



**COUNCIL MEETING
OCTOBER 10, 2006**

**BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE (IN
CAMERA): TO HOLD A SPECIAL COUNCIL MEETING TO CONSIDER
PERSONAL AND LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS
MATTERS; 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 6:15 p.m. and pursuant to By-law 2005-176, the Procedural By-law of Council, in open regular session following the General Committee Meeting at 7:50 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present: Councillors D. Alexander, M. Belcastro, P. Chiocchio, M. Dzugan, D. Fortier, P. Grenier, M.A. Grimaldi, J. Larouche, S. O'Dell (7:50 p.m.), B. Sharpe and J. Spadafora (7:50 p.m.).

Members of the Staff and Others Present:

City Manager P. Simmons

City Clerk C. Stirtzinger (7:50 p.m.)

Acting City Clerk B. Gallaccio

City Solicitor G. Banks

Chief, Fire & Emergency Services D. Prevost (7:50 p.m.)

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:50 p.m.)

General Manager, Parks and Recreation B. LaPlante (7:50 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:50 p.m.)

General Manager, Human Resources R. Beaumont

General Manager of Planning and Development Services D. Thorpe (7:50 p.m.)

Chief Building Official M. Mantesso (7:50 p.m.)

Games Licensing Clerk L. Bubanko (7:50 p.m.)

06-25 Moved by Dzugan and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 6:15 p.m. to consider:

- a) personal matters about an identifiable individual, including municipal employees; and
- b) labour relations or employee negotiations.

CARRIED

06-25 Moved by Belcastro and Larouche that the Committee-of-the-Whole rise from its closed meeting at 6:35 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Dzugan disclosed an interest in Ref. No. 06-5 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his employer does business with The Hope Centre.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF OCTOBER 10, 2006:

96-129 Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Animal Control Services.
2000-47

04-141 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Report on Assumption of Woodhaven Estates Phases 1 & 2; Assumption of Willowlanding Court.

03-55 Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Redline Revision – Rainbow Country Subdivision – U. Lucchetta Construction Ltd. – Lands south of Balsam Street, west of South Pelham Road (File 26T-14-02002).

04-92 Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Sign By-law Proposed Amendments.

05-87 Gen. Mgr. Planning and Development Serv. D. Thorpe - Report on Proposed Subdivider's Agreement with Lea Silvestri Investments Ltd. (File 26T-14-05001) Webber Estates Subdivision (Part Lot 257, former Township of Thorold, now in the City of Welland), south side of Webber Road, north of Gaiser Road.

05-149 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Report on Implementation of Recommendations from Ontario Road Pumping Station Sanitary Sewer Drainage Area Extraneous Flow Study.

06-5 Councillor Alexander, Chair, Budget Review Committee regarding The Hope Centre.

06-126

06-126Z Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Proposed Plan of Subdivision and Amendments to the Official Plan and Zoning By-law 2667 – Dain City Subdivision (File No. 26T-14-06002, 2006-07 and OPA) – Dain City Developments – north side of Forks Road, west of the Welland Canal and east of Canal Bank Street.

06-153 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Report on Quaker Road Sanitary Sewer Servicing.

06-154 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Report on Subdivision Assumption Policy.

THE FOLLOWING BY-LAWS WERE RECEIVED:

03-55Z A By-law to amend City of Welland Zoning By-law 2667 (U. Lucchetta Construction Ltd. – File 2006-01) south of Balsam Street, west of South Pelham Road.

05-87 A By-law to authorize the signing of a Subdivider's Agreement with Lea Silvestri Investments Ltd. with respect to the development of Webber Estates Subdivision (File 26T-14-05001).

05-87 A By-law to accept the transfer of certain 0.3 metre reserves and lands for parkland and open space purposes from Lea Silvestri Investments Ltd. to the Corporation of the City of Welland in the Webber Estates Subdivision (File 26T-14-05001).

05-87 A By-law to accept the transfer of an easement(s) for storm sewers from Lea Silvestri Investments Ltd. to the Corporation of the City of Welland in the Webber Estates Subdivision (File 26T-14-05001).

96-129

06-2 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.

06-126 A By-law to authorize the signing of Official Plan Amendment No. 119.

06-126Z A By-law to amend City of Welland Zoning By-law 2667 (Dain City Development Inc. – File 2006-07) north side of Forks Road, west of the Welland Canal and east of Canal Bank Street.

