



COUNCIL MEETING, JULY 17, 2007

CIVIC SQUARE, COUNCIL CHAMBERS 60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:15 p.m. and in open session at 7:00 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

The open meeting commenced with the playing of the National Anthem.

Members Present:

Councillors R. Alakas, D. Alexander, M. Belcastro, F. Campion, P. Chiocchio, M. Dzugan, T. Eybel, P. Grenier, R. Letourneau, S. O'Dell, B. Sharpe and L. Van Vliet.

Members of the Staff and Others Present:

City Manager, P. Simmons

General Manager, Communications, Council & Legislative Services/City Clerk, C. Stirtzinger

Deputy Clerk, B. Gallaccio

Chief, Fire & Emergency Services, D. Prevost

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

General Manager, Financial & Corporate Services/Treasurer, B. Silvestri

Acting General Manager, Human Resources, R. Mantesso (7:00 p.m.)

Communications Assistant, C. Mintoff (7:00 p.m.)

General Manager, Planning & Development Services, D. Thorpe

Summer Student, Josh Krusell (7:00 p.m.)

07-25 Moved by Van Vliet and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:15 p.m. to consider:

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

Under Section 239 (3.1) of the *Municipal Act, 2001*, as amended, for the purpose of training and educating members of Council concerning the scheduling of meetings.

CARRIED

(Councillors Letourneau and Alakas were not present during Committee-of-the-Whole discussions on a security of property matter).

07-25 Moved by Eybel and Campion

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:48 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Van Vliet disclosed an interest in Ref. No. 07-111 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is employed at the Regional Municipality of Niagara.

DELEGATIONS:

07-114 Niagara Regional Police Chief, Wendy Southall and Linda Beyer, Chair, Regional Niagara Road Safety Committee addressed Council regarding the Region-wide "Think and Drive" road safety campaign.

STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Councillor Dzugan presided as Chair of the Public Hearing:

07-108Z An application has been made by CASEY HOLLAND to rezone Lot 978, NP 960 for lands at 114 Crowland Avenue from the existing R2 – Single-Detached Dwelling – Second Density Zone By-law 2667 to a Site Specific RM3 Zone By-law 2667. The purpose of the Amendment is to permit the existing residential dwelling to be used as a fourplex. The Amendment will also recognize various existing lot characteristics. The Official Plan designation is RESIDENTIAL (R).

Councillor Dzugan 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:

- Casey Holland, 114 Crowland Avenue, Welland L3B 1W9

In opposition of the application:

- Gaston Godbout, 122 Crowland Avenue, Welland L3B 1W9

PUBLIC MEETING PURSUANT TO THE MUNICIPAL ACT.

- 07-4** Amendment to the 2007 Waterworks Capital Budget to supplement the 2006 and 2007 project allocations for watermain replacement on Lincoln Street, Kline's Avenue and Cross Street and watermain abandonment on East Main Street respectively.

The following people were present to speak on the proposed Budget.

- No one spoke to the matter.

BOARDS, AGENCIES, COMMISSIONS REPORT(S)

- 06-114** Deanna Vilella, Co-Chair, 150th Anniversary Planning Committee addressed Council regarding proposed events for 2008.

- 99-99** Robert Mahler, Chair and Mike Lottridge, Secretary/Treasurer, Welland Recreational Canal Corporation addressed Council regarding the 2007 WRCC Operating and Capital Budget.

05-118

- 07-10** Nominating Committee Report regarding appointment to the Water Conservation and Efficiency Advisory Committee.

THE FOLLOWING CORRESPONDENCE WAS READ:

- 07-15** Report from Chief, Fire and Emergency Services, D. Prevost – Award of tender, Fire Service Uniforms.

07-21

- 07-49** Resolution for approval of temporary street closure and exemption to the Noise By-law for the Niagara Food Festival for September 28, 29, and 30, 2007.

THE FOLLOWING CORRESPONDENCE WAS DELETED:

- 07-22** A By-law to amend Schedule "XVII" of By-law 89-2000, being a By-law Regulating Traffic and Parking within the City of Welland.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 99-99** Stephen Fischer, Manager, Business and Operations - Welland Recreational Canal Corporation 2007 Budget.

2000-43

- 2000-83** A By-law to repeal By-law 2006-185, being a By-law to authorize the entering into an agreement with Philips Engineering to update the engineering standards for new development with the City of Welland.

- 01-108** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz – Award of contract for the completion of Engineering Designs for the Downtown Core and Canal Lands.

