



**COUNCIL MEETING
SEPTEMBER 12, 2006**

**BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE (IN CAMERA):
TO HOLD A SPECIAL COUNCIL MEETING TO CONSIDER A SOLICITOR CLIENT
PRIVILEGE MATTER AND IN OPEN SESSION TO HOLD PUBLIC HEARINGS
PURSUANT TO THE PLANNING 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 6:50 p.m. and in open session at 9:10 p.m. to hold Statutory Public Hearings under the *Planning Act*, and pursuant to By-law 2005-176, the Procedural By-law of Council, in open regular session following the General Committee Meeting at 10:40 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present: Councillors D. Alexander (7:00 p.m.), D. Beaudoin, M. Belcastro, P. Chiochio, M. Dzugan, D. Fortier (until 8:35 p.m.), P. Grenier, M.A. Grimaldi, J. Larouche, S. O'Dell, B. Sharpe and J. Spadafora (until 10:15 p.m.).

Members of the Staff and Others Present:

Acting City Manager C. Stirtzinger

Acting City Clerk B. Gallaccio

City Solicitor G. Banks

Acting Chief, Fire & Emergency Services K. Roach

General Manager Engineering, Public Works & Transportation Services D. Shantz
(7:30 p.m. – 9:15 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:30 p.m.)

General Manager of Planning and Development Services D. Thorpe

General Manager of Parks and Recreation B. LaPlante (7:30 p.m.)

Manager, Development Planning and Real Estate R. De Felice

Transit Manager D. Stuart (7:30 p.m.)

Games Licensing Clerk L. Bubanko (7:30 p.m.)

06-25 Moved by Dzugan and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 6:50 p.m. to consider:

- a) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

06-25 Moved by Grenier and Sharpe that the Committee-of-the-Whole arise from its closed meeting at 7:15 p.m. without report.

CARRIED

DISCLOSURE OF INTEREST:

Mayor Goulbourne disclosed an interest in Ref. No. 06-109Z, By-law 2006-129 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he owns property adjacent to the affected property.

Councillor Sharpe disclosed an interest in Ref. No. 06-145, By-law 11027 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is employed by Niagara College.

Mayor Goulbourne disclosed an interest in Ref. No. 06-145, By-law 11027 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is employed by Niagara College.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF SEPTEMBER 12, 2006:

02-130 Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Request for Extension of Draft Plan Approval – Tetherwood Subdivision (File: 26T-14-02001), North Side of Ontario Road, East of Southworth Street.

04-91 John Lammers, President, Welland Tennis Club – Letter regarding use of the museum property.

04-120

06-105 Gen. Mgr. Engineering, Public Works & Transp. Serv./CityEngineer D. Shantz – Report on COMRIF (Canada-Ontario Municipal Rural Infrastructure Fund) Submission Completion of the Fitch Street Road Improvement Project.

05-118 Gen. Mgr. Engineering, Public Works & Transp. Serv./CityEngineer D. Shantz – Update on Water Conservation Program.

06-3 Acting City Clerk B. Gallaccio - Report on extension of the Interim Revenue Model for Bingo Halls.

06-3 Beryl Guillemette, President, Main Street Bingo Palace Hall Charity Association – Letter regarding Bingo Licensing Fees.

06-13 Eric Pilon, Transit Manager, Region of Niagara – Presentation regarding inter-municipal specialized transit.

06-28 Gord Clendening – Presentation regarding the proposed closure of Grassybrook Road.

06-62

06-62Z Marvin Hartwick – Presentation regarding the Riverbend Subdivision Application.

COMMUNICATIONS RECEIVED Cont'd...**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) 165066 Ontario Inc. – Riverbend Subdivision (290 Riverside Drive).

06-136 Summerlea Residents Association – Petition regarding safety issues in the Summerlea neighbourhood.

06-137 Acting City Manager C. Stirtzinger – Report on Economic Growth Strategy: Opportunities for Inter-Municipal Cooperation in Niagara (a.k.a. “One Voice”).

