



**COUNCIL MEETING, OCTOBER 23, 2007**

**BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE (IN CAMERA): TO DISCUSS A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND MATTER; AND**

**BY PROCEDURAL BY-LAW 2005-176:  
TO RATIFY THE ACTIONS OF GENERAL COMMITTEE**

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

Council met in Special Meeting Committee-of-the-Whole closed to the public at 6:30 p.m. and pursuant to By-law 2005-176, the Procedural By-law of Council, in open regular session following the General Committee Meeting at 8:05 p.m. on the above date.

Vice-Mayor Barry Sharpe in the Chair.

**Members Present:**

Councillors R. Alakas, D. Alexander (7:20 p.m.), M. Belcastro, F. Campion, P. Chiocchio, M. Dzugan, P. Grenier (6:35 p.m.), R. Letourneau and S. O'Dell.

**Members of the Staff and Others Present:**

City Manager, P. Simmons  
General Manager, Communications, Council & Legislative Services/City Clerk, C. Stirtzinger  
Deputy Clerk, B. Gallaccio  
General Manager, Engineering, Public Works & Transportation Services/City Engineer, D. Shantz  
General Manager, Financial & Corporate Services/Treasurer, B. Silvestri  
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

**07-25** Moved by Letourneau and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with Vice-Mayor Barry Sharpe as Chair, in Committee-of-the-Whole closed to the public at 6:30 p.m. to consider:

- a) a proposed or pending acquisition of land or disposition of land by the municipality.

**CARRIED**

**07-25** Moved by Belcastro and Chiocchio

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**

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF OCTOBER 23, 2007:**

**04-132** Sarah Charron – requesting exemption to Fence By-law.

**04-132** Bonnie Gale – requesting exemption to Fence By-law.

**04-132** Gen. Mgr., Planning and Development Services, D. Thorpe – Request for exemption to Fence By-law 10545 at 178 MacInnis Street.

**04-132** Gen. Mgr., Planning and Development Services, D. Thorpe – Request for exemption to Fence By-law 10545 at 396 Fitch Street.

**06-148**

**06-148Z** Gen. Mgr., Planning and Development Services, D. Thorpe – Application for Approval of Draft Plan of Subdivision (File: 26T-14-06005) and Application for Zoning By-law Amendment (File: 2006-14) Laurent Viger Construction Limited north of Lincoln Street and east of Vanier Drive.

**07-13** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Welland Harvest Kitchen – Bus Transportation.

**07-21** Robert Cummings, President, Royal Canadian Legion Branch 4 – requesting permission to hold their annual Remembrance Parade and Service on Sunday, November 11, 2007 and waiving of fees.

**07-21** Janice Makepeace, Community Recreation Coordinator, Parks & Recreation – requesting permission for the following: temporary street closures; indoor and outdoor use of the Civic Square and a fireworks display during the annual Family New Year's Eve party.

**07-106** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Ministry of the Environment Drinking Water System Inspection Summary Rating Record 2005-2006.

**07-143** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – 2007-2008 Rental of Winter Control Equipment.

**07-144** City Manager, P. Simmons – Welland Development Commission – Governance Review and Process Improvements.

**07-145** Vince Vocal – petition signed by 22 area residents requesting sidewalk construction on the west side of First Avenue North.

**THE FOLLOWING BY-LAWS WERE RECEIVED:**

**06-148** A By-law to amend City of Welland Zoning By-law 2667 (Laurent Viger Construction Limited – File 2006-14) north of Lincoln Street and east of Vanier Drive.

**07-22** A By-law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Traffic and Parking By-law 89-2000 at Seaway Mall; and to repeal By-law 2007-139.

**07-1** 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 23<sup>rd</sup> day of October, 2007.

**04-132** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Sarah Charron at the October 23, 2007 General Committee Meeting regarding the request for exemption to the Fence By-law at 396 Fitch Street.

**CARRIED****04-132** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Bonnie Gale at the October 23, 2007 General Committee Meeting regarding the request for exemption to the Fence By-law at 178 MacInnis Street.

**CARRIED****04-132** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND denies the request of Scott Bowen and Bonnie Gale to allow an existing fence approximately 2 metres (6'-7") in maximum height to remain in the front yard at 178 MacInnis Street; and further

THAT Welland City Council approves an exemption to Fence By-law 10545 and allows a fence with a maximum height of 1.22 metres (4'-0") in the front yard at 178 MacInnis; and further

THAT Welland City Council confirms that, notwithstanding any exemption to allow a higher fence in the front yard, the provisions in Fence By-law 10545 requiring a sight (visibility) triangle near the intersection of MacInnis Street and Simpson Avenue (in the front yard) be complied with at 178 MacInnis Street.

**CARRIED****04-132** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND denies the request of Matthew and Sarah Charron to allow a proposed fence approximately 2 metres (6'-7") in maximum height to be erected in the front yard at 396 Fitch Street; and further

THAT Welland City Council approves an exemption to Fence By-law 10545 at 396 Fitch Street provided that the main building entrance continues to face Fitch Street, by allowing the front lot line to be defined as the longer lot line abutting a street, and exterior side lot line to be defined as the shorter lot line abutting a street, for purposes of the Fence By-law only.