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 10th day of October, 2006.

THE FOLLOWING BY-LAW WAS DELETED:

06-126Z A By-law to amend City of Welland Zoning By-law 2667 (Dain City Development Inc. – File 2006-07) north side of Forks Road, west of the Welland Canal and east of Canal Bank Street.

96-129 Moved by Dzugan and Belcastro

1. That Council accept this Report PDS-2006-90 - Animal Control Services, and authorize Staff to implement the changes and processes described in the Report;
2. That Council enter into an Agreement for Services with Welland and District Society for the Prevention of Cruelty to Animals for a period of 4 years, at an annual cost of \$153,700 in 2006, to increase by 3% in 2007, 4% in 2008 and 5% in 2009;
3. That Staff prepare the necessary By-law to authorize the Agreement, and the Mayor and (Acting) Clerk execute the Agreement attached to this Report;
4. That existing By-laws 2529, 3300, 3602, 4847, 5214, 5404, 5542, 6034, 6193, 6198, 8032, 8129, and 10227 dealing with past Agreements be repealed; and
5. That Staff bring forward a new Animal Control By-law for Council's consideration in the fall of 2006, which By-law shall establish a Committee to hear appeals concerning the By-law.

CARRIED**2000-47****04-141** Moved by Dzugan and Belcastro

1. That Council approves the assumption of the following subdivisions:
 - The Woodhaven Estates Phases 1 and 2 plan of subdivision. Located on the east side of Carlton Street and north of Thorold Road
 - The Willowlanding Subdivision. Located on the east side of Lancaster Drive and north of Woodlawn Road; and

2. That the City Clerk be directed to prepare all necessary and appropriate by-laws to execute same.

CARRIED

03-55 Moved by Dzugan and Belcastro

1. That the City of Welland hereby grants redline revision to Draft Approval for the Rainbow Country Estates Subdivision (File 26T-14-02002) developed by U. Lucchetta Construction Limited, being Part of Lot 1, Concession 11, former Township of Pelham now in the City of Welland based upon a plan prepared by Kirkup & Ure Surveying Ltd., as revised, dated October 22, 2004, amended on December 14, 2004 and **redlined on October 10, 2006** consisting of **twenty-three (23)** single-detached residential lots and one (1) Block for Parks purposes 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 the 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 **24** be transferred to the City of Welland for Parks purposes. Any over dedication shall be applied as a credit to other lands owned by the Applicant adjoining the subject lands to the south;
 - (e) That Block **24** be developed in conformity with the City's Policy on Requirements for Lands to be Conveyed to the City, February 15, 1994 and to incorporate any vehicular barriers as required by the City;
 - (f) That Blocks **25, 26** and **27**, being 0.3 metre reserves, be transferred to the City of Welland free of all encumbrances for access control purposes;
 - (g) That prior to any disturbance of the site or approval of the Final Plan, the Owner submit to the Regional Planning Department and the Niagara Peninsula Conservation Authority for review and approval an Environmental Impact Assessment (E.I.A.) prepared by a qualified Consultant. Further, that the Owner agree to implement the recommendations of the Environmental Impact Assessment through the Subdivision Agreement, a Zoning By-law Amendment and/or other measures that might be recommended;
 - (h) That detailed lot grading and drainage plans, delineating both existing and proposed grades and the means whereby major system flows will be accommodated across the site, be submitted to the N.P.C.A. for review and approval. The lot grading and drainage plans will indicate that the Draper's Creek Floodplain will be maintained in its natural state and that the surface drainage will be directed away from the Floodplain and toward the internal Subdivision road;
 - (i) That the Owner obtain a Balanced Cut and Fill Permit from the Conservation Authority in accordance with the Fill, Construction, and Alteration to Waterways Regulation for Lots **14, 15** and **16** which encroach within the Floodplain;
 - (j) That detailed sedimentation and erosion control plans detailing methods proposed for the control of silt and erosion during the construction phase and restoration proposed for the site after construction be submitted to the N.P.C.A. for review and approval;
 - (k) That the Owner agrees in the executed Subdivision Agreement to:
 - i) Implement the lot grading and drainage plans, sedimentation and erosion control plans, stormwater management plan, environment impact assessment and balanced cut and fill as noted in Conditions g, h, i and j;
 - ii) Not place or dump material of any kind, whether original on-site or off-site in the Draper's Creek Floodplain, unless a Work Permit from the Conversation Authority has been issued;
 - iii) During the construction phase, erect and maintain a sediment control fence along the rear lot line; and
 - iv) Revegetate or otherwise stabilize all disturbed areas immediately following the completion of construction;
 - (l) 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;

- (m) 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;

03-55 Cont'd...