06-138

06-138Z Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Proposed Amendment to the Official Plan and By-law 2667 – Teresa Szefflinska-Wozny – 200 West Main Street (File 2006-12).

06-139Z Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Proposed Amendment to Zoning By-law 2667 – Russell David and Kelly Rose Godin, 127 Quaker Road (File 2006-13).

06-142 Gen. Mgr. Parks and Recreation B. LaPlante – Report on the City’s Cellphone Service Provider.

THE FOLLOWING BY-LAWS WERE RECEIVED:**04-120**

06-105 A By-law to authorize an application to the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) to finance the Fitch Street Road Improvement Project.

06-19 A By-law to authorize an amendment to the License of Occupation with Marzim Holdings Ltd. for the use of the Concession Booths within the Welland Arena and Jack Ballantyne Arena; and to amend By-law 2001-107.

06-109ZA By-law to amend City of Welland Zoning By-law 2667 (Lea Silvestri Investments Ltd. (Michael Estates Subdivision) – File 2006-06) Part Lot 246. Former Township of Thorold, now in the City of Welland (Lands East of South Pelham Road, West of the Westerly Terminus of Michael Drive).

06-139ZA By-law to amend City of Welland Zoning By-law 2667 (Russell David Godin and Kelly Rose Godin – File 2006-13) 127 Quaker Road.

06-1 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 5th day of September, 2006 and the 12th day of September, 2006.

THE FOLLOWING CORRESPONDENCE WAS READ:

06-145 A By-law to control the parking of motor vehicles on the property of Niagara College of Applied Arts & Technology; and to repeal By-laws 11027, 1999-147 and 2002-138.

STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Councillor Larouche presided as Chair of the Public Hearings:

06-138 An Application has been made by RICHARD RAMOS on behalf of TERESA SZEFLINSKA-WOZNY to amend the Official Plan (Lots 42, 44 and 45 and part of Lot 43, Plan 556, Lots 19 to 22 and part of the Raceway Reserve and part of the unnamed road allowance between Lot 22 and the Raceway Reserve, Plan 569, Lot J.L. and part of Block H.A.R., Plan 564) for lands at 200 West Main Street

from RESIDENTIAL AND OPEN SPACE to REINVESTMENT ZONE. The purpose of the Amendment is to permit the conversion of the existing building (former Welland High School site) to a mixed Commercial and Residential development. The subject lands are also the subject of an Application for Zoning By-law Amendment - File 2006-12.

STATUTORY PUBLIC HEARINGS Cont'd...

06-138Z An Application has been made by RICHARD RAMOS on behalf of TERESA SZEFLINSKA-WOZNY to rezone Lots 42, 44, 45 and part of Lot 43, Plan 556, Lots 19-22 and part of the Raceway Reserve and part of the unnamed road allowance between Lot 22 and the Raceway Reserve, Plan 569, Lot J.L. and part of Block H.A.R., Plan 564 for lands at 200 West Main Street from the existing RM3 Zone and O1 Zone By-law 2667 to a RZ Zone and RM3 Zone By-law 2667. The purpose of the Amendment is to permit the conversion of the existing building (former Welland High School site) to mixed Commercial and Residential uses (apartment units, student residence, long term care/retirement units). The Official Plan designation is RESIDENTIAL AND OPEN SPACE. The subject lands are also the subject of an Application for Official Plan Amendment.

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:

- Mr. C. Korwin-Kuczynski, agent on behalf of the applicant.
- Mr. R. Ramos, architect of the project.

In opposition to the applications:

- No one spoke to the application.

06-139Z An Application has been made by P.D. REITSMA SURVEYING (2005) LTD. on behalf of RUSSELL DAVID GODIN AND KELLY ROSE GODIN to rezone Part Township Lot 230, Township of Thorold, now in the City of Welland for lands at 127 Quaker Road from the existing R2 - Single-Detached Dwelling – Second Density Zone By-law 2667 to a Site Specific R2 Zone By-law 2667. The purpose of the Amendment is to permit the existing house to be used as a group home, permitting 6-8 residents. The Official Plan designation is URBAN AND RESIDENTIAL.

