



GENERAL COMMITTEE MEETING

Tuesday, February 8, 2005
7:00 P.M.
COUNCIL CHAMBERS - CITY HALL

Meeting Number G.C. 2005 – 02

General Committee met in open session at 7:05 p.m. and in Committee-of-the-Whole on personal matters about an identifiable individual at 9:15 p.m.

Members present: Mayor Damian Goulbourne

Councillors:

D. Alexander	M.A. Grimaldi
D. Beaudoin	J. Larouche
P. Chiocchio	S. O'Dell (7:35 p.m.)
M. Dzugan	B. Sharpe
D. Fortier	J. Spadafora
P. Grenier	

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger
City Manager T. Fitzpatrick
General Manager Engineering, Public Works and Transportation Services D. Shantz
General Manager Financial and Corporate Services/Treasurer B. Silvestri (until 7:35 p.m.)
General Manager, Planning & Development Services D. Thorpe
Chief Building Official M. Mantesso
Recording Secretary, Games Licensing Clerk S. Stirling

Others Present:

01-126

John Hogg, Cole Layer Trumble Canada Inc.

Re: Proposal to introduce competition to Ontario's property assessment industry.



GENERAL COMMITTEE MEETING -- Page 2

Tuesday, February 8, 2005
Meeting Number G.C. 2005 - 02

Mayor Goulbourne called the General Committee Meeting to order at 7:05 p.m.

1. ADDITIONS/DELETIONS TO AGENDA: NIL

2. DISCLOSURE OF INTEREST:

Mayor Goulbourne disclosed an interest in the matter of Item 05-65 and did not take part in the consideration and discussion of same, and refrained from voting thereon as he owns property in the vicinity of the proposed development. During discussions on this matter, Vice Mayor Grenier assumed the Chair.

3. ADOPTION OF MINUTES OF GENERAL COMMITTEE MEETING OF JANUARY 25th, 2005

Moved by Councillor Dzugan that the Minutes of the General Committee Meeting of January 25th, 2005 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

Planning Division

05-64Z - Proposed Amendment to Zoning By-law 2667 – Baiocco Development Inc., east side of Clare Avenue, north of Lynbrook Lane (File 2004-07).

See Report PDS-2005-08 under Staff Reports.

5. PUBLIC HEARINGS: NIL

6. DELEGATIONS AND PRESENTATIONS:

01-126 - John Hogg, Cole Layer Trumble Canada Inc. addressed Council regarding a proposal to introduce competition to Ontario's property assessment industry.

Mr. Hogg explained that his proposal is to introduce competition to Ontario's Property Assessment industry and split the responsibilities for auditing to ensure that assessment in Ontario is done on a consistent basis. He suggested that having the private sector do assessment would reduce the



GENERAL COMMITTEE MEETING -- Page 3

Tuesday, February 8, 2005
Meeting Number G.C. 2005 - 02

costs of this service by 25 – 33% or a savings of \$40 million. Mr. Hogg stressed that, without competition, there is no way to effectively measure if receiving the best practices from the provider and that competition would be the only way to obtain that information. He referred Council to his letter included to the Premier requesting that competition be allowed in this industry. He speculated that this could first take place on test sites and could occur in the next 5 – 10 years. Mr. Hogg stated that the only way to bring this issue to the front burner with the Minister is to get municipalities to pass resolutions so he is addressing Council's around the province to obtain this. Councillor Sharpe inquired as to the consequences if the Province was to reinstate the opting out provision and Mr. Hogg responded that the Minister would set a regulation where municipalities could opt out of using MPAC as its assessment provider but did not feel that this clause would be reinstated. Councillor Alexander requested that this matter be referred back to staff for analysis and review of single tier versus two tier municipalities and what would be most advantageous to the City of Welland's situation.

Moved by Councillor Sharpe

That the presentation by Mr. John Hogg, Cole Layer Trumble Canada Inc. regarding a proposal to introduce competition to Ontario's property assessment industry be received and referred to staff for report.

