



**COUNCIL MEETING
FEBRUARY 28, 2006**

**BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE IN CAMERA
TO DISCUSS PERSONAL AND SECURITY OF PROPERTY MATTERS AND IN
OPEN SESSION TO HOLD PUBLIC HEARINGS PURSUANT TO THE PLANNING
ACT; AND
TO HOLD A PUBLIC MEETING PURSUANT TO THE MUNICIPAL ACT;
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 6:05 p.m. and again at 9:25 p.m. and in open session at 7:25 p.m. to hold Statutory Public Hearings under the Planning Act; and to hold a Public Meeting under the Municipal Act; and pursuant to By-law 2005-176, the Procedural By-law of Council, in open regular session following the General Committee Meeting at 9:10 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present: Councillors D. Alexander, P. Chiochio, M. Dzugan, D. Fortier (6:20 p.m.),
P. Grenier, M.A. Grimaldi, J. Larouche, S. O'Dell, B. Sharpe and
J. Spadafora (until 7:15)

Members of the Staff and Others Present:

City Solicitor G. Banks
City Manager T. Fitzpatrick
Administrative Assistant/Deputy Clerk B. Gallaccio
General Manager Financial and Corp. Services/Treasurer B. Silvestri (7:20 p.m.)
General Manager, Human Resources R. Beaumont (7:20 p.m.)
General Manager of Planning and Development Services D. Thorpe (7:20 p.m.)
Manager, Public Works J. Boc (7:20 p.m.)
Manager, Engineering Services L. Ventresca (7:20 p.m.)
Games Licensing Clerk L. Bubanko (7:20 p.m.)

Aggie Giovannini was present during Committee-of-the-Whole discussions on a personal matter.

06-25 Moved by Dzugan and Larouche that Council meet in Committee-of-the-Whole, closed to the public at 6:05 p.m. to consider:

- a) the security of the property of the municipality; and
- b) personal matters about an identifiable individual including municipal employees.

CARRIED

06-25 Moved by Chiocchio and Grimaldi that the Committee-of-the-Whole arise from its closed meeting at 7:05 p.m.

CARRIED

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF FEBRUARY 28, 2006:

93-136 – Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Federal Government’s CMHC Residential Rehabilitation Assistance Program (RRAP).

01-108

06-64Z – Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Request for Additional Funding – Downtown Incentive Programs and Removal of Holding (H) Symbol; Niagara Falls Masonry Contractors Inc. – 26 Mill Street.

04-48Z – Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Proposed Amendment to Zoning By-law 2667 – Centre Properties (Welland) Ltd. – 1 Centre Street, North of East Main Street, East of Canadian National Railway Line (File 2005-17).

05-175 – David Albano, John Scodellaro and Terry Dolan – Presentation regarding a Zoning By-law Request for Exemption to allow a School Bus in a Residential District.

05-175 - Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Zoning By-law Request for Exemption to allow a School Bus in a Residential District.

06-04 - Gen. Mgr. Financial & Corp. Serv./Treasurer B. Silvestri – Report on 2006 Water/Sanitary Sewer Operating and Capital Budget with Resulting Rate Structure.

06-7 - Gen. Mgr. Financial & Corp. Serv./Treasurer B. Silvestri – Accounts Payable Report.

06-49

06-49Z – Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Proposed Plan of Subdivision and Zoning By-law Amendment – Whispering Pines (Extension) (26T-14-05003 and 2005-15) - Lea Silvestri Investments Ltd. – North Side of Thorold Road, East of Foxtail Avenue (Block 29, 59M-328).

06-62

06-62Z - Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Application for Approval of Draft Plan of Subdivision and Zoning By-law Amendment (File 26T-14-05004; 2005-18) - 1650666 Ontario Inc. - Riverbend Subdivision (290 Riverside Drive).

THE FOLLOWING BY-LAWS WERE RECEIVED:

06-1

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 28th day of February, 2006.