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 application:

- Mr. P. Douglas Reitsma, agent on behalf of the applicant.
- Mr. Loynes, 119 Quaker Road, Welland, L3C 3G3

In opposition to the application:

- Mr. P. Lawrence, Sullivan Mahoney LLP, on behalf of Peter and Nancy Marcov, 123 Quaker Road, Welland, L3C 3G3

There being no other submissions the hearing was concluded.

02-130 Moved by Belcastro and Dzugan that Council approve an extension to Draft Plan Approval for the Tetherwood Subdivision (File: 26T-14-02001) for one (1) year to June 16, 2007 as requested by Stephen Stapleton and Cameron Lang of Auburn Developments Inc.

CARRIED

04-91 Moved by Belcastro and Dzugan that the letter from the Welland Tennis Club regarding use of the museum property for additional courts and parking and requesting notification of future meetings be received and referred to staff for study and report.

CARRIED

04-120

06-105 Moved by Belcastro and Dzugan that the Completion of the Fitch Street Road Reconstruction Project is presently recognized by Council as being the municipality's highest priority project; and

That the General Manager, Engineering, Public Works and Transportation Services be authorized to proceed with an application for COMRIF funding for the Completion of the Fitch Street Road Improvement Project as the municipality's 3rd Intake Submission.

CARRIED

05-118 Moved by Belcastro and Dzugan that the update on the completion of the Water Conservation Program for 2006 be received for information.

CARRIED

06-3 Moved by Belcastro and Dzugan that Item #2 contained in Resolution 06-3 and passed by Council on June 13, 2006, with respect to Interim Revenue Model for Bingo Halls, be amended to extend the Interim Revenue Model until January 31, 2007.

CARRIED

06-3 Moved by Belcastro and Dzugan that the letter from the Main Street Bingo Palace Hall Charity Association requesting a review of Bingo licensing fees due to the loss of bingo revenues be received and referred to staff for study and report.

CARRIED

06-13 Moved by Belcastro and Dzugan that the presentation by Eric Pilon, Transit Manager, Region of Niagara, at the September 12, 2006 General Committee Meeting regarding inter-municipal specialized transit be received for information.

CARRIED

06-28 Moved by Belcastro and Dzugan that the presentation by Gord Clendening, at the September 12, 2006 General Committee Meeting regarding the proposed closure of Grassybrook Road be received; and further

That Council supports the concerns of the Welland citizens of Grassybrook Road in opposition to the closure and advise the City of Niagara Falls accordingly.

CARRIED

06-62

06-62Z Moved by Belcastro and Dzugan that the presentation by Marvin Hartwick, at the September 12, 2006 General Committee Meeting regarding Report PDS-2006-73: Approval of Draft Plan of Subdivision for Riverbend Subdivision, be received for information.

CARRIED

06-62

06-62Z Moved by Belcastro and Dzugan

1. That the City of Welland Zoning By-law 2667, as amended, be further amended for lands on the west side of Riverside Drive, east of the Welland River and south of Waterview Court, more specifically described as Parts of Lot 29 and 30, Concession 6, in the City of Welland, municipally known as 290 Riverside Drive, be rezoned from the existing RM2, R3 and O1 to H-R3, H-R2, H-RM2, Site Specific H-RM3, Site Specific H-RM2, O1 and Site Specific EP. Subject to the completion and approval of the required Environmental Impact Study (EIS), a Zoning By-law will be presented to Council for adoption;
2. That prior to lifting the Holding Symbol (H), the 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 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;
3. That the City of Welland hereby grants Draft Approval to Riverbend Estates (File: 26T-14-05004) developed by 1650666 Ontario Inc. being Parts of Lot 29 and 30, Concession 6, in the City of Welland based upon a Plan prepared by Kirkup & Ure Surveying Ltd. dated September 16, 2005, consisting of 25 lots for the construction of 25 single detached dwellings, 6 lots for semi-detached dwellings (12 units) and 6 blocks for street townhouse units as redlined by City Council on September 12, 2006, subject to the following Conditions:
 - (a) That the Owner enters 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 Block 42, being a 0.3 metre Reserve, be transferred to the City of Welland, free of all encumbrances, for access control purposes;
 - (e) 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 is to incorporate passive open space as appropriate;
 - (f) That Block 41 be conveyed to the City of Welland, free of all encumbrances, for access/pedestrian purposes and be developed by the Owner in accordance with City standards with required heavy duty asphalt walkway 3.0 metres wide, fencing and vehicular barriers;

