



COUNCIL MEETING, AUGUST 22, 2006

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

Council met in Committee-of-the-Whole closed to the public at 5:05 p.m. and in open session at 7:05 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present: Councillors: D. Alexander (5:15 p.m.), D. Beaudoin, M. Belcastro, P. Chiocchio, M. Dzugan (until 10:45 p.m.), D. Fortier (5:10 p.m.), P. Grenier (5:25 p.m.), J. Larouche (5:10 p.m.), S. O'Dell, and B. Sharpe.

Members of the Staff and Others Present:

Acting City Manager C. Stirtzinger

Acting City Clerk B. Gallaccio

City Solicitor G. Banks

General Manager Engineering, Public Works & Transportation Services D. Shantz

Mgr. Budgets & Fin. Rprt./Dept. Treasurer K. Douglas (7:05 p.m.)

General Manager of Planning and Development Services D. Thorpe

General Manager of Human Resources R. Beaumont (until 6:45 p.m.)

Acting Chief, Fire & Emergency Services K. Roach (7:05 p.m.)

Deputy Clerk C. Mintoff (7:05 p.m.)

Facilities Manager P. Inman (7:05 p.m.)

Regional Councillor J. Mastroianni (7:05 p.m.)

Regional Councillor Anne Angelone and Peter Colosimo, Senior Planner, Regional Niagara were in attendance during the Public Hearings.

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

06-25 Moved by Dzugan and Sharpe that Council meet in Committee-of-the-Whole, closed to the public at 5:05 p.m. to consider:

- a) personal matters about an identifiable individual, including municipal or local board employees;
- b) a proposed or pending acquisition or disposition of land by the municipality or local board;
- c) labour relations or employee negotiations; and
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

CARRIED

06-25 Moved by Belcastro and Beaudoin that the Committee-of-the-Whole arise from its closed meeting at 6:45 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Mayor Goulbourne disclosed an interest in Ref. No. 06-109 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his property is adjacent to Michael Estates. During discussion on this issue, Mayor Goulbourne vacated the Chair and Councillor Belcastro presided.

STATUTORY PUBLIC HEARINGS HELD JOINTLY WITH THE REGION OF NIAGARA, PURSUANT TO THE *PLANNING ACT*.

06-131

06-132 Application for Regional Policy Amendment 3-2006 by Urban & Environmental Management, on behalf of Sterling Realty Limited, to permit a 3.7 hectare (9.14 acre) expansion of the Urban Area Boundary in the Central West area of the City of Welland.

06-131

06-132 An Application has been made by URBAN & ENVIRONMENTAL MANAGEMENT INC. on behalf of STERLING REALTY (NIAGARA) INC., HARRY JOHN AND SANDRA GAIL ANDREWS, AND JENNIFER ANN WUISMAN to amend the Official Plan (Part of Township Lots 259 and 260, Part of the Road Allowance between Township Lots 259 and 260, former Township of Thorold, now in the City of Welland) for lands south of Gaiser Road between South Pelham Road and Colbeck Drive from NO COVERAGE to LOW DENSITY RESIDENTIAL AND ENVIRONMENTAL PROTECTION. The purpose of the Amendment is to permit the development of two Plans of Subdivisions and to provide protection for those lands lying south of the subject Plans and north of Coyle Creek. The proposed Plans of Subdivision, when completed, will contain 173 residential dwelling units and 11 Blocks for the future residential use, as well as parks and a storm water management facility. The Residential designation is intended to reflect the composition of the proposed Plans. The Environmental Protection designation is intended to provide protection for those environmentally sensitive lands north of Coyle Creek. The subject lands are also the subject of an Applications for Draft Plan of Subdivision - File 26T-14-06003 and 26T-14-06004, Applications for Zoning By-law Amendment – File 2006-10 and 2006-11 and Application for Regional Policy Plan Amendment.