06-48Z

A By-law to amend City of Welland Zoning By-law 2667, as amended – Centre Properties (Welland) Ltd. – 2005-17 – 1 Centre Street.

06-64Z

A By-law to amend Zoning By-law 2667 upon the application of Niagara Falls Masonry Contractor Inc. to remove the Holding Symbol "H" from certain lands on the north side of Mill Street, west of Niagara Street known municipally as 26 Mill Street.

STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Councillor Larouche presided as Chair of the Public Hearing:

04-48Z An Application has been made by P. DOUGLAS REITSMA SURVERYING LTD. on behalf of CENTRE PROPERTIES (WELLAND) LTD. to rezone the lands shown on the attached key map, municipally known as 1 Centre Street from the existing I2 – Yard Storage and Heavy Manufacturing Zone By-law 2667 to a Site Specific I2 Zone By-law 2667. The purpose of the Amendment is to create Zone Provisions (setbacks) for properties created by Consent and to recognize setbacks for existing buildings. The Official Plan designation is INDUSTRIAL (I). The subject lands are also the subject of Applications for Consent, Files B017/2005 to B024/2005WELL, inclusive.

Councillor Larouche outlined the procedures of the Public Hearings as required by the Planning Act. D. Thorpe confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

In support of the applications:

- P. Douglas Reitsma, agent on behalf of the applicant.

In opposition to the applications:

- No one spoke to the application.

06-62 An Application has been made by HYNDE, PAUL ASSOCIATES LIMITED on behalf of 1650666 ONTARIO INC. for approval of a Draft Plan of Subdivision for lands on the west side of Riverside Drive, east of the Welland River, south of Waterview Court. The subject lands are designated as URBAN AREA by the Regional Policy Plan, as RESIDENTIAL (R) by the City of Welland Official Plan and are Zoned RM2, R3 and O1 by By-law 2667. The lands are also the subject of an Application for Zoning By-law Amendment – File 2005-18.

06-62Z An Application has been made by HYNDE, PAUL ASSOCIATES LIMITED on behalf of 1650666 ONTARIO INC. to rezone Parts of Lots 29 and 30, Concession 6 for lands at 290 Riverside Drive from the existing RM2, R3 and O1 Zones By-law 2667, to R2, R3, EP, O1, Site Specific RM2 and RM3 Zones By-law 2667. The purpose of the Amendment is to permit the development of a Plan of Subdivision containing single-detached, semi-detached and street townhouse units. The Site Specific Zoning is requested to permit several variances for the proposed street townhouses including reduced lot frontages, lot areas, front yard, side yard and exterior side yard setbacks and reduced distances between blocks of units. A Site Specific Zoning is also requested to permit numerous variances for the proposed semi-detached lots including reduced lot frontages, lot areas and front yard setbacks. The Open Space area and Environmentally Sensitive lands adjacent to the Welland River will be Zoned O1 (Open Space) and EP (Environmental Protection). Areas for single-detached dwellings are to be Zoned R2 (Single-Detached Dwelling – Second Density Zone) and R3 (Single-Detached Dwelling – Third Density Zone). The Official Plan designation is RESIDENTIAL (R). The subject lands are also the subject of an Application for Draft Plan of Subdivision – File 26T-14-05004.

Councillor Larouche outlined the procedures of the Public Hearings as required by the Planning Act. D. Thorpe confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

In support of the applications:

- Fred Paul, Hynde, Paul Associates Limited, agent on behalf of the applicant.

In opposition to the applications:

- Marvin Hartwick, 300 Riverside Drive, Welland, Ontario L3C 5E5
There being no other submissions the hearings were concluded.

PUBLIC MEETING PURSUANT TO THE MUNICIPAL ACT

Mayor Goulbourne presided as Chair of the Public Meeting:

A public meeting pursuant to the Municipal Act to consider the 2006 Water and Sewer Operating & Capital Budgets with resulting rate structure was held. No one was present to speak.