- (n) That the detailed design drawings for the watermain system, the sanitary sewer and the stormwater drainage system required to service this proposal be submitted to the Regional Public Works Department for its review and approval;
- (o) That the Ministry of the Environment Certificate of Approval be obtained for the necessary servicing (water, sanitary sewer and stormwater drainage) for the development prior to Final Approval for registration. NOTE: Where a quality/quantity facility or a new outlet to a receiving stream is being proposed, the design for the stormwater management system should be submitted directly to the Ministry of the Environment (Attention: M. Dhalla, P. Eng.) for approval and the issuance of a Certificate of Approval;
- (p) That prior to approval of the Final Plan, the Owner submit to the Regional Planning Department for review and approval a detailed Stormwater Management Plan for the Subdivision completed in accordance with the Ministry of Environment documents entitled Stormwater Management, Planning and Design Manual, March 2003, as revised and Stormwater Quality Guidelines for New Development, May 1991, endorsed by a suitably qualified Professional Engineer. A copy of the Stormwater Management Plan and supporting documentation should also be submitted to the Niagara Peninsula Conservation Authority for its review and response to the Regional Planning Department. Furthermore, that the Owner agree in the Subdivision Agreement to implement the approved Stormwater Management Plan;
- (q) That the Owner carry out an archaeological assessment of the subject property and mitigate any adverse impacts to any significant archaeological resources found through preservation or resource removal and documentation. Furthermore, that no grading or other soil disturbances take place on the subject property prior to the Regional Planning Department and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements;
- (r) That in the Subdivider's Agreement, the Owner agrees to provide a pavement area with a minimum radius of 12.8 metres at the cul-de-sac bulb;
- (s) The Owner shall provide 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 and streets;
- (t) The Owner shall be responsible for the enlargement of the existing storm water management facility located north of Lots 5 and 6 and Block 24. As well, the pond and adjoining lands must be landscaped and fenced to the satisfaction of Parks and Recreation Services. Servicing drawings must include approved landscaping plans;
- (u) **That a temporary turning circle be constructed to the satisfaction of the City and Region of Niagara Public Works Department at the easterly terminus of Street 'A' shown on the redlined Plan dated October 10, 2006;**
- (v) 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 g, l, m, p and q;
 Regional Niagara Public Works Department for Condition n, o, r, u;
 Niagara Peninsula Conservation Authority for Conditions g, h, i, i, k;
 Ministry of Culture for Condition q;
2. That Council considers these changes to Conditions of Draft Approval minor in nature and that notification is not required as per Section 51 (47) of the *Planning Act*.

NOTES:

1. Land required to be registered under the Land Titles Act.

2. An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 -Proximity - of the Regulations for Construction Projects in the Occupational Health and Safety act, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating "DANGER - Overhead Electrical Wires" in

03-55 Cont'd...

all locations where personnel and construction vehicles might come in close proximity to the conductors.

CARRIED

04-92 Moved by Dzugan and Belcastro that Council accepts Report PDS-2006-89 Sign By-law Proposed Amendments and authorizes Staff to present the proposed amending By-law to Council for ratification at the next Council Meeting October 17, 2006.

CARRIED

05-87 Moved by Dzugan and Belcastro

1. That the City of Welland enter into a Subdivider's Agreement with Lea Silvestri Investments Ltd. with respect to the development of sixty-five (65) Lots for the construction of 65 single detached dwelling units and three (3) Blocks for the development of 37 street townhouse units (Webber Estates Subdivision) on Part Lot 257, former Township of Thorold, now in the City of Welland, south side of Webber Road, north of Gaiser Road;
2. That the Mayor and Clerk be authorized to execute any necessary documents associated with the Subdivision;
3. That the Mayor be authorized to sign the Final Plan of Subdivision to allow the Plan to be registered once all Conditions of Draft Approval have been met and the Plan has been checked for conformity;
4. That Staff be authorized to prepare any necessary By-law and documentation to open the Clare Avenue road allowance between Webber Road and Gaiser Road; and
5. That Staff be authorized to finance any growth related expenses which are the responsibility of the City of Welland from the Development Charges Reserve Fund.