- 01-108** A By-law to authorize the retention of Totten Sims Hubicki to provide Engineer Designs for the Downtown Core.

- 04-92** Gen. Mgr., Planning and Development Services, D. Thorpe – Request for Sign Variance at 811 East Main Street.
- 04-120** Gen. Mgr., Financial and Corp. Serv./Treasurer, B. Silvestri-Funding Agreement for COMRIF Asset Management Program (AMP) Project.
- 05-99** Pam Gilroy, Regional Clerk, Region of Niagara – Archives Collaboration Project.
- 05-118**
- 07-10** Nominating Committee Report re: appointment to the Water Conservation and Efficiency Advisory Committee.
- 05-149** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz – Implementation of Recommendations from Ontario Road Pumping Station Sanitary Sewer Drainage Area Extraneous Flow Study.
- 05-149** A By-law to authorize the retention of Kerry T. Howe Engineering Limited to provide final design services for the implementation of Phase 1 Remedial Works for the Ontario Road Pumping Station Drainage Area.
- 06-13** A By-law to authorize the entering into a Collective Agreement with the Amalgamated Transit Union Local 1633 for the period of January 1, 2006 to June 30, 2011.
- 06-131**
- 06-131Z** Gen. Mgr., Planning and Development Services, D. Thorpe – Proposed Plan of Subdivision and Amendments to the Official Plan and Zoning By-law 2667 – Coyle Creek Estates Subdivision (File No. 26T-14-06003, 2006-10 and OPA) – south side of Gaiser Road, east of South Pelham Road – Upper Canada Consultants on behalf of: Jennifer Wuisman, Sterling Realty (Niagara Inc.), Harry and Sandra Andrews and Raymond and Deborah Sibbett.
- 06-114** 150th Anniversary Planning Committee – Proposed events for 2008.
- 06-131**
- 06-132** A By-law to authorize the signing of Official Plan Amendment No. 121.
- 06-131**
- 06-131Z** A By-law to amend City of Welland Zoning By-law 2667 (Sterling Realty (Niagara) Inc., Jennifer A. Wuisman, Harry J. and Sandra G. Andrews and Raymond B. and Deborah A. Sibbett – File 2006-10) south side of Gaiser Road east of South Pelham Road.
- 06-132**
- 06-132Z** A By-law to amend City of Welland Zoning By-law 2667 (Peninsula Residentials Inc., Jennifer Ann Wuisman, Lea Silvestri Investments Ltd. and Sterling Realty (Niagara) Inc. – File 2006-11) north and south of Gaiser Road, west of Colbeck Drive.
- 06-132**
- 06-132Z** Gen. Mgr., Planning and Development Services, D. Thorpe – Proposed Plan of Subdivision and Amendments to the Official Plan and Zoning By-law 2667 – Blue River Estates Subdivision (File No. 26T-14-06004, 2006-11 and OPA) – south side of Gaiser Road, west of Colbeck Drive – Upper Canada Consultants on behalf of: Jennifer Wuisman, Sterling Realty (Niagara Inc.), Peninsula Residential Inc. and Lea Silvestri Investments Ltd.
- 06-161**
- 07-94** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz – Watermain Replacement on Lincoln Street, Kline's Avenue, and Cross Street & Watermain Abandonment on East Main Street.
- 06-161**
- 07-94** A By-law to authorize the acceptance of tender and the entering into a contract with Condotta Construction Ltd. for the watermain replacement on Lincoln Street between Prince Charles Drive and Mayfair Drive, Kline's Avenue and Cross Street, and between East Main Street and Division Street, and the Watermain Abandonment on East Main Street between Hellems Avenue and Cross Street.
- 07-1** 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 17th day of July, 2007.
- 07-4** A By-law to adopt the revised 2007 Capital Budget.
- 07-4** A By-law to amend By-law 2007-68, being a By-law to establish tax ratios and tax rates and to levy taxes for the year 2007.
- 07-10** Gen. Mgr., Communications, Council and Legislative Services/City Clerk, C. Stirtzinger – Appointing Members of the Committee of Adjustment to the Committee of Revision for Local Improvements.
- 07-19** Gen. Mgr., Communications, Council and Legislative Services/City Clerk, C. Stirtzinger – Member Selection Process for the Recreation Facility Feasibility Study Steering Committee.
- 07-19** A By-law to authorize the entering into an agreement with the District School Board of Niagara for

the installation of Playspace Equipment at Plymouth Elementary School.

