, and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he represents CAW Local 523.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF APRIL 14, 2009:

09-83

09-83Z Gen. Mgr., Planning & Development Serv., D. Thorpe – Applications for Official Plan and Zoning By-law Amendments, Salmona Tregunno Inc., on behalf of Napev Construction Limited, Lots 42, 44, 45 and Part of Lot 43, Plan 556, Lots 19, 20, 21 and 22 and the Raceway Reserve, Plan 569, Lot J.L. and Part Block H.A.R., Plan 564, municipally known as 200 West Main Street (File 2009-03 and OPA).

09-84Z Gen. Mgr., Planning & Development Serv., D. Thorpe – Application for Zoning By-law Amendment, Mark Barnfield and Sharon Vanderloos, Part Lot 20, Concession 4, Former Township of Crowland, now in the City of Welland, more specifically described as Part 3, Plan 30R-11747, municipally known as 17 Oxford Road (File 2009-04).

THE FOLLOWING COMMUNICATION WAS RECEIVED FROM THE BUDGET REVIEW COMMITTEE MEETING OF APRIL 14, 2009:

09-4 Gen. Mgr., Financial and Corp. Serv./Treasurer, B. Silvestri – 2009 Capital and Operating Budgets.

THE FOLLOWING BY-LAWS WERE RECEIVED:

06-84 A By-law to authorize the entering into a contribution agreement with the Ministry of Energy and Infrastructure and Ministry of Agriculture, Food and Rural Affairs to secure funding for development of the Welland Community Wellness Complex.

09-17 A By-law to authorize the entering into a collective agreement with the National Automobile, Aerospace, Transportation and General Workers Union of Canada C.A.W. Local 523 effective January 1st, 2009 until December 31st, 2010.

09-4 A By-law to adopt the 2009 Capital and Operating Budgets.

09-83 A By-law to authorize the adoption of Official Plan Amendment No. 129.

BY-LAWS RECEIVED Cont'd:

09-83Z A By-law to amend City of Welland Zoning By-law 2667 (NAPEV Construction Limited – File 2009-03) 200 West Main 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 14th day of April, 2009.

STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Councillor Dzugan presided as Chair of the Public Hearings:

09-83

09-83Z Applications have been made by SALMONA TREGUNNO INC. on behalf of NAPEV CONSTRUCTION LIMITED to amend the Official Plan and to rezone Lots 42, 44, 45 and Part of Lot 43, Plan 556, Lots 19, 20, 21 and 22 and Part of the Raceway Reserve and Part of the unnamed Road Allowance between Lot 22 and the Raceway Reserve, Plan 569 for lands at 200 West Main Street from the existing RM3 Zone and O1 Zone By-law 2667 to a Site Specific H-RM4 Zone and Site Specific EP Zone By-law 2667. The purpose of the Amendment is to permit a variety of residential uses including semi-detached dwellings, townhouse units and mid-rise apartment buildings. In addition to the residential uses, accessory recreational and commercial uses are also proposed. The Official Plan designation is RESIDENTIAL AND OPEN SPACE.

Councillor Dzugan 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.

Presenting for the applicant were Uri Salmona and Jeff Kenny from Salmona Tregunno 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 to the application:

- John Parisee, 26 Walts Street, Welland, ON L3C 4J3
- Dan Fortier, 83 Colbeck Drive, Welland, ON L3C 7B2

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

09-84Z A complete application has been made by MARK BARNFIELD AND SHARON VANDERLOOS to rezone Part Lot 20, Concession 4, former Township of Crowland, now City of Welland being Part 3, Plan 30R-11747 for lands at 17 Oxford Road from the existing RA – Rural Agricultural Zone By-law 2667 to a Temporary Use, By-law 2667. The purpose of the Amendment is to permit a paintball facility to be located on a portion of the subject lands on a temporary (3 year) basis. The Official Plan designation is INDUSTRIAL (I).

Councillor Dzugan 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.

Presenting were the applicants Mark Barnfield and Sharon Vanderloos of 17 Oxford Road, Welland, Ontario, L3B 59R.

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 to the application:

- No one spoke to the application.