CARRIED

05-149 Moved by Dzugan and Belcastro that the General Manager, Engineering, Public Works and Transportation Services be authorized to proceed with retaining Kerry T. Howe Engineering Limited to provide design services to undertake the implementation of recommendations contained in the Ontario Road Pumping Station Sanitary Sewer Drainage Area Extraneous Flow Study shared equally between the Region of Niagara and the City at \$38,000 respectively for a total estimated cost of \$71,000; and further That the Clerk be directed to prepare all necessary and appropriate By-laws to execute the same.

CARRIED

06-5 Moved by Dzugan and Belcastro that Council approves the recommendation of the Budget Review Committee to provide an additional grant allocation to The Hope Centre for 2006 in the amount of \$21,250.00 to be funded from the surplus reserve.

CARRIED

06-126 Moved by Dzugan and Belcastro

1. That the City of Welland adopt Official Plan Amendment No. 119 respecting Part of Lots 20 and 21 inclusive, part of the road allowance between Lots 20 and 21, Concession 5, in the former Township of Humberstone, now the City of Welland, being part of Parts 1 to 3 inclusive, Plan 59R-12698, from Open Space to Residential Special Policy Area and Open Space, to permit the development of a Plan of Subdivision containing a mix of housing types including single-detached, semi-detached and townhouse dwellings. This proposed Plan of Subdivision will contain between 731 and 982 residential dwelling units, parks, open space areas and a stormwater management facility;
2. That the City of Welland Zoning By-law 2667, as amended, be further amended for lands on the north side of Forks Road, west of the Welland Canal and east of Canal Bank Street, more specifically described as Part of Lots 20 and 21 inclusive, part of the road allowance between Lots 20 and 21, Concession 5, in the former Township of Humberstone, now the City of Welland, being part of Parts 1 to 3 inclusive, Plan 59R-12698, from the existing O2 Zone to Holding Site Specific Residential and Open Space Zones;

06-126 Cont'd...

3. That the Holding Symbol (H) be lifted upon application, when the Owner informs the City of Welland, in writing, that the following items have been completed: the entire sanitary sewer system has been completed and tested and sanitary services have been installed to the front property line and that a video and written report of an internal examination of the sanitary and storm sewer systems is provided; that the entire water system has been completed and tested and disinfected and water services have been installed to the front property line; that the entire storm sewer system has been completed; that the asphalt roadway has been constructed (the stone base and asphalt base); that the grading requirements and lot grading requirements of the City's Land Development Policy have been met; all streetlights are in good working order and energized by the Welland Hydro-Electric Corp.; and all street name and traffic control signs are installed all to the satisfaction of the City Engineer;
4. That the City of Welland hereby grants Draft Approval to the Dain City Subdivision (File: 26T-14-06002) subject to the approval of Official Plan Amendment No. 119, developed by Dain City Developments Inc. being part of Lots 20 and 21 inclusive, part of the road allowance between Lots 20 and 21, Concession 5, in the former Township of Humberstone, now the City of Welland based, upon a Plan prepared by The MBTW Group dated May 24, 2006, as red-lined by Council, consisting of 65 Blocks for the construction of between 731-982 dwelling units, 12 Blocks for parks and open space purposes and 1 Block for a Stormwater Management Facility 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 any required 0.3 metre reserve(s) be transferred to the City of Welland, free of all encumbrances, for phasing, development and 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 Blocks 96 through 105 inclusive be transferred to the City of Welland, free of all encumbrances, for parks purposes;
 - (g) That Blocks 92 and 107 be transferred to the City of Welland, free of all encumbrances for open space purposes other than parkland;
 - (h) That Block 95 be transferred to the City of Welland, free of all encumbrances, for Stormwater Management 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 95 to the satisfaction of Community Services;
 - (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) That the Owner shall provide a Geotechnical Surface Investigation Study, prepared by a qualified Geotechnical Firm, to the City which must make recommendations on the use of this site for the construction of houses/buildings;
- (k) The Owner shall provide bus lay-bys within the final Plan(s) of Subdivision as required by the City of Welland;
- (l) That prior to Final Approval for registration of the Plan(s) of Subdivision, the Owner shall submit to the Regional Planning and Development Department and to CN Rail, for review and approval, any revisions to the Noise and Vibration Study, prepared by Howe, Gastmeier and Chapnik Limited, dated April 17, 2006, which may incorporate recommendations and/or mitigating measures for the development;
- (m) That prior to Final Approval for registration of the Plan(s) of Subdivision, the Owner shall submit to the Regional Planning and Development Department, for review and approval, an Odour/Air Quality Study, prepared by a qualified consultant, which may incorporate recommendations and/or mitigating measures for the development;