- 07-20** Russell M. McPherson, President, Welland District Slo-Pitch League Inc. – request for Special Occasion Permits for the Welland Sports Complex canteen area.
- 07-21** Welland/Pelham Chamber of Commerce - 2007 Oscars Eh Event.
- 07-21** Lindsay Burnham, Campaign Coordinator, The Kidney Foundation of Canada – requesting permission to hold a “*Walkathon*” on Sunday, September 23, 2007.
- 07-22** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz – Parking Operations Various.
- 07-22** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz – Traffic Calming Review – Aqueduct Street.
- 07-22** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Road Closure Staff Designation.
- 07-22** A By-law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Traffic and Parking By-law 89-2000 at Seaway Mall; and to repeal By-law 2007-18.
- 07-22** A By-law to amend Schedule “XVII” of By-law 89-2000, being a By-law Regulating Traffic and Parking within the City of Welland.
- 07-22** A By-law to amend By-law 89-2000, being a By-law Regulating Traffic and Parking within the City of Welland.
- 07-32** Gen. Mgr., Communications, Council and Legislative Services/City Clerk, C. Stirtzinger – Tourism Advisory Committee.
- 07-85** Gen. Mgr., Planning and Development Services, D. Thorpe – Application for Approval of Draft Plan of Subdivision (File 26T-14-07001) 2090572 Ontario Inc. Block 150, Plan 59M-269 (north of Daimler Parkway, east of Perth Trail).
- 07-90** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz – Tender – Supply and Application of Road Surface Treatment Materials.
- 07-90** A By-law to authorize the acceptance of tender and the entering into a contract with Norjohn Emulsion Division for the supply and application of Road Surface Treatment Materials.
- 07-92** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz – Tender Award – Utility Cut Final Reinstatement 2007.
- 07-92** A By-law to authorize the acceptance of tender and the entering into contract with Serianni Construction Ltd. for the Utility Cut Final Reinstatement 2007.
- 07-107** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz – Supply and Installation of Protective Screens at Sports Complex Field 1 & 2 – Award of Tender.
- 07-107** A By-law to authorize the acceptance of tender and the entering into a contract with KC Dunrite for the supply and installation of protective screens at the Sports Complex.
- 07-109** Gen. Mgr., Planning and Development Services, D. Thorpe – Commercial Strategy – Award of Contract to Dillon Consulting Limited.
- 07-109** A By-law to authorize the retention of Dillon Consulting Limited for the Commercial Strategy Study for the City of Welland.
- 07-110** Gen. Mgr., Communications, Council and Legislative Services/City Clerk, C. Stirtzinger – Advisory Committee Protocol.
- 07-111** Susan Daniels, Deputy City Clerk, City of Thorold – Elimination and Potential Alternatives of Plastic Grocery Bags.
- 07-112** Lori Hayes Root – Hanging art in the Welland Public Library.
- 07-67** Gen. Mgr., Communications, Council and Legislative Services/City Clerk, C. Stirtzinger – Request to Host and Participate in the Annual International Society of Arboriculture (ISA) Tree Climbing Championships.
- 07-108** Gen. Mgr., Planning and Development Services, D. Thorpe – Application for Zoning By-law Amendment – Casey Holland, Lot 978, NP 960, East side of Crowland Avenue, north of Welland Street (114 Crowland Avenue) (File No. 2007-02).
- 07-111** Chief Southall on behalf of the Regional Niagara Road Safety Committee and Linda Beyer, Chair, Regional Niagara Road Safety Committee – Region-wide “Think and Drive” road safety campaign.

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of June 19, 2007 and Special Council Meeting of June 26, 2007, as circulated.

CARRIED

99-99 Moved by Belcastro and O'Dell

THAT THE COUNCIL OF THE CITY OF WELLAND receives and refers the 2007 Budget of the Welland Recreational Canal Corporation (WRCC) to staff for alignment with the City's Budget.

CARRIED

01-108 Moved by Alexander and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND awards the contract of the supply of Engineering Designs for the Downtown Core to Totten Sims Hubicki, in the amount of \$152,226.00 for Roadway Designs and \$15,398.00 for Gateway Designs, excluding G.S.T.; and further
THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws.

CARRIED

(Councillor Eybel asked to be recorded as opposed to this resolution).

01-108 Moved by Alexander and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND establish a Committee to facilitate input into the roadway and gateway designs.

CARRIED

(Councillors Eybel, Campion, and O'Dell asked to be recorded as opposed to this resolution).

04-92 Moved by Van Vliet and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND approves the request for a sign variance at 811 East Main Street concerning a proposed replacement ground sign by allowing a maximum sign height of 8.0 metres.