06-131

06-131Z An Application has been made by UPPER CANADA CONSULTANTS on behalf of STERLING REALTY (NIAGARA) INC., JENNIFER A. WUISMAN, HARRY J. AND SANDRA G. ANDREWS AND RAYMOND B. AND DEBORAH A. SIBBETT for approval of a Draft Plan of Subdivision for lands on the south side of Gaiser Road, east of South Pelham Road. The subject lands are designated as URBAN AND RURAL by the Regional Policy Plan, as LOW DENSITY RESIDENTIAL/NO COVERAGE by the City of Welland Official Plan and to Rezone the subject lands from RA – Rural Agricultural Zone By-law 2667 to a O1, Site Specific R3 and Site Specific RM3 Zones. The Application proposes the development of 10.542 hectares of land for Residential development. There is also an Application for an Amendment to the Regional Policy Plan. FILE NOS. 26T-14-06003 AND 2006-10.

06-132

06-132Z An Application has been made by UPPER CANADA CONSULTANTS on behalf of PENINSULA RESIDENTIALS INC., JENNIFER ANN WUISMAN, LEA SILVESTRI INVESTMENTS LTD. AND STERLING REALTY (NIAGARA) INC. for approval of a Draft Plan of Subdivision for lands north and south of Gaiser Road, west of Colbeck Drive. The subject lands are designated as URBAN AND RURAL by the Regional Policy Plan, as LOW DENSITY RESIDENTIAL/NO COVERAGE by the City of Welland Official Plan and to Rezone the subject lands from RA and H-RM3-X17 Zones By-law 2667 to a Site Specific R3 and RM3 Zones. The Application proposes the development of 4.023 hectares of land for Residential purposes. There is also an Application for an Amendment to the Regional Policy Plan. FILE NOS. 26T-14-06004 AND 2006-11.

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 Reports.

In support of the applications:

- Peter Colosimo, Senior Planner, Regional Municipality of Niagara.
- Richard Brady, on behalf of the applicant.
- Mr. Heikoop, Upper Canada Consultants.
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In opposition of the applications:

- Joe Vince, 26 Colbeck Drive, Welland L3C 5P5

There being no other submissions the hearing was concluded. The Mayor then resumed the Chair.

DELEGATIONS:

- 99-99** John Levick addressed Council regarding the use of the Welland Recreational Canal Waterway.
- 06-134** Claudette Richard and David Muise on behalf of Ward 5 residents addressed Council regarding the flooding from the storm of July 27, 2006.

- 06-109** Frank Fazzalari on behalf of the Michael Estates Opposition Group and Martin Heikoop, developer of the Michael Estates Subdivision addressed Council regarding the Planning and Development Services report on the application for a Draft Plan Subdivision – File 26T-14-06001 (Michael Estates Subdivision).

BOARDS, AGENCIES, COMMISSIONS REPORT(S)

- 99-99** Mark Carl, Chair, Bob Mahler, Board Member and Stephen Fischer, Business and Operations Manager, Welland Recreational Canal Corporation addressed Council regarding the Welland Recreational Canal Corporation Master Plan and Operations Update.
- 06-4** James Brennan, CA Principal, Grant Thornton LLP, addressed Council regarding the Consolidated Financial Statements for the year ended December 31, 2005.

THE FOLLOWING CORRESPONDENCE WAS READ:

- 06-22** A By-law to amend Schedules "V", "VIII" and "XXXIV" of By-law 89-2000, being a By-law regulating Traffic and Parking within the City of Welland.
- 06-4** North Welland Business Improvement Area Association requesting approval of its proposed 2006 budget.
- 06-4** Welland Downtown Business Improvement Area Board requesting approval of its proposed 2006 budget.
- 06-6** Help A Child Smile requesting that September 2, 2006 be declared as *“Day of Miracles and Dreams”*.
- 06-134** Recommendations as appendix to Report Eng 2006-35 Basement Flooding Investigation From Storm of July 27, 2006.
- 06-136** Petition submitted by Councillor Chiocchio on behalf of area residents regarding safety concerns in the Summerlea Subdivision.

THE FOLLOWING CORRESPONDENCE WAS DELETED:

- 96-129** Report from Gen. Mgr. Planning and Development Services D. Thorpe – Animal Control Services.
- 96-129** A By-law to authorize the entering into an agreement for animal control and municipal pound services with the Welland and District Society for the Prevention of Cruelty to Animals within the City of Welland and to repeal By-laws 2529, 3300, 3602, 4847, 5214, 5404, 5542, 6034, 6193, 6198, 8032, 8129 and 10227.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 96-129** Gen. Mgr. Planning and Development Services D. Thorpe- Animal Control Services.