**CARRIED****06-148****06-148Z** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves an amendment to Zoning By-law 2667, as amended, for lands north of Lincoln Street, east of Vanier Drive, more specifically described as Lots 441 to 465, inclusive, Lots 478 to 486, inclusive, Part of Lots 469 to 477, inclusive, Part of Lots 491 to 496, inclusive, Part of Vanier Drive and Part of Tanguay Street, Plan 953, former Township of Crowland, now in the City of Welland, from the existing R2 and RM4 Zones to a Holding Site Specific HRM2-X16 Zone, a Holding Site Specific HRM2-X17 Zone, a Holding Site Specific HRM3-X25 Zone and a Public Open Space (O1) Zone to permit the development of a Plan of Subdivision consisting of semi-detached dwellings, townhouses and parkland; and further

THAT Welland City Council authorizes that the Holding Symbol (H) be lifted upon application, when the Owner informs the City of Welland, in writing, that the following items have been completed: the entire sanitary sewer system has been completed and tested and sanitary services have been installed to the front property line and that a video and written report of an internal examination of the sanitary and storm sewer systems is provided; that the entire water system has been completed and tested and disinfected and water services have been installed to the front property line; that the entire storm sewer system has been completed; that the asphalt roadway has been constructed (the stone base and asphalt base); that the grading requirements and lot grading requirements of the City's Land Development Policy have been met; all streetlights are in good working order and energized by the Welland Hydro-Electric Corp.; and all street name and traffic control signs are installed all to the satisfaction of the City Engineer; that approval has been received from the Ministry of Transportation to develop the lands; and further

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**06-148****06-148Z Cont'd**

THAT Welland City Council grants Draft Approval to Vanier Court Subdivision (File: 27T-14-06005) owned by Laurent Viger Construction Limited, being Lots 441 to 465 inclusive, Lots 478 to 488 inclusive, Part of Vanier Drive and Part of Tanguay Street, Plan 953, former Township of Crowland, now City of Welland prepared by Suda Maleszyk Surveying Inc. and as red-lined by the City, for thirty (30) semi detached units, one (1) Block for three (3) street townhouse units and one (1) Block for park purposes subject to the following Conditions:

- (a) That the Owner enters into a Subdivider's Agreement with the City of Welland, in accordance with City Policy in place at the time of the execution of the Subdivider's Agreement, to be registered on Title;
- (b) That no grading or construction work shall commence on 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 all necessary Easements be transferred to the City, free of all encumbrances;
- (e) That 5 metre by 5 metre daylighting triangles on Lots 12 and 13 be dedicated as part of the road;
- (f) That Blocks 18, 19 and 20 being 0.3 metre Reserves, be transferred to the City of Welland free of all encumbrances for access control purposes;
- (g) That Block 17 be transferred to the City of Welland, free of all encumbrances, for park purposes at such time as the City determines subject to the lands being improved to City Standards and the Owner providing a paved walkway, constructed to City Standards and in a location from Lincoln Street to Street 'B' approved by the municipality;
- (h) That the Owner shall provide a Geotechnical Surface Investigation Study, prepared by a qualified Geotechnical Firm, to the City which must make recommendations on the use of this site for the construction of houses/buildings;
- (i) That the Owner shall undertake the necessary studies to determine the location and status of any gas wells located on the subject lands. The Owner will be required to satisfy the City of Welland that any gas wells are properly capped;
- (j) That the Owner may be required to obtain a Record of Site Condition (RSC);
- (k) That the Owner acknowledges that Block 15 can only be development once the configuration of Lincoln Street and a future cul-de-sac is determined, reviewed and approved by the Ministry of Transportation;
- (l) That the noise control measures recommended in the Environmental Noise Analysis prepared by dBA Environmental Services (April 2007) be included in the Subdivision Agreement to the satisfaction of the Region of Niagara. This includes the following:
  - (i) That the Owner enters into an Agreement with the City and the Ministry of Transportation (MTO) with respect to the costs, location and timing of; construction of the acoustical barrier;
  - (ii) That mandatory air conditioning units and the following warning clauses be incorporated in the Subdivider's Agreement and included in all Offers and Purchase of Sale:
    - I. TYPE B: "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment's noise criteria";
    - II. TYPE C: This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment's noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.);

- (m) That the Owner acknowledges within 60 days of Draft Plan Approval of this Subdivision that Draft Approval 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 Final Approval of the Subdivision for registration purposes;