CARRIED

7. STAFF REPORTS:

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

Planning and Development Services

Planning Division

03-55

03-55Z - Proposed Draft Plan of Subdivision and Zoning By-law Amendment – Rainbow Country Estates Subdivision (26T-14-2002 and 2002-13) – U. Lucchetta Construction Limited – south of Balsam Street, west of South Pelham Road. (PDS-2005-07)

Councillor Alexander indicated that the residents in the Balsam Street area have been requesting a park and asked for the time frame for the construction of the new park. Mr. Thorpe explained that the development on the park should take place late this year and will be improved and transferred to the City either later this year or early next year. Councillor Alexander referred to a letter in the report from Mrs. Cartwright and her concerns that the public is using the area in the back of her property. Mr. Thorpe explained that the public has access in that area through City owned land. Councillor Fortier inquired as to the status of the study that was budgeted for in reference to the issue of last summer's flooding. Mr. Fitzpatrick explained that the study is underway and is approximately one quarter complete and is awaiting the rehabilitation north of the Fitch Street pumping station.

Moved by Councillor Alexander



GENERAL COMMITTEE MEETING -- Page 4

Tuesday, February 8, 2005
Meeting Number G.C. 2005 - 02

1. That City of Welland Zoning By-law 2667, as amended, be further amended for lands south of Balsam Street, west of South Pelham Road (Part of Lot 1, Concession 11, former Township of Pelham) from RA to R3 and O1 Zones;
2. That the City of Welland hereby grants Draft Approval to the Rainbow Country Estates Subdivision (File 26T-14-02002) developed by U. Lucchetta Construction Limited, being Part of Lot 1, Concession 11, former Township of Pelham based upon a plan prepared by Kirkup & Ure Surveying Ltd., as revised, dated October 22, 2004 and amended on December 14, 2004 consisting of twenty-five (25) single-detached residential lots and one (1) Block for Parks purposes subject to the following Conditions:
 - 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 Block 26 be transferred to the City of Welland for Parks purposes. Any over dedication shall be applied as a credit to other lands owned by the Applicant adjoining the subject lands to the south;
 - e. That Block 26 be developed in conformity with the City's Policy on Requirements for Lands to be Conveyed to the City, February 15, 1994 and to incorporate any vehicular barriers as required by the City;
 - f. That Blocks 27, 28 and 29, being 0.3 metre reserves, be transferred to the City of Welland free of all encumbrances for access control purposes;
 - g. That prior to any disturbance of the site or approval of the Final Plan, the Owner submit to the Regional Planning Department and the Niagara Peninsula Conservation Authority for review and approval an Environmental Impact Assessment (E.I.A.) prepared by a qualified Consultant. Further, that the Owner agree to implement the recommendations of the Environmental Impact Assessment through the Subdivision Agreement, a Zoning By-law Amendment and/or other measures that might be recommended;
 - h. 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 N.P.C.A. for review and approval. The lot grading and drainage plans will indicate that the Draper's Creek Floodplain will be maintained in its natural state and that the surface drainage will be directed away from the Floodplain and toward the internal Subdivision road;
 - i. That the Owner obtain a Balanced Cut and Fill Permit from the Conservation Authority in accordance with the Fill, Construction, and Alteration to Waterways Regulation for Lots 15, 16, 17 and 18 which encroach within the Floodplain;
 - j. 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;
 - k. That the Owner agrees in the executed Subdivision Agreement to:
 - i) Implement the lot grading and drainage plans, sedimentation and erosion control plans, stormwater management plan, environment impact assessment and balanced cut and fill as noted in Conditions g, h, i and j;