- (g) That Blocks 38 and 40 be transferred to the City of Welland, free of all encumbrances, for park purposes. Cash-in-lieu of Parkland Dedication over and above the transfer of Blocks 38 and 40, to a maximum of 5% of the total lot value shall be paid to the City in accordance with City Policy;
- (h) That Block 39 be transferred to the City of Welland, free of all encumbrances for stormwater management and floodplain purposes only after the Owner has constructed the required Stormwater Management Facility, including any required landscaping, to the satisfaction of Community Services and the Owner has improved the remainder of Block 39 to the satisfaction of Community Services;

06-62**06-62Z Cont'd**

- (i) That the Owner shall provide a one (1) year maintenance period for the Stormwater Management Facility after assumption by the City. Prior to assumption, the Owner shall be responsible for all maintenance;
- (j) The Owner shall prepay for the future instalment of a sidewalk across the full frontage of the subject lands on Riverside Drive;
- (k) 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 the site for the construction of houses/buildings;
- (l) The Owner agrees to provide a temporary turning circle, to the satisfaction of the City, at the northern end of Street "B";
- (m) That the Owner acknowledge promptly to the Regional Planning and Development Department that Draft Approval of this Subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of final approval of the subdivision for registration purposes;
- (n) That immediately following notice of Draft Plan Approval, the Owner shall provide the Regional Niagara Planning and Development Department with a written undertaking that all offers and agreements of purchase and sale, which may be negotiated prior to registration of this subdivision, shall contain a clause clearly indicating that a servicing allocation for this Subdivision will not be assigned until the Plan is granted Final Approval for registration, and a similar clause be inserted in the Subdivider's Agreement between the Owner and the City of Welland;
- (o) That prior to any disturbance of the site the Owner shall submit to the Regional Planning and Development Department and the Niagara Peninsula Conservation Authority, for review and approval, an Environmental Impact Study (EIS) prepared by a qualified biologist to evaluate the potential impacts of the proposed development on the Welland River, a Critical (Type 1) fish habitat. Further, that the Owner agree to implement the recommendations of the Environmental Impact Study (EIS) through the Subdivider's Agreement;
- (p) That prior to approval of the final plan or any on-site grading, the Owner submit to the Regional Planning and Development Department, for review and approval, two copies of a detailed stormwater management plan for the Subdivision (the plan should provide Level 1 protection) 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;
 - 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;
 - b) Detailed sediment and erosion control plans;

Note: The Region will request the Niagara Peninsula Conservation Authority to review the stormwater management plan and other related plans on the Region's behalf and to submit comments to the Regional Planning and Development Department regarding the approval of these plans and the subsequent clearance of related conditions by Regional Planning Staff.

- (q) That the Subdivider's Agreement between the Owner and the City of Welland contain provisions whereby the Owner agrees to implement the approved stormwater management, erosion and sediment control measures required in accordance with Condition (p) above;
- (r) That prior to approval of the Final Plan, the Owner provide to the Regional Planning and Development Department a Phase I Environmental Site Assessment (ESA) in accordance with Ministry of Environment (MOE) Regulation 153/04. If a Phase I ESA indicates that further evaluation and soil testing should be done, a Phase II ESA should be undertaken with any required remediation completed with a Record of Site Condition (RSC) filed with the Ministry registry and acknowledged by the Ministry of Environment;