96-129 A By-law to authorize the entering into an agreement for animal control and municipal pound services with the Welland and District Society for the prevention of cruelty to animals within the City of Welland and to repeal By-laws 2529, 3300, 3602, 4847, 5214, 5404, 5542, 6034, 6193, 6198, 8032, 8129 and 10227.

96-177 Gen. Mgr. Planning and Development Services D. Thorpe-Lay out, establish and name a 0.3 metre reserve with respect to South Pelham Subdivision.

96-177 A By law to Lay out, establish and name Block 201, Plan 59M-246 being 0.3 metre reserve for the City of Welland as part of Oakcrest Avenue.

02-85

06-26 A By-law to authorize the acceptance of tender and entering into a contract with A. Poulin Curb Construction Ltd. for construction of new sidewalks on Woodlawn Road and Rice Road and walk ramps downtown and on Dover Road.

99-99 John Levick – the use of the Welland Recreational Canal Waterway.

01-126 Pam Gilroy, Regional Clerk, Region of Niagara – Property Assessment and Taxation.

03-88 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Award of Tender – Drapers Creek culvert replacement at Colbeck Drive.

03-88 A By-law to authorize the acceptance of tender and the entering into a contract with hard-Rock Construction Inc. for the Drapers Creek Culvert Replacement at Colbeck Drive.

04-57 Gen. Mgr. Planning and Development Services D. Thorpe- Places to Grow: Growth Plan for the Greater Golden Horseshoe 2006.

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 22nd day of August, 2006.

06-3 Margaret R. Robertson, Chair, Marshville Heritage Festival – requesting to sell lottery tickets in the City of Welland.

06-7 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – July 12, 2006 to August 10, 2006.

06-15 A By-law to authorize the entering into a collective agreement with the Steelworkers Local 1-1000 (I.W.A. Council) representing all Volunteer Firefighters for the Corporation of the City of Welland effective January 1, 2006 to December 31, 2010.

06-19 Gen. Mgr. Parks and Recreation – Arena Concession License of Occupation Agreement.

06-19 A By-law to authorize acceptance of the proposal from Playpower Inc. for the supply and assembly of playground equipment at Rolling Acres, Bemus, Broadway and Westbrook Parks.

06-22 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Parking Operations – West side of Mayfair Drive.

06-24 Appointment of a City Manager – Peter Simmons.

06-24 A By-law to authorize the appointment of Peter Simmons as City Manager of the Corporation of the City of Welland.

06-26 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Award of Tender – Mudjacking of concrete sidewalk panels 2006.

06-26 A By-law to authorize the acceptance of tender and the entering into acontract with Jojacks for the Mudjacking of Concrete Sidewalk Panels 2006.

06-105 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Award of tender - Fitch Street Roadway Reconstruction.

06-105 A By-Law to authorize the acceptance of tender and the entering into a ontract with Steed And Evans Limited for the Fitch Street Roadway Reconstruction between Prince Charles Drive and South Pelham Road (Part 2006 Work).

06-109 George Barkwell – Application for Draft Plan Subdivision – File 26T-14-06001 (Michael Estates Subdivision).

06-109 Gen. Mgr. Planning and Development Services D. Thorpe- Applications for Draft Plan of Plan of Subdivision Approval and Zoning By-Law Amendment (Files: 26t-14-06001; 2006-06) Lea Silvestri Investments Ltd. Michael Estates Subdivision (east of South Pelham Road, west of the westerly Terminus of Michael Drive).

06-117 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Food Festival 2006.

06-125 Gen. Mgr. Planning and Development Services D. Thorpe- Conditions with respect to approval of consents.

06-130 Letter from Peter Partington, Regional Chairman, Region of Niagara - Provincial Offences Act Administration – Continuing Shortage of Judicial Resources.

06-131

06-131Z Gen. Mgr. Planning and Development Services D. Thorpe- Applications for Draft Plan of Subdivision Approval, Official Plan Amendment, and Zoning By-Law Amendment - Upper Canada Consultants on Behalf of: Sterling Realty (Niagara) Inc., Jennifer Wuisman, R.B. Sibbett, D.A. Sibbett, Harry Andrews and Sandra Andrews Coyle Creek Estates (File No. 26t-14-06003, 2006-10 and OPA)

06-132

06-132Z Gen. Mgr. Planning and Development Services D. Thorpe- Applications for Draft Plan of Subdivision Approval, Official Plan Amendment and Zoning By-Law Amendment - Upper Canada Consultants on Behalf Of Jennifer Wuisman, Peninsula Residentials Inc., Sterling Realty (Niagara Inc), and Lea Silvestri Investments Ltd. Blue River Estates (File No. 26t-14-06004, 2006-11 and OPA).