CARRIED

04-120 Moved by Grenier and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the execution of a funding agreement with the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) as part of their Asset Management Program (AMP) Project; and further
THAT Welland City Council directs Staff to prepare the appropriate by-law; and further
THAT Welland City Council directs Staff to obtain the required general liability insurance for the above-noted project.

CARRIED

05-99 Moved by Belcastro and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the letter from Regional Clerk, Pam Gilroy, advising of the Council of the Regional Municipality of Niagara's decision to support an Archives Feasibility Study respecting an Archives Collaboration Project currently involving Welland and various area municipalities within the Region and the Niagara Peninsula Conservation Authority.

CARRIED**05-118****07-10**

Moved by Campion and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND approves the recommendation of the Nominating Committee to reduce the number of Councillors on the Water Conservation and Efficiency Advisory Committee to 2 Councillors.

CARRIED**05-149**

Moved by Belcastro and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the General Manager, Public Works and Transportation Services, to retain Kerry T. Howe Engineering Limited to provide final design services to implement Phase 1 remedial works for the Ontario Road Pumping Station Drainage Area at a total estimated cost of \$33,428 excluding G.S.T.; and further

THAT Welland City Council obtain approval from the Region of Niagara for cost sharing as a combined sewer overflow reduction project; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to execute the same.

CARRIED**06-114**

Moved by Chiocchio and Eybel

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the report from the 150th Anniversary Planning Committee, as presented by Deanna Villella, Co-Chair, outlining proposed events scheduled for the City of Welland's 150th Anniversary celebrations in 2008; and further

THAT Welland City Council approves, as part of the 150th Anniversary celebrations, an International Cycling Circuit Road Race Event proposed for the August 3-4, 2008 weekend, subject to the applicant's completion of all conditions of the Policy for Road Use for Community Activities.

CARRIED**06-131****06-131Z** Moved by Belcastro and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND supports the Regional Policy Plan Amendment to extend the City's Urban Area Boundary to include the lands south of Gaiser Road to Coyle Creek; and further

THAT Welland City Council adopts an Official Plan Amendment to designate the lands south of Gaiser Road, east of South Pelham Road Low Density Residential. The Amendment will not come into effect until the Regional Policy Plan Amendment is finalized; and further

THAT Welland City Council approves an amendment to Zoning By-law 2667, as amended, for lands south of Gaiser Road, east of South Pelham Road, more specifically described as Part of Lots 259 and 260 and Part of the Road Allowance between Lots 259 and 260, former Township of Thorold, now in the City of Welland from the existing Rural Agricultural (RA) Zone to a Holding Site Specific Single-Detached Dwelling Third Density (H-R3-X15) Zone, a Holding Site Specific Multiple Dwelling – Third Density (H-RM3-X20), an Open Space (O1) Zone and a Site Specific Environmental Protection (EPA-X5) to permit the development of a Plan of Subdivision consisting single-detached dwellings, townhouse units, a stormwater management facility and parkland; and further

THAT Welland City Council directs that prior to the lifting of 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 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; and that Model Homes may be permitted as contemplated by the Subdivider's Agreement while the Holding Symbol (H) is in place; and further THAT Welland City Council grants Draft Approval to the Coyle Creek Estates Subdivision (File: 26T-14-06003) developed by Jennifer Wuisman, Sterling Realty (Niagara Inc.), Harry and Sandra Andrews and Raymond and Deborah Sibbett being, Part of Lots 259 and 260 and Part of the Road Allowance between Lots 259 and 260, former Township of Thorold now in the City of Welland based upon a Plan prepared by W. Mascoe, O.L.S. dated April 23, 2007 consisting of seventy-nine (79) single-detached dwellings, one (1) Block for forty-three (43) townhouse units, one (1) Block for a stormwater management facility, two (2) Blocks for park purposes, one (1) Block for future residential purposes and six (6) Blocks for 0.3 metre reserves, as red-lined by the City of Welland subject to the following Conditions:

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06-131Z...cont'd.

