



GENERAL COMMITTEE MEETING

Tuesday, September 14, 2004
7:40 P.M.
COUNCIL CHAMBERS - CITY HALL

Meeting Number G.C. 2004 - 08

General Committee met in Committee-of-the-Whole in Camera at 7:00 p.m. to discuss a matter of Solicitor/Client Privilege and arose at 7:35 pm. without report.

General Committee met in open session at 7:40 p.m. with Vice Mayor Grenier calling the meeting to order,

Members present: Vice Mayor Paul Grenier

Councillors:

D. Alexander	J. Larouche
D. Beaudoin	S. O'Dell
P. Chiocchio	B. Sharpe
M. Dzugan	J. Spadafora
M.A. Grimaldi	

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger
City Solicitor G. Banks
City Manager T. Fitzpatrick
General Manager Engineering, Public Works and Transportation Services D. Shantz
General Manager Financial and Corporate Services / Treasurer B. Silvestri
General Manager, Planning & Development Services D. Thorpe
Chief Building Official M. Mantesso
Recording Secretary, Games Licensing Clerk S. Stirling

Others Present:

04-127Z

Doug Reitsma, P.D. Reitsma Surveying Ltd.
Agent for the Applicant.

Re: Proposed Amendment to Zoning By-law 2667 – 690464 Ontario Ltd. (Cox), 693 South Pelham Road
(File 2004-03).
(PDS-2004-43)



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Vice Mayor Grenier called the General Committee Meeting to order at 7:40 p.m.

1. ADDITIONS/DELETIONS TO AGENDA:

Delegation Deletion:

97-49

Dr. T.M. Abraham, M.C., F.R.C.P.(C), 115 MacLean Place, 2nd Floor, Welland L3B 5X9
Re: Mental Health Issues

2. DISCLOSURE OF INTEREST: NIL

3. ADOPTION OF MINUTES OF GENERAL COMMITTEE MEETING OF MAY 25th, 2004

Moved by Councillor Dzugan that the Minutes of the General Committee Meeting of May 25th, 2004 be and the same are hereby approved and adopted as circulated.

CARRIED

4. BUSINESS ARISING FROM MINUTES OF PREVIOUS MEETINGS:

(A) COMMUNITY SERVICES

Planning and Development Services

Building and Inspections Division

04-92 - Proposed New Sign By-law. (PDS-2004-42)

Councillor Spadafora stated that this proposed new sign By-law brings the city one step closer to cleaning up and eliminating clutter on hydro poles but he had concerns regarding how this would be policed and what fines would be issued to people who break this By-law. Mr. Mantesso responded that the fines would not be set out in the By-law but fall under the Provincial Offenses Act. He explained that there is no minimum amount for a fine and the maximum amount is \$5,000. He added that a Regional Judge would be required to set the fines and it would probably be between \$100 and \$500. He indicated that this matter would be policed based on complaints. Councillor Alexander offered the City of Collingwood's By-law as an example to follow as its downtown and waterway areas are immaculate and clutter free. He inquired as to whether the murals would be considered signs and if this new By-law would address this kind of artwork. Mr. Mantesso responded that the murals would not qualify as a sign under this By-law and Councillor Alexander stated that he would like the By-law to state that public art is not a sign. Councillor Spadafora added that the



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word 'existing' murals should be stated in the By-law. Councillor Sharpe inquired as to whether there is time to investigate where to locate the City and community bulletins so the public has the ability to advertise and promote. Mr. Mantesso indicated that a Draft By-law would be prepared this fall and that the exact locations of kiosks will probably not appear in the report but suggested that main locations for these would perhaps be the Civic Square, the Arena and main intersections in the City. He also stated that a public meeting will be held. Councillor O'Dell asked if election signs would be addressed in this new By-law and Mr. Mantesso stated that it would be addressed and this By-law would allow staff the ability of removing the signs if there is an infraction.

Moved by Councillor Spadafora

1. That Staff be directed to prepare a draft new Sign By-law designed to regulate the size, number and location of signs within the City;
2. That Staff be directed to investigate City and Community Bulletin Board/Kiosk locations to be designated in the By-law with a view to prohibiting all other postering on utility poles;
3. That all signs be prohibited within the City road allowance and on City-owned property except for signs erected by the City and other governments, utilities, boards and commissions so authorized, and except for designated postering locations. Notwithstanding the above prohibition, certain small, incidental and temporary signs such as election signs, and specified directional signs may be permitted within the road allowance and on City property in restrictive locations and for brief time periods so specified in the By-law;
4. That Permits and fees be established in the Sign By-law for the erection of certain signs, and fees be consistent with the City's Schedule of Fees and Tariffs;
5. That By-law and/or Permit exemptions be provided for certain types of small, incidental and temporary signs specified in the Sign By-law;
6. That portable signs be allowed on private property only, subject to certain size, location, and duration restrictions;
7. That a process be established to deal with requests for Minor Variances from the By-law; and
8. That Staff circulate a draft By-law to stakeholders prior to holding a Public Meeting concerning the new draft By-law.