06-134 David Muise – Flooding from the storm of July 27, 2006.

06-134 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Basement Flooding Investigation from Storm of July 27, 2006.

06-1 Moved by Dzugan and Alexander that the Minutes of the Special Council Meetings of August 1, 2006 and August 3, 2006 be and the same are hereby approved and adopted as circulated.

CARRIED

96-177 Moved by Alexander and Grenier that Staff be authorized to prepare the necessary By-law(s) to Lay Out, Establish and Name a 0.3 metre reserve being Block 201, Plan 59M-246, as part of Oakcrest Avenue.

CARRIED

99-99 Moved by Sharpe and Belcastro that the presentation by Mr. John Levick regarding the use of the Welland Recreational Canal Waterway, be received for information.

CARRIED

YEAS: Councillors O'Dell, Dzugan, Sharpe, Beaudoin, Alexander, Chiocchio, Larouche, Belcastro and Mayor Goulbourne.

NAYS: Councillors Fortier and Grenier.

99-99 Moved by Grenier and Chiochio the presentation by Mark Carl, Chair, and Bob Mahler, Board Member and Stephen Fischer, Business and Operations Manager, Welland Recreational Canal Corporation regarding the Welland Recreational Canal Corporation Master Plan and operations update be received for information.

CARRIED

01-126 Moved by Alexander and Grenier that Welland City Council supports the resolution from the Region of Niagara regarding AMO's position to urge the province to work with AMO to develop a plan of action to provide a reduction in the cost to municipalities for subsidizing provincial social services and health programs, to provide relief for those areas where assessment has risen at extreme rates, to ensure that predictable and sustainable revenue options are accessible for all municipalities, to provide a plan to eliminate the municipal infrastructure deficit over time, and to ensure that the costs associated with the cancellation of property reassessment for 2006 and 2007 are not borne by the property taxpayer; and That the Acting City Clerk advise the proper authorities accordingly.

CARRIED

03-88 Moved by Fortier and Belcastro

1. That Council accepts the tender of Hard-Rock Construction Inc. at the tender price of \$269,365.00, plus applicable G.S.T. for the Drapers Creek Culvert Replacement at Colbeck Drive, as presented in report ENG-2006-36, and;
2. That detail financing of the project be in accordance with the approved revised 2006 Roadways Capital Budget, and;
3. That the City Solicitor be directed to prepare all necessary and appropriate by-laws to enter into a contract with the said contractor, to execute the construction.

CARRIED

04-57 Moved by O'Dell and Grenier that Council receive Report PDS-2006-67 with respect to the Places to Grow Growth Plan for the Greater Golden Horseshoe for information purposes.

CARRIED

06-3 Moved by Alexander and Grenier that permission is hereby granted to Marshville Heritage Festival to sell raffle tickets in the City of Welland under authority of Lottery Licenses M395845 and M395837; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

06-4 Moved by Alexander and Grenier that the 2006 Budget from the North Welland Business Improvement Area Association in the amount of \$118,500.00 be approved; and further That the General Manager Financial and Corporate Services/Treasurer be authorized to make arrangements to levy an amount of \$33,000 against the business operations within the defined area.

CARRIED

06-4 Moved by Alexander and Grenier that the 2006 Budget from the Welland Downtown Business Improvement Area Board in the amount of \$59,200 be approved; and further That the General Manager Financial and Corporate Services/Treasurer be authorized to make arrangements to levy an amount of \$59,200 against the business operations within the defined area on condition that the required financial statements are submitted to the satisfaction of the Treasurer.

CARRIED

06-4 Moved by Alexander and Larouche that the 2005 Auditor's Report of the Consolidated Financial Statements and the Audit Concluding Memorandum for the fiscal year ending December 31, 2005, for the Corporation of the City of Welland be received for information.