The Council Meeting recessed at 8:10 p.m. to continue the General Committee meeting. The Council Meeting reconvened at 9:10 p.m.

93-136 Moved by Larouche and Sharpe

1. That Council receive Report PDS-2006-14 concerning delivery of the Residential Rehabilitation Assistance Program (RRAP);
2. That the City Clerk immediately inform CMHC that the City of Welland is opting out of the delivery of RRAP in Welland; and
3. That CMHC be informed that City Staff will assist CMHC and its Delivery Agent in informing the public about RRAP.

CARRIED

01-108

06-64Z Moved by Larouche and Sharpe

1. That Council approve the following Applications by Niagara Falls Masonry Contractors Inc. for the development of 26 Mill Street to contain twenty-six (26) two-bedroom and thirteen (13) one-bedroom residential units;
 - (a) Residential Conversion and Intensification Loan to a maximum of \$287,082.70 based upon \$10 per square foot of habitable floor space. This loan shall be for a period of ten (10) years at 0% interest with the principal amount to be repaid in monthly installments over 120 months subject to satisfying the Terms and Conditions of Loan Funding. The funding for this loan is from the Municipal Incentive Grant (MIG) Reserve Fund. The Region's share is \$143,541.35 which is comprised of a loan to the City of Welland;
 - (b) that the Building Permit Fees estimated at \$33,867.00 be paid at the permit stage and reimbursed upon project completion to the satisfaction of the City;
 - (c) that the Planning Fees estimated at \$15,905.00 be waived;
2. That for 1a) and 1b) as per Program requirements no funds shall be forwarded until such time as the project has been completed to the satisfaction of the City and all project invoices have been paid;
3. That a Property Rehabilitation and Redevelopment Tax-Increment Grant (TIF) be approved for the project as per the conditions and requirements of said Program in the estimated amount of \$153,146.28 for Welland and \$177,958.72 for Regional Niagara;
4. That the Owner shall be required to enter into any required Agreements with the City of Welland concerning the Programs;
5. The Mayor and Clerk are authorized to execute any documentation required to satisfy conditions related to participation in the Downtown Incentive Programs;
6. That the Municipal Incentive Grant (MIG) Reserve Fund be debited in the amount of \$143,541.35 to ensure sufficient funds for this project; and,

7. That the previous Recommendation regarding Downtown Incentive Programs for 26 Mill Street as set out in Report PDS-2006-02 dated January 24, 2006 be rescinded.

CARRIED

04-48Z Moved by Larouche and Sharpe that Zoning By-law 2667, as amended, be further amended for Lots 38 to 43, 60 to 65, Part of Blocks B & S, Part of Patterson Avenue and Part of Major Street, Plan 579; Lots 28 to 41, 72 to 90, 218 to 222, 328 to 341, 371 to 403, Parts of Lots 42 to 47, 67 to 71, 159 to 188, 212 to 217, 313 to 327, 342 to 346, 365 to 370, 475 to 479, 515 to 520, 623 to 628, 638 to 643, Part of Wallace Avenue, Scholfield Avenue, Brownleigh Avenue, Dunbar Avenue, Harold Avenue, McApline Avenue, Centre Street and Toronto Street, Plan 945, Atlas Block B, Plan 617, Atlas Block C, Plan 977, Part of Lots 21 and 22, Concession 3, Part of Lot 21, Concession 4, and Part of the Road Allowance Between Concessions 3 and 4 from the existing I2 - Yard Storage and Heavy Manufacturing Zone to Site Specific I2 Zones to create Zone Provisions (setbacks) for properties created by Consent and to recognize setbacks to existing buildings.

CARRIED

05-175 Moved by Larouche and Sharpe that the presentation by David Albano at the February 28th, 2006 General Committee Meeting regarding a Zoning By-law Request for exemption to allow a school bus in a residential district be received for information.