CARRIED

5. (A) Vice Mayor Grenier recessed the General Committee Meeting to convene the Special Council Meeting at 7:45 p.m. for Statutory Public Hearings, chaired by Councillor O'Dell, pursuant to The Planning Act.
- (B) The Special Council Meeting adjourned at 7:55 p.m. to re-convene the General Committee Meeting. The Minutes of the Special Council Meeting are recorded separately and filed with the Clerk.



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6. DELEGATIONS AND PRESENTATIONS: NIL

7. STAFF REPORTS:

(A) **COMMUNITY SERVICES** - Councillor S.O'Dell, Chair

Planning and Development Services

Planning Division

**04-127Z - Proposed Amendment to Zoning By-law 2667 – 690464 Ontario Ltd. (Cox),
693 South Pelham Road (File 2004-03).
(PDS-2004-43)**

Councillor Sharpe inquired as to how the minimum of 171 parking spaces was arrived at and why the number was so over estimated when only 86 spaces are now being proposed. Mr. Thorpe responded that each area such as the furniture area, the hardware store and the garden centre each have their own required number of parking spaces and the number for each separate area contained in the development are added up and, in this case, the total calculated spaces was 171. Mr. Thorpe indicated that, in this case, staff felt that 86 parking spaces would be appropriate. Councillor Chiochio inquired as to whether there have been any parking problems in this location in the past and Mr. Reitsma responded that there have not been any past problems. Councillor O'Dell asked whether there are any restrictions proposed on where the plows can push the snow so it does not run into Draper's Creek and Mr. Thorpe replied that this issue will be addressed through the Site Plan process.

Moved by Councillor Beaudoin

That Zoning By-law 2667, as amended, be further amended for Part of Lot 1, Concession 11, former Township of Pelham, now in the City of Welland known municipally as 693 South Pelham Road from RA and R2 to a Site Specific C4 Zone to permit a hardware store, general store, department store, home decorating store, small equipment rentals and outside display areas; to recognize the floodplain of Draper's Creek in an Environmental Protection Zone; and to reduce the number of required parking spaces to 86 and to recognize building setbacks.

CARRIED

**03-80 - Red Lined Revision – Riverside West Subdivision (File 26T-14-02003) – Mac-Bri Developments Inc. – west side of Riverside Drive, south of Lincoln Street.
(PDS-2004-44)**

Councillor Alexander indicated his concern that no parks or parkettes are being proposed in this new subdivision. He stated that recreation spaces for children are not being provided and their safety is a concern especially in areas of new development and growth in the City. Councillor Larouche referred to item 'j' of the report and asked for confirmation that there are no existing sidewalks on either side of the development. Mr. Thorpe replied that the City



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determines where the new sidewalks will be in the future and a cash-in-lieu payment is requested so the City has the money when the roadways are completed and sidewalks are installed. He explained that this money is set aside in a separate account and used when the sidewalks are installed. Councillor Larouche inquired as to whether sidewalks will be installed when the development is completed and not six or seven years down the road and Mr. Thorpe responded that the sidewalks would probably not be installed immediately unless Council determines it is a priority and then it can be made part of the development. Councillor O'Dell stated his concern regarding the existing homes in this location and asked if they would be assessed for payment when the sidewalks are eventually installed and Mr. Thorpe confirmed that a contribution from the property owners would not be requested and the cost of the sidewalks would be a payment from the City. Councillor Grimaldi requested a report on the meeting held with the residents indicating their feelings on this development. She stated her concerns regarding the West Nile Virus and the retention pond. Mr. Thorpe explained that the previous Council gave draft approval to this Subdivision and that a public process was held and the concerns of residents were raised. He added that no appeals to this subdivision were received. He explained that, according to Regional sources, the retention pond will not be a breeding habitat for mosquitoes of the West Nile variety and a park is not required at this location as there is open space for the public to utilize in the floodplain. Mr. Thorpe detailed that the cash-in-lieu money collected by the City will be put in a reserve fund in accordance with the Planning Act and has been used in the past to purchase additional land for parks in the City, acquiring playground equipment, improvements to the arena and development around Niagara College. The funds will be used where there is parkland to be improved. Councillor Alexander had concerns that the resources from this subdivision can be dedicated to other areas of the City and asked where the residents in this subdivision have to go for a park. Mr. Thorpe answered that the closest park is on Elmwood at the end of Windsor. He also explained that there is an open area at the end of Waterview Court and there is potential for a playground there although the City does not like to put parks behind homes for security issues and this would have to be discussed with the Parks Department. Councillor O'Dell asked Council if they wished to hear comments from Mrs. Ward at this time and it was agreed. Mrs. Ward indicated that none of the concerns of the residents have been addressed and stated her concern that the land will be raised to build these new homes which would cause drainage problems to existing residences. She indicated that if a storm septic was included then a retention pond would not be required. Mr. Thorpe explained that the developer does not want to spend the money to put in a storm water management pond and before the plan could be registered clearance from the agencies must be received. At the present time there is requirement by the Niagara Peninsula Conservation Authority for a storm retention pond. Councillor O'Dell requested reassurance that no additional fill is being put in these lots and Mr. Thorpe responded by saying that the land must be regraded but no fill is being brought in to raise the level of the land. Councillor Grimaldi requested a recorded vote on this matter.