CARRIED

06-6 Moved by Alexander and Grenier that the City of Welland declares September 2, 2006, as the "**Day of Miracles and Dreams**" in recognition of Help a Child Smile, a non-profit, charitable organization totally dependent upon donations from the public and from fundraising events. On this day we salute and celebrate the hopes and dreams of children with cancer.

CARRIED

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

1	14-Jul-2006	\$	364,526.21
2	17-Jul-2006		1,438,419.52
3	18-Jul-2006		464,779.98
4	27-Jul-2006		62,868.89
5	31-Jul-2006		243,305.71
6	02-Aug-2006		7,145,426.21
7	03-Aug-2006		180,885.40
8	08-Aug-2006		1,200.00
9	09-Aug-2006		<u>14,084.56</u>
	Total	\$	9,915,496.48.

CARRIED

06-19 Moved by Larouche and Chiocchio that Council authorizes staff to renew the License of Occupation Agreement with Marzim Holdings Ltd. for use of the concession facilities within the Welland Arenas for an additional five (5) years, pursuant to the following terms:

- A) Marzim Holdings Ltd. will pay the City of Welland a fee of \$10,700.00 (plus applicable taxes) during the first year of the agreement. During the remaining four years of the agreement, the annual fee will be adjusted according to the Consumer Price Index (CPI).
- B) Marzim Holdings Ltd. will make an annual contribution of \$1,400.00 to the City of Welland - Sports, Recreation and Culture fund.

CARRIED

06-22 Moved by Alexander and Grenier

1. That the City Solicitor be directed to prepare a By-law to amend Parking Prohibitions, Schedule "V" of By-law 89-2000 by:

i) REMOVING the following:

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4
HIGHWAY	SIDE	FROM	TO	PERIOD
				(TIMES/ DAY)
Mayfair Drive	East and West Sides	Lincoln Street	Windsor Street	AT NO TIME

ii) ADDING the following:

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4
HIGHWAY	SIDE			PERIOD
		FROM	TO	(TIMES/ DAY)
Mayfair Drive	East Side	Lincoln Street	Windsor Street	AT NO TIME

CARRIED

06-24 Moved by Alexander and Grenier that further to Resolution 06-24 passed by Council on August 31, 2006, Council confirms the name of the appointed City Manager as Peter Simmons.

CARRIED

06-26 Moved by Alexander and Grenier

1. That Council accepts the tender of JoJacks of St. Catharines, Ontario at the tender price of \$56,505.00 plus applicable G.S.T. for the Mudjacking of Concrete Sidewalk Panels 2006, as presented in report ENG-2006-38; and
2. That detail financing of the project be in accordance with the approved revised 2006 Sidewalks Capital Budgets; and
3. That the City Solicitor be directed to prepare all necessary and appropriate by-laws to enter into a contract with the said contractor, to execute the construction.

CARRIED

06-105 Moved by Sharpe and Grenier

1. That Council accepts the tender of Steed and Evans Limited of Thorold, Ontario at the tender price of \$1,234,592.25 plus applicable G.S.T. for the Fitch Street Roadway Reconstruction between Prince Charles Drive and South Pelham Road, Part 2006 Work, as presented in report ENG-2006-37; and
2. That staff is to present Fitch Street Roadway Reconstruction between Prince Charles Drive and South Pelham Road, Part 2007 Work to the new City Council prior to March 1st 2007 for approval to complete the remaining roadway as described; and
3. That detail financing of the 2006 portion of project be in accordance with the approved revised 2006 Storm Sewers and Roadways Capital Budgets; and
4. That the City Solicitor be directed to prepare all necessary and appropriate by-laws to enter into a contract with the said contractor, to execute the construction.

CARRIED

06-109 Moved by Beaudoin and Alexander that the presentation by Frank Fazzalari on behalf of the Michael Estates Opposition Group and Martin Heikoop, developer of the Michael Estates Subdivision regarding Planning and Development Services Report on the application for a Draft Plan Subdivision - File 26T-14-06001 (Michael Estates Subdivision) be received for information.

CARRIED

06-109Z Moved by Beaudoin and Chiocchio

1. That the City of Welland Zoning By-law 2667, as amended, be further amended for lands east of South Pelham, west of westerly terminus of Michael Drive, more specifically described as Part of Lot 246, former Township of Thorold now in the City of Welland by amending the existing R2 Zoning to a H-R2 Holding Single Detached Dwelling – Second Density (R2) Zone;

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;

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06-109Z...cont'd.