GENERAL COMMITTEE MEETING -- Page 5

Tuesday, February 8, 2005
Meeting Number G.C. 2005 - 02

- ii) Not place or dump material of any kind, whether original on-site or off-site in the Draper's Creek Floodplain, unless a Work Permit from the Conservation Authority has been issued;
 - iii) During the construction phase, erect and maintain a sediment control fence along the rear lot line; and
 - iv) Revegetate or otherwise stabilize all disturbed areas immediately following the completion of construction;
- l. 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;
 - m. 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;
 - n. 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.
 - o. 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;
 - p. 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, Planning and Design Manual, March 2003, 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;
 - q. 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;
 - r. That in the Subdivider's Agreement, the Owner agrees to provide a pavement area with a minimum radius of 12.8 metres at the cul-de-sac bulb;
 - s. The Owner shall provide a geotechnical subsurface investigation study, prepared by a qualified geotechnical firm, to the City which must make recommendations on the use of the site for the construction of houses/buildings and streets;
 - t. The Owner shall be responsible for the enlargement of the existing storm water management facility located north of Lots 5 and 6 and Block 26. As well, the pond



GENERAL COMMITTEE MEETING -- Page 6

Tuesday, February 8, 2005
Meeting Number G.C. 2005 - 02

- and adjoining lands must be landscaped and fenced to the satisfaction of Parks and Recreation Services. Servicing drawings must include approved landscaping plans;
- u. 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 g, l, m, p and q;
Regional Niagara Public Works Department for Condition n, o, r;
Niagara Peninsula Conservation Authority for Conditions g, h, i, j, k;
Ministry of Culture for Condition q;
 - v. 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;
3. That the Mayor be authorized to sign Draft Approval and Final Approval Plan for the Rainbow Country Estates Subdivision once all Conditions have been satisfied.

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.

CARRIED

**05-64Z - Proposed Amendment to Zoning By-law 2667 – Baiocco Development Corp., east side of Clare Avenue, north of Lynbrook Lane (File 2004-07).
(PDS-2005-08)**

Mr. Thorpe detailed the background on this new report and indicated that the developer has amended his application from nine to seven 51 foot lots with R2 Zoning. Councillor Spadafora stressed that the developer was willing to compromise to Council's wishes even though 6 of the nine smaller lots were presold prior to these changes being requested by Council. He explained that the more lots that are allowed to be developed will result in more taxes being collected. Councillor Grenier expressed his opposition to any changes to the existing development and that the commitment to the public was the issue in this matter. He explained that the citizens in this area have been accommodating and willing to



GENERAL COMMITTEE MEETING -- Page 7

Tuesday, February 8, 2005
Meeting Number G.C. 2005 - 02

accept the development of 6 lots. Councillor Alexander requested information on water, sewage and storm drainage and if there was enough capacity in this area to support these drainage concerns. Mr. Thorpe responded that the services are up to date and have the capacity to handle this development. Councillor Alexander asked if Council has endorsed Smart Growth principles for this City. Mr. Thorpe explained that several reports from the Region over the last 1-1/2 years have referred to Smart Growth and it has been discussed during the draft Official Plan. He stated that an increase in density meets Smart Growth principles but a decrease in density is not Smart Growth. He explained that this particular development in the Toronto area would not be Smart Growth but in the City of Welland it is. Councillor Alexander stressed the need to be clear and consistent on the principles of Smart Growth that apply to Welland. Councillor Fortier asked if any further opposition to Council's changes to the recommendation was received from the residents impacted by this development. Mr. Thorpe explained that he did receive one call from Mr. Chappelle but could not discuss the report with him at that time because Council had not yet received it. Councillor Fortier indicated that Council has moved forward on a lot of developments without applying Smart Growth principles and if there has not been a large opposition to the compromise he would support the recommendation to move forward and allow the developer to begin construction. Councillor Grimaldi stressed that Smart Growth principles must be followed throughout the entire City and she could not support this recommendation when areas in Ward 4 have been denied 40 foot lots.