1. That the Regional Policy Plan Amendment for the subject lands and Official Plan Amendment No. 121 be approved;
2. That the Owner enter into a Subdivider's Agreement with the City of Welland to be registered on Title;
3. 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;
4. That all necessary Easements required for utility and servicing purposes be granted to the appropriate Authority free of all encumbrances;
5. That Blocks 85 to 90 inclusive being 0.3 metre Reserves, be transferred to the City of Welland free of all encumbrances for access control purposes;
6. That a temporary turning circle be constructed to the satisfaction of the City of Welland and the Region of Niagara Public Works Department either at the easterly terminus of Street 'A' or, by Agreement, on the adjacent lands (within the Blue River Estates Subdivision) should the lands east of Street 'A' remain undeveloped. The Owner is responsible for the costs of creating and maintaining the temporary turning circle;
7. That 5 metre by 5 metre daylighting triangles on Lots 1, 7, 8, 13, 14, 38, 39, 59, 60, 69, 70, and 79 be dedicated as part of the roadway system;
8. That the Owner shall transfer Blocks 83 and 84 to the City of Welland, at the City's discretion, free of all encumbrances, in partial satisfaction of the requirement for 5% Parkland Dedication. The Owner shall also pay Cash-in-lieu of Parkland Dedication in addition to Blocks 83 and 84 in order to meet the 5% Parkland Dedication Requirement. Alternatively, at the City's discretion, the Owner may upgrade the parklands above the minimum standards required for the transfer of parkland which may include walkways and furniture, among other components. Blocks 83 and 84 shall be developed in conformity with the City's requirements for land to be Conveyed to the City in place at the time of the execution of the Subdivider's Agreement, Until transferred to the City, the Owner shall be responsible for the payment of all property taxes;
9. The Owner shall pay to the City of Welland, upon execution of the Subdivider's Agreement, \$300.00 per dwelling unit for the installation of trees within the road allowance by City forces;
10. 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;
11. That the Owner acknowledges within 60 days of Draft Plan Approval of this Subdivision that Draft Approval 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;
12. That the Owner shall, within 60 days of Draft Plan Approval, 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;

13. That the recommendations noted in the Environmental Impact Study (EIS) prepared by L. Campbell & Associates be included in the Subdivider's Agreement between the City and Owner and implemented to the satisfaction of the City and the Region;
14. 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, and to the Niagara Peninsula Conservation Authority for review and approval two (2) copies of a detailed stormwater management plan for the Subdivision (the plan should provide **Level 1** protection) and the following plans (a, & b) 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;

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06-131Z...cont'd.

- b) Detailed sediment and erosion control plans. All sediment and erosion control measures shall be maintained in good conditions for the duration of construction until all disturbed surfaces have been stabilized; and

The Owner agrees, in the Subdivider's Agreement, to implement the recommendations of the approved 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;
15. 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 14 above;
16. That an archaeological assessment be conducted of the entire development site by a licensed archaeologist and adverse impacts to any 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;
17. 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);
18. 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;
19. That in order to provide Regional curbside waste collection services, the Owner must ensure that all roadways can provide a through access and comply with the Regional Public Works Waste Collection standards;
20. That the stormwater management facility (Block 82) be placed in an appropriate Zone category to recognize its specific use and prohibit residential development;
21. That 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 Niagara Peninsula Conservation Authority;
22. That a security fence be installed along the rear lot lines of lots 20 to 30, Block 81 and lots 45 (partial) to 52 inclusive to the satisfaction of the Niagara Peninsula Conservation Authority;
23. That the Owner submit a Tree Saving or Preservation Plan to the Regional Planning and

- Development Department for review and comment, with a copy to the City of Welland. The recommendations of the approved Plan shall be implemented through the Subdivider's Agreement between the Owner and the City of Welland;
24. 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;
 25. That Block 80 be reserved for a future roadway purposes (roundabout);
 26. That the Stormwater Management Facility (Block 82) will not be transferred to the City until such time as full build out of all plans tributary to the stormwater management facility. The Owner will be responsible for all maintenance and the payment of all property taxes during this period;
 27. That the Owner shall undertake the necessary studies to determine the location and status of any gas wells located on the subject lands. The Owner will be required to satisfy the City of Welland that any gas wells are properly capped;
 28. That the Owner shall have installed a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes. These concrete pads shall be identified on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the Plan of Subdivision;

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06-131Z...cont'd.

29. The Owner shall construct municipal sidewalks along the south side of Gaiser Road along the entire frontage of the subject lands;
30. That the Owner file a Record of Site Condition (RSC) with the Ministry of the Environment;
31. 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 and Development Department for Conditions: 11, 12, 13, 14, 15, 16, and 23;
 - ii) Regional Niagara Public Works Department for Conditions: 17, 18 and 19;
 - iii) Niagara Peninsula Conservation Authority for Conditions: 20, 21 and 22;
32. 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 further

THAT Welland City Council authorizes the Mayor to sign the Draft Approval and final Approval Plans for the Coyle Creek Estates Subdivision once all Conditions have been satisfied.