06-126 Cont'd...

- (n) That prior to Final Approval for registration of the Plan(s) of Subdivision, the Owner shall submit to the Regional Planning and Development Department and to the Ministry of Transportation, for review and approval, two (2) copies of any revisions to the Traffic Study, prepared by Paradigm Transportation Solutions Limited, dated April 28, 2006, which may incorporate recommendations and/or mitigating measures for the development;
 - (o) That prior to Final Approval for registration of the Plan(s) of Subdivision, the Owner shall submit to the Niagara Peninsula Conservation Authority for its review and to the Regional Planning Department, and to the Ministry of Transportation, for their review and approval, a Stormwater Management Report, prepared by a qualified consultant;
- NOTE: Any Stormwater Management Facility that may be proposed for this development would require the direct approval of the Ministry of the Environment, Toronto.
- (p) That prior to Final Approval for registration of the Plan(s) of Subdivision, the Owner shall submit to the Regional Planning Department and to CN Rail, for their review and approval, an evaluation of the Ministry of Environment Guidelines for separation distance between Class II Industry and Sensitive (Residential) development, which may incorporate recommendations and/or mitigating measures for the development;
 - (q) That prior to Final Approval for registration of the Plan(s) of Subdivision, the Owner shall submit to CN Rail for its review and to Hydro One Networks Inc. and to the Regional Planning and Development Department and Niagara Peninsula Conservation Authority for review and approval, a lot drainage and grading plan, which may incorporate recommendations and/or mitigating measures for the development;
 - (r) That the Owner shall agree, in the Subdivider's Agreement, to implement the recommendations and/or mitigating measures respecting the proposed development resulting from above conditions l through q inclusive to the satisfaction of the City of Welland and the required agencies. The City may request a peer review of any study, the cost of which shall be borne by the Owner;
 - (s) The Owner shall agree in the Subdivider's Agreement, in wording satisfactory to CN, to install and maintain a chain link fence a minimum of 1.83 metres high along the mutual property line if required;
 - (t) The following warning clause shall be included in the Subdivider's Agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit. Provisions must be included in the Subdivider's Agreement to ensure that the warning clause survives the release of the Owner's obligations under the Subdivider's Agreement and remain on title: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 meters from the land of the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforementioned may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the

- inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CN will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way”;
- (u) The Owner shall provide a permanent easement to Bell Canada for a telecommunication facility approximately 6 metres by 8 metres;
 - (v) Any development in conjunction with the Subdivision must not block vehicular access to any Hydro One Networks Inc. facilities located on their right-of-way. During construction, there will be no storage of materials or mounding of earth or other debris on the right-of-way;
 - (w) The costs of any relocations or revisions to Hydro One Networks Inc. facilities which are necessary to accommodate this Subdivision will be borne by the Owner;
 - (x) The easement rights of Hydro One Networks Inc. and its legal predecessors are to be protected and maintained;
 - (y) The Owner shall provide an emergency access to the proposed Subdivision if required, prior to a second access to the north portion of the site from Canal Bank Street is constructed;
 - (z) That prior to Final Approval for registration of the Plan(s) of Subdivision, a Record of Site Condition (RSC) is required under Ontario Regulation 153/04. Written acknowledgement of the filing of the RSC must be submitted to the Regional Planning and Development Department for information;

06-126 Cont'd...

