



SPECIAL COUNCIL MEETING, NOVEMBER 8, 2005

**FOR THE PURPOSE OF RATIFYING THE ACTIONS
OF GENERAL COMMITTEE ON THE SAME DATE AND TO
MEET IN COMMITTEE-OF-THE-WHOLE IN CAMERA TO
DISCUSS A PERSONAL MATTER.**

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

Council met in Committee-of-the-Whole closed to the public at 6:55 p.m. and in open session at 8:20 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present: Councillors D. Alexander, M. Belcastro, P. Chiochio, M. Dzugan, D. Fortier
P. Grenier (7:00 p.m.), J. Larouche, S. O'Dell (until 8:20 p.m.), B. Sharpe
and J. Spadafora.

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Manager T. Fitzpatrick

General Manager Financial and Corporate Services/Treasurer B. Silvestri
(8:20 p.m.)

General Manager of Planning and Development Services D. Thorpe
(8:20 p.m.)

Games Licensing Clerk L. Bubanko (8:20 p.m.)

05-25 Moved by Belcastro and Dzugan that Council meet in Committee-of-the-Whole, closed to the public at 6:55 p.m. to consider:

- a) personal matters about an identifiable individual, including municipal employees; and
- b) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

CARRIED

05-25 Moved by Belcastro and Dzugan that the Committee-of-the-Whole arise from its closed meeting at 7:00 p.m. without report.

CARRIED

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF NOVEMBER 8, 2005:

96-129

04-126 – Chris Webb – presentation regarding an appeal to the muzzle order issued by the Welland & District Humane Society.

04-37 - Gen. Mgr. Financial & Corp. Serv./Treasurer B. Silvestri – letter from Albert Smith requesting a refund on excess sewer charge.

04-57 - Gen. Mgr. Planning and Development Serv. D. Thorpe – Request for Comments; Regional Policy Plan Amendment 6-2005; Conformity with Greenbelt Plan and Provincial Policy Statement.

04-114 - Gen. Mgr. Planning and Development Serv. D. Thorpe – Application for Draft Plan of Subdivision Approval; Laurent Viger Construction Limited; Promenade Richelieu Subdivision (File 26T-14-05002).

04-126 - Gen. Mgr. Planning and Development Serv. D. Thorpe – Request for exemption to Dog Control By-law concerning maximum number of dogs.

05-10 - Gen. Mgr. Financial & Corp. Serv./Treasurer B. Silvestri – Regional Liaison Committee.

05-167 – City Manager T. Fitzpatrick – Proposal from OEB International concerning a proposed Strategic Planning and Communications Process 2005/2006.

05-168 - Gen. Mgr. Financial & Corp. Serv./Treasurer B. Silvestri – Municipal Performance Measurement Program for the Year 2004.

THE FOLLOWING BY-LAW WAS RECEIVED:

05-1

A By-law to adopt, ratify and confirm proceedings of a Special Council of the Corporation of the City of Welland at its meeting held on the 8th day of November, 2005.

96-129

04-126 Moved by Spadafora and Alexander

That the presentations by Chris Webb (dog owner) and Ted Bettle, Manager, Welland & District Humane Society, regarding an appeal to a muzzle order issued by the Welland & District Humane Society be referred to staff for investigation and report; and further

That the Humane Society be requested (for inclusion in the staff report) to investigate and report on the possibility of another dog being responsible for the attack, as well as determining if in fact the accused dog is considered hostile.

CARRIED

04-37 Moved by Spadafora and Alexander that since Mr. Albert Smith was billed correctly for both water and sewer charges in accordance with By-law 2005-33 (being "A By-law to provide for the fixing of water and sanitary services rates to be paid by consumers for public benefits for the 2005 billing year, effective April 1st, 2005"), his request for a refund for an excessive sewage treatment bill be denied.

CARRIED

04-57 Moved by Spadafora and Alexander

1. That Council receive Report PDS-2005-84 with respect to the Greenbelt Plan Update and the Provincial Policy Statement 2005; and,
2. That the City Clerk be directed to send a copy of Report PDS-2005-84 to the Planning and Development Department, Regional Municipality of Niagara for information purposes.