Moved by Councillor Chiocchio

1. That the City of Welland hereby grants red-line revision to Draft Approval for the Riverside West Subdivision (File 26T-14-02003) developed by Mac-Bri Developments Inc., being parts of Lots 29 and 30, Concession 6, former Township of Crowland based upon a plan prepared by Kirkup & Ure Surveying Ltd. revised February 3, 2004 consisting of twenty-nine (29) single-detached residential lots, two (2) Blocks for walkways and services and an additional Block for open space purposes including a Storm Water Management Facility subject to the following Conditions:



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- a. That the Owner enter into a Subdivider's Agreement with the City of Welland to be registered on Title;
- b. That no grading or construction work shall commence on the site until such time as the Subdivider's Agreement has been entered into, all financial security is in place and the Plan and all documentation has been registered on Title;
- c. That all necessary Easements required for utility and servicing purposes be granted to the appropriate Authority free of all encumbrances;
- d. That Blocks 30 and 31 be transferred to the City of Welland free of all encumbrances for walkway, emergency access and servicing purposes;
- e. That Blocks 30 and 31 be improved by the Owner, with a 3.0 metre asphalt walkway, fencing and vehicular restriction (i.e. bollards) to the City's standards and satisfaction;
- f. That Blocks 33, 34 and 35, being 0.3 metre reserves, be transferred to the Regional Municipality of Niagara free of all encumbrances for access control purposes;
- g. That Block 32 be transferred to the City of Welland free of all encumbrances for storm water management and floodplain purposes only after the Owner has constructed the required Storm Water Management Facility, including any required landscaping to the satisfaction of Community Services and the Owner has improved the remainder of Block 32 to the satisfaction of Community Services;
- h. The Owner shall provide a one (1) year maintenance period for the Storm Water Management Facility after assumption by the City. Prior to assumption, the Owner shall be responsible for all maintenance;
- i. That the Owner shall pay Cash-in-Lieu of Parkland Dedication based upon current City requirements;
- j. The Owner shall prepay for the future installation of a sidewalk across the full frontage of the subject lands on Riverside Drive;
- k. That all lands located within the floodplain be included within an Environmental Protection Zone where no structural development is permitted;
- l. That detailed lot grading and drainage plans, delineating both existing and proposed grades and the means whereby major system flows will be accommodated across the site, be submitted to the Conservation Authority for review and approval;
- m. That detailed sedimentation and erosion control plans detailing methods proposed for the control of silt and erosion during the construction phase and restoration proposed for the site after construction be submitted to the N.P.C.A. for review and approval;
- n. That prior to approval of the Final Plan, the Owner submit to the Regional Planning Department for review and approval a detailed Stormwater Management Plan for the Subdivision completed in accordance with the Ministry of Environment documents entitled Stormwater Management Practices, Planning and Design Manual, June 1994, as revised and Stormwater Quality Guidelines for New Development, May 1991, endorsed by a suitably qualified Professional Engineer. A copy of the Stormwater Management Plan and supporting documentation should also be submitted to the Niagara Peninsula Conservation Authority for its review and response to the Regional Planning Department. Furthermore, that the Owner agree in the Subdivision Agreement to implement the approved Stormwater Management Plan;
- o. That Permit approval be obtained from the N.P.C.A. for any proposed balanced cut and fill measures;
- p. That the Owner agrees in the executed Subdivision Agreement to:
 - i) include all lands located within the floodplain within an Environmental Protection Zone where no standard development is permitted;