3. That the City of Welland hereby grants Draft Approval to Michael Estates Subdivision (File: 26T-14-06001) developed by Lea Silvestri Investments Inc., being Part of Lot 246 former Township of Thorold now in the City of Welland based upon a Plan prepared by Upper Canada Consultants dated January 26, 2006 and revised on July 12, 2006 consisting of 24 residential lots as redlined by City Council subject to the following Conditions:
 - a) That the Owner enter into a Subdivision 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 Subdivision 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 25 being a 0.3 metre Reserve, be transferred to the City of Welland free of all encumbrances for access control purposes;
 - e) That 5 metre by 5 metre daylighting triangles on Lots 7, 15 and 24 be dedicated as part of the road;
 - f) That the Owner provide a detailed landscaping plan for the Stormwater Management Facility for review and approval by the City of Welland prior to final approval of the Plan of Subdivision such design to incorporate passive open space as appropriate;
 - g) That the Owner shall transfer free of all encumbrances Block 26 to the City of Welland in partial satisfaction of the requirement for parkland dedication. The Owner shall also provide cash-in-lieu of parkland in addition to Block 26 in order to meet the 5% dedication;
 - h) That the Owner shall transfer free of all encumbrances Block 27 to the City of Welland for stormwater management purposes;
 - 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 Subdivision Agreement between the Owner and the City of Welland;
 - l) 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;
- m) 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);
 - n) 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; o) That prior to approval of the Final Plan or any on-site grading, the Owner submit to the Regional Planning and Development Department and to the Niagara Region Conservation Authority for review and approval two copies of a detailed stormwater management plan for the subdivision (the plan should provide Level 2 protection) and the following plans designed and

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06-109Z...cont'd.

- 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: a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and, b) Detailed sediment and erosion control plans. At the end of the project, the design engineer shall certify that all grading, storm pond(s) and stormwater management controls have been constructed in general conformity to the approved drawings and designs. Copies of the certification shall be provided to the City and Niagara Peninsula Conservation Authority;
- p) That a fence or noise berm be erected along the rear of Lots 11 to 14 inclusive to shield the rear of these lots from noise and lighting from the adjacent nursery and garden operation. In addition, a warning clause be included in the Subdivider's Agreement and inserted in Offers of Purchase and Sale of Lots 11 to 14 inclusive advising purchasers that activities associated with the operation of the nursery and garden centre may impact on the enjoyment of their outdoor living area;
 - q) 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 (n) above;
 - r) That in the Subdivider's Agreement with the City the Owner agree to obtain Regional Construction Encroachment and/or Entrance Permits from the Regional Public Works Department (Permits Section of the Operational Support Services Division) before any construction takes place within the Regional road allowance;
 - s) That detailed sedimentation and erosion control plans be prepared for the Niagara Peninsula Conservation Authority's review and approval. All sediment and erosion control measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized; and,
 - t) 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 i, j, k, n, o and p;
 - Regional Niagara Public Works Department for Conditions l, m and q;
 - Niagara Peninsula Conservation Authority for Conditions n and r.
4. 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,
 5. That the Mayor be authorized to sign the Draft Approval and final Approval Plans for the Michael Estates Subdivision once all Conditions have been satisfied.

CARRIED

06-114 Moved by Fortier and Alexander that the City of Welland invite key stakeholders, historians, organizations and citizens interested in creating a recognized committee to commemorate Welland's 150th Anniversary in 2008.

CARRIED

06-117 Moved by Fortier and Belcastro that the request from the organizers of the Niagara Food Festival be approved as follows:

- a) Temporary road closures at the following locations, from Friday, September 22, 4pm-11pm, Saturday, September 23, 11am-11pm, Sunday, September 24, 11am-9pm, subject to the completion of the Road Occupancy Permit and the appropriate insurance naming the City of Welland and the Welland Recreational Canal Corporation as Additional Insured:
 - Boardwalk at East Main Street
 - Courthouse Lane at Dorothy Street

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06-117cont'd.