CARRIED

04-114 Moved by Spadafora and Alexander

1. That the City of Welland hereby grants Draft Approval to the Promenade Richelieu Subdivision (File: 26T-14-05002) developed by Laurent Viger Construction Limited, being Lots 33 to 40 inclusive, 58 to 68 inclusive and part of Lots 32, 69 and 78 to 89 inclusive and Part of closed Roxborough Street, Plan 944 based upon a Plan prepared by Suda & Maleszyk Surveying Inc. dated July 28, 2005 consisting of eight (8) residential lots for the construction of 16 semi-detached dwellings 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 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) The Owner shall develop the Subdivision in accordance with the City's current Subdivision Requirements;
 - (e) The Owner shall pay to the City, upon the execution of the Subdivider's Agreement, \$300.00 per dwelling unit for the installation of trees within the road allowance by City forces;
 - (f) The Owner shall pay Cash-in-lieu of Parkland Dedication based upon current City Requirements;
 - (g) The Owner shall provided 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;
 - (h) 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;

Continued...

04-114 Continued

- (i) 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;
- (j) 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;
- (k) That Ministry of Environment Certificates of Approval be obtained for the necessary servicing (water, sanitary sewer and stormwater drainage) for the development prior to Final Approval for registration;
- (l) That prior to Approval of the Final Plan the Owner shall submit to the Regional Planning and Development Department for review and approval two copies of the following plans for the subdivision designed and sealed by a suitably qualified professional engineer:
 - (i) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated;
 - (ii) Detailed sediment and erosion control plans; and
 - (iii) That the Subdivider's Agreement between the Owner and the City Of Welland contain provisions whereby the Owner agrees to implement these approved plans;
- (m) That the Owner submit two copies of a noise study to evaluate impacts from traffic along East Main Street (Regional Road 27) and Highway 406 and the existing commercial facility (Niagara Battery & Tire) to the Regional Planning and Development Department for review and approval. The study is to be prepared by a qualified consultant (P. Eng. with noise expertise) who shall sign and certify that the study meets the requirements of the Ministry of Environment Guidelines Noise Assessment Criteria in Land use Planning, Publication LU-131, October 1997 as amended. Further, that the Owner agree, in the Subdivider's Agreement, to implement any relevant recommendations of the study;
- (n) That a limited Phase II Environmental Site Assessment be prepared to the satisfaction of the Ministry of the Environment and that a Record of Site Condition (RSC) be obtained;
- (o) The Owner shall undertake the necessary Studies to determine the location and status of any gas wells located on the subject land. The Owners will be required to satisfy the City of Welland that any gas wells are properly capped;
- (p) 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:

- (i) Regional Niagara Planning for Conditions; h, i, l, m, and n;
- (ii) Regional Niagara Public Works for Conditions: j and k.

Continued...

04-114 Continued

- (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 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; and,
2. That the Mayor be authorized to sign the Draft Approval and final Approval Plans for the Promenade Richelieu Subdivision once all Conditions have been satisfied.

CARRIED

04-126 Moved by Spadafora and Alexander that Council exempt the household at 288 Wellbrook Boulevard from the three (3) dog maximum limit and allow a five (5) dog maximum for the duration of the life of the existing dogs currently at the household.

CARRIED

05-10 Moved by Belcastro and Alexander
That Welland City Council establish a Regional Representative Liaison Committee, consisting of the Mayor and Regional Council Welland Representatives as well as City Council representatives appointed to Regional committees for the purpose of meeting as required to discuss Regional issues affecting the City of Welland; and
That the terms of reference for the Regional Representative Liaison Committee be approved.

CARRIED

05-167 Moved by Spadafora and Alexander
1. That the City of Welland accept the proposal from OEB International dated October 31, 2005 concerning a strategic planning and communications proposal for the City of Welland as attached to CM-2005-17;
2. That the costs associated with retaining OEB for 2005 in the value of \$25,000 be charged to the Strategic Planning & Communications budget allocation as set by Council on May 10, 2005.

CARRIED

05-168 Moved by Spadafora and Alexander that the results of the City of Welland 2004 Municipal Performance Measurement Program be received and posted on City's website to comply with the Provincial Publication requirements.

CARRIED

BY - LAW

BY-LAW PRESENTED FOR FIRST READING:

1. Moved by Belcastro and Alexander that leave now be given to introduce the following proposed By-law entitled:

05-1

BYL 2005-174

A By-law to adopt, ratify and confirm proceedings of a Special Council of the Corporation of the City of Welland at its meeting held on the 8th day of November, 2005.

And that the same be now read a first time.

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

2. Moved by Belcastro and Alexander that the By-law listed in the foregoing motion for first reading and as reproduced in this Evening's Council Agenda, having been read a first time and considered, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal the same.

CARRIED

Council adjourned at 8:25 p.m.

These Minutes approved and adopted by Motion of Council this 15th day of November, 2005.

MAYOR**CLERK**