Moved by Councillor Spadafora

1. That Zoning By-law 2667, as amended, be further amended for lands on the east side of Clare Avenue, north of Lynbrook Lane (Lots 3 to 8 all inclusive, Plan NS20) from Single Detached Dwelling – First Density Zone (R1) to Single Detached Dwelling – Second Density Zone Holding (H-R2) to permit the development of seven (7) residential lots;
2. That the Owner enter into a Development Agreement to provide for such matters as the extension of municipal water and sanitary sewer services, storm water drainage, grading plans, improvements to Clare Avenue, cash-in-lieu of parkland (if required) and financial matters to the satisfaction of the City of Welland;
3. That prior to the removal of the Holding Symbol (H), the Developers must enter into the required Development Agreement and provide the necessary financial requirements, if any;
4. That Council authorize Staff to prepare a By-law to exempt the subject lands from Part Lot Control so that the lands can be re-lotted; and
5. That Council determine that no further Notice is required due to the change in the Application to permit the R2 Zone instead of the R3 Zone.

LOST

YEAS: Councillors Spadafora, Fortier, Beaudoin, Alexander and O'Dell.

NAYS: Councillors Grimaldi, Dzugan, Sharpe, Grenier, Chiochio, Larouche and Mayor Goulbourne.



GENERAL COMMITTEE MEETING -- Page 8

Tuesday, February 8, 2005
Meeting Number G.C. 2005 - 02

05-65 - Application for Draft Plan of Subdivision approval – 1006136 Ontario Limited, Clare Avenue Estates – Phase 2 (File 26T-14-04001). (PDS-2005-10)

Moved by Councillor Spadafora

1. That the City of Welland hereby grants Draft Plan of Subdivision Approval to the Clare Avenue Estates Phase 2 Subdivision (File 26T-14-04001) to Vincent Policella Masonry Contractor Limited and 1006136 Ontario Limited being Part of Lot 246, former Township of Thorold and Part of Lot 7 and Part of Block 18, Registered Plan 59M-288 in the City of Welland based upon a Plan prepared by P. D. Reitsma Surveying Ltd. dated October 8, 2004 consisting of seven (7) residential lots, a Block for a 0.3 metre reserve, a Block for access to a storm water retention pond and a Block for future development subject to the following Conditions:
 - 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 Block 10 and 11, being 0.3 metre reserves, be transferred to the City of Welland free of all encumbrances for access control purposes;
 - e) That Block 8 be designated as land for future development and be amalgamated with the land to the east when development occurs;
 - f) The Owner shall pay Cash-in-Lieu of Parkland Dedication based upon current City requirements;
 - g) That Block 9 be transferred to the City of Welland for access to the retention pond on the abutting land to the west;
 - h) That detailed lot grading and drainage plans, delineating both existing and proposed grades and the means whereby flows will be accommodated across the site, be submitted to the City for review and approval;
 - i) That the Owner acknowledge promptly that Draft Approval of this Subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of the Subdivision registration process;
 - j) That immediately following Notice of Draft Plan Approval, the Owner shall provide the Regional Planning and Development Department with a written undertaking that all Offers and Agreements of Purchase and Sale, which may be negotiated prior to registration of this Subdivision, shall contain a Clause clearly indicating that a servicing allocation for this Subdivision will not be assigned until the Plan is granted Final Approval for registration and a similar Clause be inserted in the Subdivision Agreement between the Owner and the City of Welland;
 - k) That the design drawings for the water, sanitary sewer and storm water drainage systems required to service this development be submitted to the Regional Public Works Department for review and approval. (NOTE: Any Storm Water Management Facility that may be proposed for this development would require the direct approval of the Ministry of the Environment, Toronto).
 - l) That prior to Final Approval for registration of this Plan, the Owner shall obtain Ministry of the Environment Certificates of Approval to the satisfaction of the