CARRIED

05-175 Moved by Larouche and Sharpe that Council receive Report PDS-2006-13 with respect to a presentation made by Dave Albano and John Scodellaro to Council on December 20, 2005 concerning the parking/storage of a school bus at 234 Becken Crescent.

CARRIED

06-04 Moved by Larouche and Sharpe that Council approve the following:

- 1.The 2006 Water and Sanitary Sewer Revenue and Expenditure Budget estimates (Schedule 'A' & 'B').
- 2.The 2006 Water and Sanitary Sewer Capital Budget estimates (Schedule 'C').
- 3.The 2006 Water and Sanitary Sewer Rate Structure (Schedule 'D').
- 4.The City Solicitor be directed to prepare the necessary by-law to establish the 2006 Water/Sanitary Sewer billing rates effective April 1, 2006.

CARRIED

06-7 Moved by Larouche and Sharpe that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list of accounts as follows:

1	January 31, 2006	\$ 286,910.07
2	February 01, 2006	18,267.12
3	February 02, 2006	219,853.57
4	February 03, 2006	48,599.48
5	February 09, 2006	127,040.97
6	February 10, 2006	3,555.96
7	February 13, 2006	295,565.57
8	February 15, 2006	87,472.39
9	February 16, 2006	10,700.00

10 February 17, 2006 1,497,584.61

Total \$ 2,595,549.74

CARRIED

06-49

06-49Z

Moved by Larouche and Sharpe

1. That the City of Welland Zoning By-law 2667, as amended, be further amended for lands on the north side of Thorold Road, east of Foxtail Avenue, more specifically described as Block 29, 59M-328 (740 Thorold Road) by amending the existing HRM4-X12 Holding Site Specific Multiple Dwelling - Fourth Density (RM4) Zone to add street townhouses as a permitted use and to create Zone provisions as per the Staff Recommendations set out in Table 1 attached to Report PDS-2006-12;
2. That prior to lifting the Holding Symbol (H), the Consultant/Owner inform the City, 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 had been completed; that the asphalt roadway has been constructed (the stone base and asphalt base); that all streetlights are in good working condition and energized by Welland Hydro-Electric System Corp., that all street name and traffic control signs are installed to the satisfaction of the City Engineer; and that the grading requirements and lot grading requirements of the City's Land Development Policy have been met;
3. That the City of Welland hereby grants Draft Approval to Whispering Pines Extension Subdivision (File: 26T-14-05003) developed by Lea Silvestri Investments Inc., Block 29, 59M-328 based upon a Plan prepared by Upper Canada Consultants dated September 1, 2005 consisting of four (4) Blocks for twenty-three (23) townhouse units as redlined by City Council 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) That Blocks 5, 6 and 7, being 0.3 metre Reserves, be transferred to the City of Welland free of all encumbrances for access control purposes;
 - (e) That 5 metre by 5 metre daylighting triangles at the southerly intersection of Street 'A' and Thorold Road be dedicated as part of the road;
 - (f) That the Owner shall transfer, free of all encumbrances, to the City of Welland Rights-of-Way over Part of Blocks 2 and 3 for use as a temporary turning circle for Street 'A'. Upon the future northerly extension of Street 'A', the Rights-of-Way will be released;
 - (g) That the Owner shall pay Cash-in-lieu of Parkland Dedication based upon current City Requirements;
 - (h) That the Owner shall make, to the City of Welland, prepayments for the future pedestrian activated crosswalk signal at Block 187, Plan 59M-246 and South Pelham Road in the amount of \$100.00 per dwelling unit prior to the execution of the Subdivider's Agreement;
 - (i) 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;
 - (j) 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;

- (k) 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 and that a similar clause be inserted in the Subdivider's Agreement between the Owner and the City of Welland;
- (l) 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;

...continued...

06-49

06-49Z...cont'd.