- Cross Street at East Main Street; and
- Chippawa Road, south Smith Street and north to Thorold Road on Sunday, September 24 from 12pm to 12am;
- b) The Niagara Food Festival is responsible for all costs associated with the temporary road closures,
- c) Welland Fire and Emergency Services have no objection to a Fireworks Display on Sunday; September 24, 2006, and that as the Festival is approved by Council the Noise By-law does not apply;
- d) The Niagara Food Festival is responsible for making direct contact with representatives from Niagara Regional Police and the City of Welland Fire Department;
- e) All costs associated with this event, will be invoiced to the organizers of the Niagara Food Festival;
- f) The Niagara Food Festival is responsible for contacting the Parks and Recreation Department regarding use of the parking lot at the Sport Complex to provide shuttle service between the parking lot and Merritt Island.

CARRIED

06-125 Moved by Sharpe and Belcastro that Report PDS-2006-66 with respect to Conditions for Approval for Consents be received for information.

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06-125 Moved by Sharpe and Fortier that Council directs staff not to request prepayment for the construction of sidewalks as a condition of consent for residential lots; and further That staff take the necessary and appropriate steps to compensate all those who were previously required to make this payment in 2006.

CARRIED

FOLLOWING THE AMENDING MOTION, THE MAIN MOTION WAS PUT IN ITS ORIGINAL FORM AND

CARRIED

06-130 Moved by Alexander and Grenier that Welland City Council supports additional Justice of the Peace appointments to Niagara's courts in order to provide citizens timely access to judicial officials and timely resolution of POA matters before the courts as outlined in a letter dated August 16, 2006 from Regional Chair Peter Partington; and That the Acting Clerk advise the proper authorities accordingly.

CARRIED

06-131

06-131Z Moved by Belcastro and Grenier that Report 2006-62 concerning an Application for Draft Plan of Subdivision Approval, Official Plan Amendment and Zoning By-law Amendment for Coyle Creek Estates be received for information purposes.

CARRIED

06-132

06-132Z Moved by Beaudoin and Sharpe that Report PDS-2006-63 concerning an Application for Draft Plan of Subdivision Approval, Official Plan Amendment, and Zoning By-law Amendment for Blue River Estates be received for information purposes.

CARRIED

06-134

Moved by Beaudoin and Dzugan that the presentation by Claudette Richard and David Muise on behalf of residents of Ward 5 regarding the flooding from the storm of July 27, 2006 be received for information.

CARRIED

06-134

Moved by Beaudoin and Dzugan that Council receives REPORT ENG-2006-35 on Basement Flooding from the Storm of July 27/28, 2006 for information; and That Council approves the assignment of the firm of Kerry T. Howe Engineering Ltd., at an estimated cost of \$37,000 to study and recommend improvements to avoid basement flooding in the area in future.

.....

06-134

Moved by O'Dell and Fortier that a comprehensive study of sewer infrastructure be done city-wide to determine present and potential problems and aid proper planning for the future growth.

LOST

YEAS: Councillors O'Dell and Fortier.

NAYS: Councillors Dzugan, Sharpe, Beaudoin, Alexander, Grenier, Chiocchio, Larouche, Belcastro and Mayor Goulbourne.

FOLLOWING THE AMENDING MOTION, THE MAIN MOTION WAS PUT IN ITS ORIGINAL FORM AND

CARRIED

06-134

Moved by Beaudoin and Dzugan that Council authorizes the expenditure of up to \$60,000 from the Sanitary Sewer Reserve Account for the immediate installation of relief sewer measures to reduce the risks of sewer back-ups in the Lincoln/Coventry and Simpson/Coventry areas.

CARRIED

06-134

Moved by Beaudoin and Dzugan that Council authorizes acceptance of the written quotation of Condotta Construction Limited at the quoted price of \$23,931.14, plus applicable G.S.T., for the installation of relief sewer connections, as part of the measures being taken.

CARRIED**BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE**

99-99 Moved by Belcastro and Grenier that the City of Welland declares lands located north of Lincoln Street, west of King Street being part of Lot 26, Concession V, former Township of Crowland, now in the City of Welland with an area of approximately 1.17 hectares (2.9 acres) surplus to its needs and authorizes staff to negotiate the sale of the subject lands.

CARRIED

06-16 Moved by Belcastro and Sharpe that a Junior Inspector position in the Engineering Division paid for from annual projects be approved.