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

PUBLIC MEETING REGARDING THE 2009 CAPITAL AND OPERATING BUDGETS

The Budget Review Committee Chair, Councillor Grenier, explained the purpose of the Public Meeting.

The following people spoke:

- A-Miron Kurczak, #801-211 King Street, Welland, ON, L3B 5W1
- Catherine Yasyszczuk, 29 Afton Avenue, Welland, ON, L3B 1V6
- Sandra Silvester, 283 Division Street, Welland, ON, L3B 4A5
- Dan Fortier, 83 Colbeck Drive, Welland, ON, L3C 7B2
- Jack McLaren, 3824 Bridgewater Street, Niagara Falls, ON, L2G 6H4

There being no other submissions the Public Meeting was concluded.

09-4 Moved by Grenier and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND approves the 2009 Operating and Capital Budgets, Appendices I & II, attached to report FIN-2009-08 resulting in a (2.40%) tax levy increase from \$26,477,010 in 2008 to (\$27,112,004) in 2009 with assessment growth of 1% reducing the tax rate impact to (1.40%).

CARRIED

09-83

09-83Z Moved by Grenier and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND adopts an Official Plan Amendment to redesignate lands north of West Main Street, west of Denistoun Street, known municipally as 200 West Main Street from Residential and Open Space to Residential and Environmental Protection to permit a mixed residential development consisting of five (5), seven (7) storey apartment buildings and townhouses totalling approximately 218 units and accessory service commercial and recreational uses; and to recognize environmentally sensitive lands; and further

THAT Welland City Council approves an Amendment to Zoning By-law 2667, as amended, for lands north of West Main Street, west of Denistoun Street, known municipally as 200 West Main Street from the existing RM3 and O1 Zones to Site Specific (Holding) RM4 and Site Specific (Holding) EP Zones to permit a mixed residential development consisting of five (5), seven (7) storey apartment buildings and townhouses totalling approximately 218 units and accessory service commercial and recreational uses; and to recognize environmentally sensitive lands. Prior to the lifting of the Holding (H) Symbol related to the Zoning, the proponent will be required to enter into Site Plan Agreement(s) with the City to ensure the

proper development of the subject property, provide an updated Traffic Impact Study; provide a Noise Study and a Subsurface Geotechnical Investigation.

CARRIED

09-84Z Moved by Grenier and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report PDS-2009-25 concerning the Application for Zoning By-law Amendment for a portion of the lands municipally known as 17 Oxford Road, being Part of Lot 20, Concession 4, former Township of Crowland, now in the City of Welland, more specifically described as Part 3, Plan 30R-11747.

CARRIED

BY – LAWS

BY-LAWS PRESENTED FOR FIRST READING:

1. Moved by Chiocchio and Larouche

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

06-84

BYL 2009-41

A By-law to authorize the entering into a contribution agreement with the Ministry of Energy and Infrastructure and Ministry of Agriculture, Food and Rural Affairs to secure funding for development of the Welland Community Wellness Complex.

09-17

BYL 2009-42

A By-law to authorize the entering into a collective agreement with the National Automobile, Aerospace, Transportation and General Workers Union of Canada C.A.W. Local 523 effective January 1st, 2009 until December 31st, 2010.

09-4

BYL 2009-43

A By-law to adopt the 2009 Capital and Operating Budgets.

09-83

BYL 2009-44

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

09-83Z

BYL 2009-45

A By-law to amend City of Welland Zoning By-law 2667 (NAPEV Construction Limited – File 2009-03) 200 West Main Street.

09-1

BYL 2009-46

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 14th day of April, 2009.

And that same be now read a first time.

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

2. Moved by Chiocchio and Larouche
 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

09-25 Moved by Grenier 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 10:30 p.m. to consider:
 a) personal matters about an identifiable individual, including municipal or local board employees.

CARRIED

09-25 Moved by Sharpe and Dzugan
 THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 11:07 p.m. without report.

CARRIED

Council adjourned at 11:07 p.m.

These Minutes approved and adopted by Motion of Council this 5th day of May, 2009.

 MAYOR

 ACTING CITY CLERK