...Continued

**06-148**

**06-148Z Cont'd**

- (n) That within 60 days of Draft Plan Approval, the Owner shall provide the Regional Niagara Planning and Development Department with a written undertaking that all Offers of 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;
- (o) That prior to 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 copies of a detailed stormwater management plan for the Subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003, and "Stormwater Quality Guidelines for New Development", May 1991;
- (i) Detailed 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;
- (iii) A copy of this stormwater management plan should be forwarded to the Ministry of Transportation for review and approval;
- (p) That the Subdivision Agreement between the Owner and the City of Welland contain provisions whereby the Owner agrees to implement the approved stormwater management plan required in accordance with Condition (o) above;
- (q) That the design drawings for the water, sanitary sewer and stormwater drainage systems required to service this development be submitted to the Regional Public Works Department for review and approval. **Note:** Any stormwater management facility that may be proposed for this development would require the direct approval of the Ministry of the Environment, Toronto);
- (r) 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 Regional Public Works Department for the necessary servicing (watermains, storm sewers and sanitary sewers) for this development;
- (s) That in order to provide Regional curbside waste collection services, the Owner must ensure that all streets and development blocks provide an adequate through access to the satisfaction of the Regional Public Works Department;
- (t) The Owner agrees to provide security, in an amount acceptable to appropriate Agencies, for the future construction of a noise barrier wall where required;
- (u) That the Owner shall have installed a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes. These concrete pads shall be identified on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the Plan of Subdivision;
- (v) That the existing easement in favour of Bell Canada will be addressed prior to registration of the Plan of Subdivision;
- (w) That the Owner acknowledges and agrees to obtain all necessary Permits as required from Agencies including the Ministry of Transportation;
- (x) 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** for Conditions (l), (m), (n), (o) and (p);
  - **Regional Niagara Public Works** for Conditions (l), (r) and (s) (through Planning);
  - **Ministry of Transportation** for Condition (o); and further

That Welland City Council authorizes the Mayor to sign the Draft Approval and Final Approval Plans for Vanier Court Subdivision once all Conditions have been satisfied.

**CARRIED**

**07-13** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND supports the request from Reverend Robert Bond, Welland Harvest Kitchen Steering Committee for Transit bus passes from November 1<sup>st</sup>, 2007 to April 30<sup>th</sup>, 2008.

**CARRIED****07-21** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves the application from the Royal Canadian Legion Branch 4 for the "Annual Remembrance Day Parade and Service" to be held on Sunday, November 11, 2007 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities; and further

That Welland City Council waives the fees in the amount of \$407.70 for the Annual Remembrance Day Parade and Service.

**CARRIED****07-21** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives the letter from Parks & Recreation requesting permission for the following: temporary street closures, indoor and outdoor use of the Civic Square and a fireworks display during the annual Family New Year's Eve Party to be held on Monday, December 31, 2007 and refers to staff for study and report.

**CARRIED****07-106** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report ENG-2007-31 regarding the Ministry of Environment Drinking Water System Summary Rating Record for 2005-2006 of the City of Welland Water Distribution System.

**CARRIED****07-143** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves the contracting of suppliers Vic Vatr Contracting Ltd. at an estimated amount of \$2,100 (excluding GST) and DeRose General Contracting Ltd. at an estimated amount of \$2,220 (excluding GST) to provide snow plowing service for the City of Welland for the month of December 2007; and further

THAT Welland City Council approves the contracting of suppliers Vic Vatr Contracting Ltd. at an amount not to exceed \$4,340 (excluding GST) and DeRose General Contracting Ltd. in an amount not to exceed \$4,960 (excluding GST) to provide standby snow plowing service for the City of Welland for the month of December 2007; and further

THAT Welland City Council approves the contracting of suppliers Vic Vatr Contracting Ltd. at an estimated amount of \$8,400 (excluding GST) and DeRose General Contracting Ltd. at an estimated amount of \$8,880 (excluding GST) to provide snow plowing service for the City of Welland for the months of January – March 2008; and further

THAT Welland City Council approves the contracting of suppliers Vic Vatr Contracting Ltd. at an amount not to exceed \$12,740 (excluding GST) and DeRose General Contracting Ltd. in an amount not to exceed \$14,560 (excluding GST) to provide standby snow plowing service for the City of Welland for the months of January – March 2008.

**CARRIED**

**07-144** Moved by Alexander and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND approves the recommended structural and business process improvements to The Welland Development Commission (WDC) as recommended by the WDC; and further

That Welland City Council directs that the changes to the Welland Development Commission derived from Report CM 2007-8 be in place for the duration of the 2007-2010 Council term.

**CARRIED****07-145** Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives the letter from Vince Vocal dated October 1, 2007 and the attached petition signed by 22 area residents requesting construction of a sidewalk between Rolling Acres Drive and Thorold Road on the west side of First Avenue North and refers to staff for study and report.

**CARRIED****BY - LAWS****BY-LAWS PRESENTED FOR FIRST READING:**

## 1. Moved by Dzugan and Alexander

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

**06-148**

BYL 2007-159

A By-law to amend City of Welland Zoning By-law 2667 (Laurent Viger Construction Limited – File 2006-14) north of Lincoln Street and east of Vanier Drive.

**07-22**

BYL 2007-160

A By-law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Traffic and Parking By-law 89-2000 at Seaway Mall; and to repeal By-law 2007-139.

**07-1**

BYL 2007-161

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 23<sup>rd</sup> day of October, 2007.

And that the same be now read a first time.

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

2. Moved by Dzugan and Alexander

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, 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 8:18 p.m.

These Minutes approved and adopted by Motion of Council this 6th day of November, 2007.

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**MAYOR**

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**DEPUTY CLERK**