CARRIED

06-132

06-132Z Moved by Alakas and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND supports the Regional Policy Plan Amendment to extend the City's Urban Area Boundary to include the lands south of Gaiser Road to Coyle Creek; and further

THAT Welland City Council adopts an Official Plan Amendment to designate the lands south of Gaiser Road, west of Colbeck Drive Low Density Residential. The Amendment will not come into effect until the Regional Policy Plan Amendment is finalized; and further

THAT Welland City Council approves an amendment to Zoning By-law 2667, as amended, for lands south of Gaiser Road, west of Colbeck Drive, more specifically described as Part of Lots 256 and Broken Front Lot 256, Part of the Road Allowance between Lots 256 and Broken Front Lot 256, Part of Lots 257 and 259 and Part of the Road Allowance between Lots 257 and 259, former Township of Thorold, now in the City of Welland from the existing Rural Agricultural (RA) Zone to a Holding Site Specific Single-Detached Dwelling Third Density (H-R3-X15) Zone, a Holding Site Specific Multiple Dwelling – Third Density (H-RM3-X17) and a Site Specific Environmental Protection (EPA-X5) Zone to permit the development of a Plan of Subdivision consisting single-detached dwellings and street townhouses; and further

THAT Welland City Council directs that prior to the lifting of 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 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 and that Model Homes may be permitted as contemplated by the Subdivider's Agreement while the Holding Symbol (H) is in place; and further THAT Welland City Council grants Draft Approval to the Blue River Estates Subdivision (File: 26T-14-06004) developed by Jennifer Ann Wuisman, Sterling Realty (Niagara Inc.), Peninsula Residentials Inc. and Lea Silvestri Investments Ltd. being Part of Lots 256 and Broken Front Lot 256, Part of the Road Allowance between Lots 256 and Broken Front Lot 256, Part of Lots 257 and 259 and Part of the Road Allowance between Lots 257 and 259, former Township of Thorold, now in the City of Welland based upon a Plan prepared by W. Mascoe, O.L.S. dated April 18, 2007 consisting of forty-two (42) single-detached dwellings, two (2) Blocks for future residential purposes, one (1) Block for street townhouses, one (1) Block for a 0.3 metre reserve and one (1) Block for road widening purposes, as red-lined by the City of Welland, subject to the following Conditions:

...continued...

06-132

06-132Z...cont'd.

1. That the Regional Policy Plan Amendment for the subject lands and Official Plan Amendment No. 121 be approved;
2. That the Owner enter into a Subdivider's Agreement with the City of Welland to be registered on Title;
3. 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;
4. That all necessary Easements required for utility and servicing purposes be granted to the appropriate Authority free of all encumbrances;
5. That Block 47 being a 0.3 metre Reserve, be transferred to the City of Welland free of all encumbrances for access control purposes;
6. That a temporary turning circle be constructed to the satisfaction of the City of Welland and the Region of Niagara Public Works Department either at the westerly terminus of Street 'A' or, by Agreement, on the adjacent lands (within the Coyle Creek Estates Subdivision) should the lands west of Street 'a' remain undeveloped. The Owner is responsible for the costs of creating and maintaining the temporary turning circle;
7. That 5 metre by 5 metre daylighting triangles on Lots 1, 14 and 15 be dedicated as part of the road;
8. The Owner shall pay Cash-in-lieu of Parkland Dedication based upon current City requirements;
9. The Owner shall pay to the City of Welland, upon execution of the Subdivider's Agreement, \$300.00 per dwelling unit for the installation of trees within the road allowance by City forces;
10. 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;
11. That the Owner acknowledges within 60 days of Draft Plan Approval of this Subdivision that Draft Approval 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;
12. That the Owner shall, within 60 days of Draft Plan Approval, 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;
13. That the recommendations noted in the Environmental Impact Study (EIS) prepared by L. Campbell & Associates be included in the Subdivider's Agreement between the City and Owner and implemented to the satisfaction of the City and the Region;
14. 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, and to the Niagara Peninsula Conservation Authority for review and approval two (2) copies of a detailed stormwater management plan for the Subdivision (the plan should provide **Level 1** protection) and the following plans (a, & b) 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 means whereby overland flows will be accommodated across the site;
- b) Detailed sediment and erosion control plans. All sediment and erosion control shall be maintained in good conditions for the duration of construction until all disturbed surfaces have been stabilized; and
- c) The Owner agrees, in the Subdivider's Agreement, to implement the recommendations of the approved 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;

...continued...