- (aa) If required, prior to any site grading or tree removal, a Species at Risk (SAR) survey be conducted in the woodlot area by a qualified SAR biologist, in conjunction with MNR staff. Any protection strategy and recommendation of this SAR survey shall be implemented in the Subdivider's Agreement;
- (bb) That the Owner acknowledge promptly 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;
- (cc) 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;
- (dd) That prior to Final Approval for registration of the Plan(s) of Subdivision, 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;
- (ee) 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;
- (ff) The Owner shall construct sidewalks along the north side of Forks Road along the entire frontage of the subject lands;
- (gg) The Owner shall submit to the Niagara Peninsula Conservation Authority, for review and approval, an Environmental Impact Assessment completed by a qualified professional if required;
- (hh) The following warning clause shall be included in the Subdivider's Agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit to survive closing:
 “Purchasers/tenants are advised that due to the proximity of the adjacent industrial properties to the west, sound levels from the industrial properties will, at times, be audible and it is conceivable that odours may emanate for the adjacent industrial operations all of which may affect the living environment of the residents in the vicinity notwithstanding any attenuating measures in the design of the development and individual dwellings.
- (ii) That prior to the granting of Approval for the Plan(s) of Subdivision, 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 - l-r, z, aa, cc;

- (ii) Regional Niagara Public Works for Conditions – bb, dd, ee;
 - (iii) CN Rail for Conditions - l, p-t;
 - (iv) Ministry of Transportation for Conditions - n-o, r;
 - (v) Hydro One Networks Inc. for Conditions – q-r, v, w, x;
 - (vi) Niagara Peninsula Conservation Authority for Conditions – q, r, gg;
- (jj) 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 Dain City Subdivision once all Conditions have been satisfied.

NOTE: The transmission lines abutting this Subdivision operate at 500,000; 230,000; or 150,000 volts. Section 186 – Proximity – of the Regulations for Construction Projects in the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductor is 4.5 metres (15 feet) and for a 115 kV conductor it is 3 metres (10 feet). It is the proponent's responsibility to be aware, and to make all personnel on the site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning depending on the electrical demand placed on the line.

CARRIED

(Councillor O'Dell asked to be recorded as opposed to this Resolution).

06-153 Moved by Dzugan and Belcastro that Council accepts Report ENG-2006-50 - Quaker Road Sanitary Sewer Servicing for information.

CARRIED

06-154 Moved by Dzugan and Belcastro that Council adopts the subdivision assumption policy proposed in Report ENG-2006-51.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

06-24 Moved by Sharpe and Grenier that Council receives and accepts the recommendations of the Human Resources Committee dated September 29, 2006, specifically, "That the Human Resources Committee recommends Council appoint Craig Stirtzinger as General Manager, Communications, Council & Legislative Services/City Clerk";

That Council approves the creation of the General Manager, Communications, Council and Legislative Services/City Clerk position; and

That Council directs Staff to formally rate the position in accordance with the Corporation's job evaluation system, and that Staff review the position within 12 months for further refinement, and report on the adjustments as necessary.

CARRIED

BY - LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

03-55Z

BYL 2006-151

A By-law to amend City of Welland Zoning By-law 2667 (U. Lucchetta Construction Ltd. – File 2006-01) south of Balsam Street, west of South Pelham Road.

05-87

BYL 2006-152

A By-law to authorize the signing of a Subdivider's Agreement with Lea Silvestri Investments Ltd. with respect to the development of Webber Estates Subdivision (File 26T-14-05001).

BY-LAWS PRESENTED FOR FIRST READING Cont'd...

05-87

BYL 2006-153

A By-law to accept the transfer of certain 0.3 metre reserves and lands for parkland and open space purposes from Lea Silvestri Investments Ltd. to the Corporation of the City of Welland in the Webber Estates Subdivision (File 26T-14-05001).

05-87

BYL 2006-154

A By-law to accept the transfer of an easement(s) for storm sewers from Lea Silvestri Investments Ltd. to the Corporation of the City of Welland in the Webber Estates Subdivision (File 26T-14-05001).

96-129

06-2

BYL 2006-155

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.

06-126

BYL 2006-156

A By-law to authorize the signing of Official Plan Amendment No. 119.

06-1

BYL 2006-157

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 10th day of October, 2006.

And that the same be now read a first time.

CARRIED

(Councillor O'Dell asked to be recorded as opposed to By-law 2006-156).

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Dzugan and Belcastro 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

(Councillor O'Dell asked to be recorded as opposed to By-law 2006-156).

Council adjourned at 7:55 p.m.

These Minutes approved and adopted by Motion of Council this 17th day of October, 2006.

MAYOR

ACTING CLERK