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- ii) implement the lot grading and drainage plans, sedimentation and erosion control plans and stormwater management plans;
 - iii) not place or dump material of any kind, whether originating on site or off-site, in the Welland River floodplain unless a Permit from the N.P.C.A. has been issued;
 - iv) obtain proper Permit approvals for any balanced cut and fill measures
 - v) revegetate or otherwise stabilize all disturbed areas immediately following the completion of construction.
- q. That the Owner acknowledge promptly to the Regional Planning Department that the Draft Approval of this Subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara. Servicing allocation will be assigned instead at the time of Final Approval of this Subdivision for registration purposes;
- r. That immediately following Notice of Draft Plan Approval, the Owner shall provide the Regional Planning Department with a written undertaking that all Offers and Agreements of Purchase and Sale that may be negotiated prior to registration of the Subdivision shall contain a clause clearly indicating that a servicing allocation for the Subdivision will not be assigned until the Plan is granted Final Approval for registration;
- s. That the detailed design drawings for the watermain system, the sanitary sewer and the stormwater drainage system required to service this proposal be submitted to the Regional Public Works Department for its review and approval. NOTE: For all three systems, it may be necessary to include the required downstream servicing improvements as part of the submission. In addition, the stormwater drainage system shall be sized to accommodate a possible future storm sewer on Riverside Drive;
- t. That the Ministry of the Environment Certificate of Approval be obtained for the necessary servicing (water, sanitary sewer and stormwater drainage) for the development prior to Final Approval for registration. NOTE: Where a quality/quantity facility or a new outlet to a receiving stream is being proposed, the design for the stormwater management system should be submitted directly to the Ministry of the Environment (Attention: M. Dhalla, P. Eng.) for approval and the issuance of a Certificate of Approval;
- u. That a road widening across the entire frontage of the subject lands (Block 39) with a width sufficient to provide a 26 metre width for the Riverside Drive road allowance and the 5 metre x 5 metre daylighting triangle being Blocks 36 and 37, be conveyed to Regional Niagara free and clear of all encumbrances;
- v. That the lot grading plans for those lots abutting Regional Road 27 (Riverside Drive) and Regional Road 29 (Lincoln Street) be submitted to the Regional Public Works Department for its review;
- w. That in the Subdivision Agreement with the City of Welland, the Owner agrees to protect and ensure access to the Regional 900 mm sewage forcemain through the following measures:
- i. Verify the location of the pipe within the existing Easement prior to any site alteration;
 - ii. Provide cut and fill plans affecting the Easement to the Regional Public Works Department for its review;
 - iii. Not plant large trees nor allow any development within the Easement;
 - iv. Install a fence between the Easement and the residential lots;
 - v. Maintain an access for heavy equipment to the Easement for maintenance purposes;



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- vi. Adjust, at the Developer's cost, any existing manholes to any new grade changes resulting from site alteration; and
 - vii. Provide plans showing final grade elevations and manhole elevations along the Easement to the Regional Public Works Department;
 - x. That the Owner carry out an archaeological assessment of the subject property and mitigate any adverse impacts to any significant archaeological resources found through preservation or resource removal and documentation. Furthermore, that no grading or other soil disturbances take place on the subject property prior to the Regional Planning Department and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements;
 - y. That prior to the granting of Approval for the Final Plan, City of Welland Planning and Development Services will require **written notice** from the following upon their respective Conditions having been met satisfactorily:
Regional Niagara Planning and Development Department for Conditions n, q, r, x;
Regional Niagara Public Works Department for Condition c, f, s, t, u, v, w;
Niagara Peninsula Conservation Authority for Conditions k-p;
Ministry of the Environment for Condition t;
Ministry of Culture for Condition x;
 - z. That if Final Approval is not given to this Plan within **three (3) years** of the approval date and no extensions have been given, Draft Approval shall lapse. If the Owner wishes to request an extension to Draft Approval, a written request, with reasons why the extension is required, must be received by the City prior to the lapsing date;
2. That the Mayor be authorized to sign Draft Approval and Final Approval Plan for the Riverside West Subdivision once all Conditions have been satisfied; and
 3. That City Council considers these changes to Conditions of Draft Approval minor in nature and that notification is not required as per Section 51(47) of the Planning Act.

NOTES:

1. Land required to be registered under the Land Titles Act.
2. An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 - Proximity - of the Regulations for Construction Projects in the *Occupational Health and Safety act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating "**DANGER - Overhead Electrical Wires**" in all locations where personnel and construction vehicles might come in close proximity to the conductors.