06-62**06-62Z Cont'd**

- (s) That an archaeological assessment be conducted of the entire development site by a licensed archaeologist and any adverse impacts to significant archaeological resources found on the site be mitigated through preservation or resource removal and documentation. No demolition, grading or other soil disturbances shall take place on the subject property prior to the Ministry of Culture through the Regional Planning and Development Department, confirming that all archaeological resource concerns have met licensing and resource conservation requirements. **Note:** A copy of the archaeological assessment report is to be submitted to the Regional Planning and Development Department for information;
- (t) That no disturbance of the site shall occur until the Archaeological Assessment required in accordance with Condition (s) above has been completed. **Note:** The Owner should consult with the Ministry of Culture and the Regional Planning Department (on behalf of the Ministry of the Environment) regarding the appropriate timing for carrying out the studies required under Condition (r) [Phase I Environmental Site Assessment];
- (u) 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;
- (v) 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;
- (w) That the Owner provide 5 x 5 meter daylighting triangles at the corners of Regional Road No. 27 (Riverside Drive) and Streets "A" and "C" and that they be dedicated to the Regional Municipality of Niagara free and clear of any mortgages, liens and encumbrances;
- (x) That the Owner dedicate to the Regional Municipality of Niagara a one-foot reserve along the flankage of Blocks 33, 34, Lots 30 and 1, including the daylighting triangle, free and clear of any mortgages, liens and encumbrances;
- (y) That the geometric designs for the intersections of Riverside Drive and Streets "A" and "C" be submitted to the Regional Public Works Department for review and approval prior to the Final Approval of this Subdivision for registration;
- (z) That in the Subdivider's Agreement with the City the Owner agree to obtain Regional Construction Encroachment and/or Entrance Permits for the Regional Public Works Department (Permits Section of the Operational Support Services Division) before any construction takes place within the Regional road allowance;
- (aa) That in the Subdivider's Agreement with the City, the Owner agrees to provide to the Regional Public Works Department upon completion of development a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place;
- (bb) That in order to provide Regional curbside waste collection services, the Owner must ensure that all streets and development blocks provide an adequate turn-around area to the satisfaction of the Regional Public Works Department;

- (cc) That the Owner install a privacy fence along Lots 1-6 and a chain/bollard or guide rail along Block 41 to preclude unauthorized use and vehicular access to the adjacent Regional property;
- (dd) Provisions shall be made in the Subdivider's Agreement with respect to the existing 900 mm diameter Regional truck sewer in an easement through the subject lands. Certain restrictions apply with respect to easement as per the documents registered on title. The Owner shall provide a 3.0 metre wide easement along the entire west side of Street "B" and on the east side of Lot 7;
- (ee) That all lands within the regulatory floodplain (below 174.53 m GSC) be placed within a "Hazard Land" Zone category (or equivalent) to prohibit development. This is not intended to prohibit passive recreational uses;