06-131

06-131Z...cont'd.

15. 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 14 above;
16. That an archaeological assessment be conducted of the entire development site by a licensed archaeologist and adverse impacts to any 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;
17. 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);
18. 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;
19. That in order to provide Regional curbside waste collection services, the Owner must ensure that all roadways can provide a through access and comply with the Regional Public Works Waste Collection standards;
20. That a security fence be installed along the rear lot lines of Lots 22 to 28 inclusive and the side lot line of Lot 32 to the satisfaction of the Niagara Peninsula Conservation Authority;
21. That the Owner shall undertake the necessary studies to determine the location and status of any gas wells located on the subject lands. The Owner will be required to satisfy the City of Welland that any gas wells are properly capped;
22. That the Owner shall have installed a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes. These concrete pads shall be identified on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the Plan of Subdivision;
23. The Owner shall construct municipal sidewalks along the south side of Gaiser Road along the entire frontage of the subject lands;
24. The City shall undertake the process of stopping up and closing Colbeck Drive, south of Webber Road and those parts of Gaiser Road deemed obsolete at such time as development is imminent;
25. The Owner shall be responsible for all costs associated with the realignment of Gaiser Road
26. The Owner shall be responsible for all construction costs associated with the closure of Colbeck Drive at Webber Road including the construction of any necessary walkway, landscaping and associated vehicular barriers;
27. That the Owner submit a Tree Saving or Preservation Plan to the Regional Planning and Development Department for review and comment, with a copy to the City of Welland. The recommendations of the approved Plan shall be implemented through the Subdivider's Agreement between the Owner and the City of Welland;
28. That Block 48 being a road widening, be dedicated as part of the road;
29. That the Owner file a Record of Site Condition (RSC) with the Ministry of the Environment;
30. 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:
- a) Regional Niagara Planning and Development Department for Conditions: 11, 12, 13, 14, 15 and 16;
 - b) Regional Niagara Public Works Department for Conditions: 17, 18, and 19;

- c) Niagara Peninsula Conservation Authority for Conditions: 20.
31. 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 further

...continued...

06-132**06-132Z...cont'd.**

THAT Welland City Council authorizes the Mayor to sign the Draft Approval and final Approval Plans for the Coyle Creek Estates Subdivision once all Conditions have been satisfied.

CARRIED**06-161****07-94**

Moved by Alexander and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND provides budget approval to re-allocate an additional sum of \$230,000, formerly committed to the Woodlawn Road Watermain in the 2007 Waterworks Capital Budget, to supplement the 2006 and 2007 project allocations of \$132,000, and \$400,000 respectively for a new total project allocation of \$762,000 for the Lincoln Street, Kline's Avenue, and Cross Street Watermain project of which \$630,000 will be by way of debenture; and further

THAT Welland City Council approves and accepts the tender of Condotta Construction Ltd. of Thorold, Ontario, as detailed in Report ENG-2007-20, for the Watermain Replacement on Lincoln Street between Prince Charles and Mayfair Drives, Kline's Avenue and Cross Street between East Main and Division Streets and Watermain Abandonment on East Main Street between Hellems Avenue and Cross Street at the quoted price of \$687,784.70 including applicable PST; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a contract with the said contractor, to execute the construction.

CARRIED

(Councillor Campion asked to be recorded as opposed to this resolution).

07-10

Moved by Belcastro and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND appoints the members of the Committee of Adjustment, namely George Anderson, John Perry, and Diane Zakraysek to also serve as the Committee of Revision for purposes under Section 400 of the Municipal Act, 2001 and related Ontario Regulations 119/03 and 586/06 pertaining to local improvements.

CARRIED**07-15**

Moved by Belcastro and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the Mayor and the Clerk to execute a three (3) year purchasing agreement with R. Nichols Distributors Inc. of 2475 de la Province, Longueuil, Quebec, for the supply of fire service uniform clothing that meets the requirements stated in the City's Request for Tenders that closed on July 12, 2007; and further

THAT the Council of the City of Welland authorizes the Mayor and the Clerk to execute a three (3) year purchasing agreement with Stokes International of 5225 Orbitor Drive, Mississauga, Ontario, for the supply of fire service uniform caps and accoutrements that meets the requirements stated in the City's Request for Tenders that closed on July 12, 2007.

CARRIED**07-19**

Moved by Sharpe and Eybel

THAT THE COUNCIL OF THE CITY OF WELLAND approves the creation of a Tourism Advisory Committee (TAC); and further

THAT Welland City Council approves the Terms of Reference of the Tourism Advisory Committee; and further

THAT Welland City Council authorizes Staff to recruit membership for that Committee.