LOST

YEAS: Councillors Alexander, Beaudoin, Dzugan, Sharpe, Spadafora

NAYS: Councillors Chiochio, Grimaldi, Larouche, O'Dell and Vice Mayor Grenier



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(B) CORPORATE SERVICES - Councillor M. Belcastro, Chair

Finance Division

**04-4 - Auditor Appointment.
(FIN 2004-22)**

Moved by Councillor Alexander

That the City of Welland appoint the firm of Grant Thornton to provide audit services to the City and its boards for the fiscal years 2004, 2005 and 2006.

CARRIED

(C) OPERATIONAL SERVICES - Councillor M. Dzugan, Chair

Engineering, Public Works and Transportation Services

Traffic Division

**04-22 - Region Signal Maintenance Agreement.
(TRAF-2004-24)**

Moved by Councillor Alexander

That the City of Welland enter into a Traffic Signal Maintenance agreement with the Region of Niagara for the maintenance and operation of all traffic signals and flashers under the City of Welland's jurisdiction.

CARRIED

**04-22 - Parking Operations – Talbot Avenue/Glenwood Parkway.
(TRAF-2004-25)**

Moved by Councillor Alexander

- 1) That the City Solicitor be directed to prepare a By-law to amend Parking Prohibitions, Schedule "C" of By-law 89-2000 by:
 - i) DELETING the following:

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4
HIGHWAY	SIDE	FROM	TO	PERIOD
				(TIMES/ DAY)
Talbot Avenue	North	Kingsway	East limit of roadway	AT NO TIME
Glenwood Parkway	North	Kingsway	Crescent Drive	AT NO TIME



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CARRIED

8. NEW BUSINESS:

(A) OPERATIONAL SERVICES

Mr. Shantz presented an oral report regarding the Empress Avenue Watermain. He explained to Council that there will be a report brought to Council at the next meeting on September 21st, 2004. He explained that this matter is being brought before General Committee today so that, if approved, the contractor can order materials to proceed with this project during the limited construction time left in the season. He indicated that this project tender came in under the budgeted amount and the additional work can be done within the original budgeted amount for the project. He requested pre-approval for this extension of the ongoing project from Council. Mr. Fitzpatrick added that this is a timing issue because of the late time in the season and Mr. Shantz must indicate to the contractor that Council will approve this extension of the project so he can order the necessary additional materials and have them in time to complete the project while the weather allows. Councillor Beaudoin indicated his satisfaction that tenders are being received that are under budget and this is allowing the City to do more work.

Mr. Shantz explained to Council that there are three buses that have been off the road awaiting refurbishment. He indicated that the work on one bus is now complete and it was back on the job this week and that Bus 15 is at the shop waiting to be refurbished. Mr. Shantz indicated to Council that a 35' thirty passenger bus is currently available and the vendor will be visiting the transit office tomorrow so it can be inspected. Mr. Shantz stated that the quality and price of this bus was similar to the cost of refurbishment. He explained that \$49,660 had been allocated to the refurbishment of Bus 117 and that a similar bus could be purchased for \$48,000 if the City was to act quickly on this matter. Mr. Shantz added this bus is similar to two the City has now in operation and it is from California and in excellent condition. Councillor Beaudoin inquired as to whom would be inspecting the unit and Mr. Shantz replied that, in the absence of the maintenance foreman for transit, the Fleet Manager for Public Works and current Transit mechanic would inspect the vehicle. Councillor Larouche asked what year the buses being refurbished were and Mr. Shantz replied that the two 40' buses are 1990 and the two 35' buses are 1991 but have been used in Canadian winter conditions and this one is from California and never been used in the harsh winter weather. Councillor Larouche asked how this bus was getting here from California and Mr. Shantz explained that the vendor works out of Canada and looks for buses for resale. This bus was bought at an auction in California and transported to Canada in the hopes of locating a purchaser. Councillor Dzugan informed Council that he attended a Transit Advisory Committee meeting yesterday and it unanimously recommended that this bus be purchased immediately. Mr. Shantz indicated that a report will be brought to the next Council meeting on September 21st, 2004 for approval of Council but is requesting Council's permission to indicate to the vendor that the City's would like to purchase the bus.

9. OUTSTANDING ITEMS REFERRED TO COMMITTEE: NIL



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10. The General Committee Meeting recessed at 9:20 p.m.

General Committee met in Committee-of-the-Whole In Camera at 9:35 p.m. to discuss a matter of Solicitor/Client Privilege and a matter of the Security of Property of the Municipality and arose at 10:20 pm. without report.

The General Committee Meeting adjourned at 10:20 p.m.