GENERAL COMMITTEE MEETING -- Page 9

Tuesday, February 8, 2005
Meeting Number G.C. 2005 - 02

- Regional Public Works Department for the necessary servicing (watermains, storm sewers and sanitary sewers) for this development;
- m) That prior to the Approval of the Final Plan or any on-site grading, the Owner shall submit to the Regional Planning and Development Department for review and approval two (2) copies of the following Plans for the Subdivision designed and sealed by a suitably qualified Professional Engineer:
- (i) Detail lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - (ii) Detailed sediment and erosion control plans; and
 - (iii) That the Subdivision Agreement between the Owner and the City of Welland contain provisions whereby the Owner agrees to implement these approved plans.
- n) That the finished cul-de-sac road design should have an adequate turnaround radius of 12.8 metres;
- o) The Owner shall provide a Geotechnical Subsurface Investigation Study, prepared by a qualified Geotechnical firm, to the City which must make recommendations on the use of the site for the construction of houses/buildings;
- p) Prior to granting Final Plan Approval, the City of Welland must be in receipt of written confirmation from the following Agencies that their respective requirements have been met satisfactorily:
- ? Regional Niagara Planning for Conditions i, j and m;
 - ? Regional Niagara Public Works for Conditions k, l and n (through Regional Planning);
- q) 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 Owners wish to request an extension to Draft Plan Approval, a written request, with reasons why the extension is required, must be received by the City prior to the Draft Plan lapsing date;
2. That the Mayor be authorized to sign Draft Approval and Final Approval Plan for the Clare Avenue Estates Phase 2 Subdivision once all Conditions have been satisfied.

NOTES:

- a) Land required to be registered under the Land Titles Act.
- b) 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.

CARRIED



**Tuesday, February 8, 2005
Meeting Number G.C. 2005 - 02**

**04-92 - Proposed New Sign By-law.
(PDS-2005-09)**

Mr. Mantesso provided a Power Point presentation to Council outlining the details of the proposed new Sign By-law and indicated that the last Sign By-law for the City of Welland was dated 1937. Mr. Mantesso explained that over twenty by-laws were reviewed from other municipalities in Ontario and the proposed By-law was produced. Councillor Dzugan expressed his concerns regarding enforcement and Mr. Mantesso replied that this new By-law would give clear authority to staff to take down any posters or advertisements on telephone poles and give notice to owners for bigger signs that do not comply to the By-law. Councillor Sharpe inquired if there would be a need for any additional staff to implement and enforce this new By-law and if there would be grandfathering for existing signage. Mr. Mantesso stated that there was no intention to require additional staff when the By-law was drafted and that enforcement will be on a complaint basis and gross non compliance on City property. Councillor Fortier stated his concerns that this new By-law is communicated to business owners and the public. Councillors Dzugan and Sharpe requested that the photographs shown at the beginning of Mr. Mantesso's presentation showing signs that make visibility difficult at intersections and obstructing sidewalks be again shown during next Tuesday's Council meeting on cable tv so the public can see the problems. Mr. Thorpe indicated that an advertisement appeared in the newspaper a week ago, there have been two public notices and the draft by-law has been on the city's website for 2-1/2 months. He also stated that individual notices were sent to sign makers in the City, the BIAs, Chamber of Commerce, Plazas and the Welland Hospital.

Moved by Councillor Spadafora

That Council accept Report PDS-2005-09 concerning the proposed Sign By-law and authorize Staff to present the proposed Sign By-law to Council for ratification.

CARRIED

8. NEW BUSINESS:

**Land Registry Office Relation Legal Challenge.
(Councillor Fortier)**

Councillor Fortier presented an oral report to General Committee indicating that a suit has been formally filed against the Provincial Government regarding closing of the Land Registry Office in Welland. He stated that he was very proud of the partnership the Welland Law Society and the Francophone community has formed and indicated his hope that Council would support a financial consideration in this legal battle. He will present a motion to Council at its February 15th, 2005 Meeting.

Committee-of-the-Whole (In Camera)



GENERAL COMMITTEE MEETING -- Page 11

**Tuesday, February 8, 2005
Meeting Number G.C. 2005 - 02**

General Committee met in Committee-of-the-Whole in camera at the request of Councillor Spadafora to discuss personal matters about an identifiable individual at 9:15 p.m. General Committee arose from Committee-of-the-Whole at 9:25 p.m. without report.

9. OUTSTANDING ITEMS REFERRED TO COMMITTEE:

No issues were reviewed.

10. The General Committee Meeting adjourned at 9:25 p.m.