- (m) That Ministry of Environment Certificates of Approval be obtained for the necessary servicing (watermains, storm sewers and sanitary sewers) to the satisfaction of the Regional Public Works Department for the development prior to Final Approval for registration;
 - (n) 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;
 - (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; and
 - (iv) A clause referring to the off site stormwater management facility as an outlet for this proposed development as well as the general design parameters of the Central West Area Planning and Servicing Review.
 - (o) That the Owner submit a Tree Saving or Preservation Plan to the City Of Welland for review and approval, with a copy to the Regional Planning and Development Department for review and comment, and that the approved Plan be implemented through the Subdivider's Agreement between the Owner and the City of Welland;
 - (p) That the Owner submit a satisfactory noise study to evaluate potential noise impacts from adjacent commercial uses 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; and,
 - (q) 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 j, k, n, o, and p;
 - Regional Niagara Public Works Department for Conditions l and m;
 - (r) 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,
4. That the Mayor be authorized to sign the Draft Approval and final Approval Plans for the Webber Estates Subdivision once all Conditions have been satisfied.

CARRIED

06-62

06-62Z Moved by Larouche and Sharpe that Report PDS-2006-10 concerning an Application for Draft Plan of Subdivision Approval and Zoning By-law Amendment for Riverbend Subdivision (Part Lots 29 and 30, Concession 6; 290 Riverside Drive) be received for information purposes.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE ON FEBRUARY 28TH, 2006

97-49 Moved by Sharpe and Larouche that Council accept the proposal submitted by Aggie Giovannini with respect to providing physician recruitment services for the City of Welland; and That the Mayor and staff be directed to prepare a report to Council regarding program costs for physician recruitment services.

CARRIED

97-49 Moved by Chiocchio and Larouche that Council accept the proposal submitted by the Physician Management Group with respect to the use of the former Parks and Recreation offices located at the Welland Arena, King Street, for the purposes of a walk-in clinic/medical clinic/allied health professional services; and

That the City of Welland enter into a Lease Agreement with the Physician Management Group for the use of the former offices at the Welland Arena; and further

That the City Solicitor be authorized to prepare the necessary By-law.

CARRIED

BY - LAWS

BY-LAWS PRESENTED FOR FIRST READING:

1. Moved by Larouche and Sharpe that leave now be given to introduce the following proposed By-laws entitled:

04-48Z

BYL 2006-16

A By-law to amend City of Welland Zoning By-law 2667, as amended – Centre Properties (Welland) Ltd. – 2005-17 – 1 Centre Street.

06-64Z

BYL 2006-17

A By-law to amend Zoning By-law 2667 upon the application of Niagara Falls Masonry Contractor Inc. to remove the Holding Symbol “H” from certain lands on the north side of Mill Street, west of Niagara Street known municipally as 26 Mill Street.

06-1

BYL 2006-18

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 28th day of February, 2006.

And that the same be now read a first time.

CARRIED

(Councillor Fortier asked to be recorded as opposed to By-law 2006-16)

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Larouche and Sharpe that the By-laws 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

(Councillor Fortier asked to be recorded as opposed to By-law 2006-16)

06-25 Moved by Dzugan and Larouche that Council meet in Committee-of-the-Whole, closed to the public at 9:25 p.m. to consider:

- a) the security of the property of the municipality; and
- b) personal matters about an identifiable individual including municipal employees.

CARRIED

06-25 Moved by Grenier and Alexander that the Committee-of-the-Whole arise from its closed meeting at 10:30 p.m. with additional report to be given at the March 7th, 2006 Council Meeting.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE ON FEBRUARY 28TH, 2006

06-24 Moved by Larouche and Sharpe that Council appoint Rick Beaumont, General Manager of Human Resources, to act as Deputy Clerk in the absence of the City Clerk.

CARRIED

Council adjourned at 10:35 p.m.

These Minutes approved and adopted by Motion of Council this 7th day of March, 2006.

MAYOR

CLERK