06-62**06-62Z Cont'd**

- (ff)
 - (a) That the Draft Plan be revised to remove any encroachment of lots 11-14 inclusive within the 30 metre naturally vegetated buffer setback, **OR**
 - (b) That the developer submits to the NPCA, for review and approval, an Environmental Impact Assessment completed by a qualified professional. The EIA will evaluate impacts of the proposed development on the adjacent Type 1 fish habitat of the Welland River and the associated 30 metre buffer setback;
- (gg) That detailed sedimentation and erosion control plans be prepared for the NPCA'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. Muddy water shall not be allowed to leave the site to the Welland River;
- (hh) That detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site, be submitted to the Conservation Authority for review and approval;
- (ii) That prior to approval of the final plan, the Owner submit to the Conservation Authority a detailed stormwater management plan for the development completed by a qualified engineer and prepared in accordance with the MOE Stormwater Management Practices, Planning and Design Manual, June 1994;
- (jj) 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 circulated to the City and NPCA;
- (kk) That the Owner agrees in the executed Subdivider's Agreement to:
 - (a) That prior to construction, a limit of work fence be erected along the regulatory floodplain limit of 174.53 metres during the construction phase to prevent encroachment within the floodplain. Provisions for construction access to the SWM pond (within the floodplain) shall be made to minimize the amount of area disturbed within the floodplain;
 - (b) Re-vegetate all disturbed areas immediately upon completion of construction works;
 - (c) Prior to any grading or construction works on Block 39, the developer shall obtain the necessary permits and approvals from the NPCA;
- (ll) That the above noted draft plan conditions ee-kk inclusive be implemented in the Subdivider's Agreement;
- (mm) That prior to Final Approval of the Plan, the Broadway area Inflow/Infiltration Study presently underway must be completed and any remediable work undertaken to ensure that the proposed development will not have any negative impact on the existing sewer system;
- (nn) That the Owner shall install permanent fencing, to the satisfaction of the City, along the south lot line of Lots 7 to 11 inclusive and along the north lot line of Blocks 31, 32 and 33;
- (oo) 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 m-t;
 - (ii) Regional Niagara Public Works for Conditions u-dd;
 - (iii) NPCA for Conditions o, ee-II;
 - (pp) 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 Riverbend Estates once all Conditions have been satisfied.

CARRIED

06-136 Moved by Belcastro and Dzugan that Welland City Council receives the petition from the Summerlea Residents Association regarding safety of the residents with respect to potential future road allowances.

CARRIED

06-137 Moved by Belcastro and Dzugan that the attached document titled Economic Growth Strategy: Opportunities for Inter-Municipal Cooperation (a.k.a. "One Voice") be received for information; and That this document serve as background (along with relevant program or issue specific detail) for future discussions with other levels of government, and funding agencies and for Council business strategic planning efforts.

CARRIED

06-138

06-138Z Moved by Belcastro and Dzugan that Report 2006-70 concerning an Application for Official Plan and Zoning By-law Amendment for 200 West Main Street be received for information purposes.

CARRIED

06-139Z Moved by Belcastro and Dzugan that City of Welland By-law 2667, as amended, be further amended for lands known municipally as 127 Quaker Road (Part Lot 230, former Township of Thorold, now in the City of Welland) from the existing R2 - Single Detached Dwelling - Second Density Zone By-law 2667 to a Site Specific R2-X12 Zone to permit a Group Home permitting up to a maximum of eight (8) foster children.

CARRIED

06-142 Moved by Belcastro and Dzugan that the City of Welland change cell phone service providers to Telus 'Mike' system.

CARRIED

BY - LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

04-120

06-105

BYL 2006-127

A By-law to authorize an application to the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) to finance the Fitch Street Road Improvement Project.

06-19

BYL 2006-128

A By-law to authorize an amendment to the License of Occupation with Marzim Holdings Ltd. for use of the Concession Booths within the Welland Arena and Jack Ballantyne Arena; and to amend By-law 2001-107.

BY-LAWS Cont'd...

06-109Z

BYL 2006-129

A By-law to amend City of Welland Zoning By-law 2667 (Lea Silvestri Investments Ltd. (Michael Estates Subdivision) – File 2006-06) Part Lot 246. Former Township of Thorold, now in the City of Welland (Lands East of South Pelham Road, West of the Westerly Terminus of Michael Drive.

06-139Z

BYL 2006-130

A By-law to amend City of Welland Zoning By-law 2667 (Russell David Godin and Kelly Rose Godin – File 2006-13) 127 Quaker Road.

06-145

BYL 11027 re-enacted September 12, 2006

A By-law to control the parking of motor vehicles on the property of Niagara College of Applied Arts & Technology; and to repeal By-laws 11027, 1999-147 and 2002-138.

06-1

BYL 2006-131

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 5th day of September, 2006 and the 12th day of September, 2006.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Belcastro and Dzugan 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 Clerk do sign and seal the same.

CARRIED

Council adjourned at 10:45 p.m.

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

MAYOR

ACTING CLERK