CARRIED

06-24 Moved by Beaudoin and Sharpe that the proposed 2 year contract position in the Engineering Division be approved; and That the position be created and paid through assignment of the capital project costs of the Water Meter Installation program.

CARRIED

(Councillor Beaudoin asked to be recorded as opposed to the resolution).

06-13**06-17**

06-24 Moved by Chiochio and Alexander that Council approves a new On-Call Compensation Rate, effective July 3rd, 2006, for all Foremen in the Public Works Department and the Parks and Recreation Department; and That the new On-Call Compensation Rate would be one hundred and fifty dollars (\$150.00) per week and twenty-five dollars (\$25.00) for each Statutory Holiday; and That the new On-Call Compensation Rate will also apply at Welland Transit and for C.A.W. Local 523 members on an "as required basis" (e.g. Water Quality).

CARRIED**BY-LAWS ARISING FROM COMMITTEE-OF-THE-WHOLE****BY-LAW PRESENTED FOR FIRST READING:**

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

97-49

BYL 2006 – 115

A By-law to authorize the entering into an agreement for

Physician Services.

And that the same be now read a first time.

CARRIED

BY-LAW PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Dzugan and Belcastro that the By-law listed in the foregoing motion for first reading, having been read a first time and considered, be now read a second and third time and do pass, and the Mayor and Acting Clerk do sign and seal the same.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

3. Moved by Belcastro and Grenier that leave now be given to introduce the following proposed By-laws entitled:

03-88

BYL 2006 – 116

A By-law to authorize the acceptance of tender and entering into a contract with Hard-Rock Construction Inc. for the Drapers Creek Culvert Replacement at Colbeck Drive.

06-105

BYL 2006 – 117

A By-law to authorize the acceptance of tender and the entering into a contract with Steed and Evans Limited for the Fitch Street Roadway Reconstruction between Prince Charles Drive and South Pelham Road (Part 2006 Work).

And that same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

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

CARRIED

BY-LAWS PRESENTED FOR FIRST READING:

5. Moved by Alexander and Grenier that leave now be given to introduce the following proposed By-laws entitled:

96-177

BYL 2006 – 118

A By-law to Lay Out, Establish and Name Block 201, Plan 59M-246 being 0.3 metre reserve for the City of as part of Oakcrest Avenue.

02-85**06-26**

BYL 2006 - 119

A By-law to authorize the acceptance of tender and entering into a contract with A. Poulin Curb Construction Ltd. for construction of new sidewalks on Woodlawn Road and Rice Road and walk ramps downtown and on Dover Road.

...continued...

BY-LAWS PRESENTED FOR FIRST READING...CONT'D.:**06-15**

BYL 2006 - 120

A By-law to authorize the entering into a Collective Agreement with the Steelworkers Local 1-1000 (I.W.A. Council) representing all Volunteer Firefighters for the Corporation of the City of Welland effective January 1st, 2006 to December 31st, 2010.

06-19

BYL 2006 - 121

A By-law to authorize acceptance for the proposal from Playpower Inc. for the supply and assembly of playground equipment at Rolling Acres, Bemus, Broadway and Westbrook Parks.

06-26

BYL 2006 - 122

A By-law to authorize the acceptance of tender and the entering into a contract with JoJacks for the Mudjacking of Concrete Sidewalk Panels 2006.

06-24

BYL 2006 - 123

A By-law to authorize the appointment of Peter Simmons as City Manager of the Corporation of the City of Welland.

06-22

BYL 2006 - 124

A By-law to amend Schedules "V", "VIII" and "XXXIV" of By-law 89-2000, being a By-law regulating Traffic and Parking within the City of Welland.

06-1

BYL 2006 - 125

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meetings held on the 3rd day of August, 2006 and the 22nd day of August, 2006.

And that the same be now read a first time.

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

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

CARRIED

NOTICE OF MOTION

In accordance with By-law 9972 as amended by By-law 2001-2 passed on January 16, 2001, Councillor(s) must submit their Notice of Motion(s) in writing no later than Wednesday, September 13, 2006 for inclusion on the next Regular Council Meeting Agenda of September 19, 2006.

Council adjourned at 11:30 p.m.

These Minutes approved and adopted by Motion of Council this 19th day of September, 2006.

MAYOR

ACTING CLERK