.....

07-19 Moved by Van Vliet and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND approves in principle, the Terms of Reference for the Recreation Facility Feasibility Study Steering Committee attached as Appendix I in REPORT PR-2007-21; and further

THAT Welland City Council approves the Member Selection Matrix for the selection of members to serve on the Recreation Facility Feasibility Study Steering Committee attached as Appendix II in REPORT PR-2007-21; and further

THAT Welland City Council directs staff to commence the recruitment process for the selection of six (6) citizens to serve on the Recreation Facility Feasibility Study Steering Committee and report recommendations to Council; and further

THAT Welland City Council appoints the Chair of the Community Services Committee to serve on the Recreation Facility Feasibility Study Steering Committee.

NOT PUT

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

07-19 Moved by Belcastro and Eybel

THAT the matter regarding the Recreation Facility Feasibility Study Steering Committee be referred to the August 14, 2007 Council Meeting.

CARRIED

07-20 Moved by Belcastro and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND has no objection to the application by Welland & District Slo-Pitch League Inc., for a Special Occasion Permit to operate an alcoholic beverage tent at a baseball tournament being hosted by Welland and District Slow Pitch League Inc. at the Welland Sports Complex on July 20, 21, and 22, 2007; and further

THAT Welland City Council declares the event as municipally significant.

CARRIED

07-21 Moved by Belcastro and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND approves the application of The Kidney Foundation of Canada to hold a Walkathon on Sunday, September 23, 2007, subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

07-21 Moved by Van Vliet and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND has no objection for the temporary street closure of East Main Street between Hellems Avenue and Cross Street from 9:00 a.m. Saturday, October 13th, 2007 until noon Sunday, October 14th, 2007 for the "2007 Oscars Eh Event" subject to the applicant's completion of all conditions of the Policy for Road Use for Community Activities and exempts the event from the City of Welland Noise By-law.

CARRIED

07-21

07-49 Moved by Belcastro and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND has no objection for the temporary street closure of East Main Street between Hellems Avenue and King Street; Boardwalk at East Main Street; Courthouse Lane at Dorothy Street; and Cross Street at Division Street from 6:00 p.m. to 11:00 p.m. Friday, September 28; 11:00 a.m. to 11:00 p.m. Saturday, September 29; and 11:00 am. to 6:00 p.m. Sunday, September 30, 2007 for the "*Niagara Food Festival*"; subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities and exempts the event from the City of Welland Noise By-law.

CARRIED

07-22

Moved by Belcastro and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND approves the amendment of Traffic and Parking By-law 89-2000 to permit designated City Staff to have authority to temporarily close a highway under the jurisdiction of the City of Welland by adding:

Part V - Traffic Regulations –

5.16 Road Closure Approvals:

The City Engineer or official designate has the authority to temporarily close a highway for a period of up to three (3) days subject to the requirements of Part VIII, Section 8.1 City Permits, on highways under the jurisdiction of the City of Welland as per the Ontario Municipal Act, 2001, S.O. 2001, Chapter 25.

CARRIED

07-22

Moved by Belcastro and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare the necessary By-law to amend By-law 89-2000, Schedule XXXIV, "Residential Parking Permit Only" as follows:

ADDING:

COLUMN 1 HIGHWAY	COLUMN 2	
	FROM	TO
Albert Street West	a point 60 meters west of King Street	a point 75 meters west of King Street

CARRIED

07-22

Moved by Chiocchio and alexander

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to continue with the Environment Assessment Process and to implement temporary measures for the full street closure of Aqueduct Street, south of Hilda Street; and further,

THAT Welland City Council directs staff to prepare the necessary by-law to amend By-law 89-2000, Schedule XXVII "Rate of Speed" as per Regulation 128, Section 3.1 of the Highway Traffic Act, once the temporary traffic calming measure have been implemented.

Adding:

COLUMN 1 HIGHWAY	COLUMN 2		COLUMN 3 MAXIMUM SPEED (KM/HR)
	FROM	TO	
Aqueduct Street	Thorold Road	Hilda Street	30

CARRIED

07-22 Moved by Dzugan and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare a bylaw to implement the following parking initiatives:

- i) That "Free Parking" be implemented in Area "B" at the Market Square parking lot; and further
- ii) That staff discontinue parking fee collection at the Park Street parking lot; and further
- iii) That staff install parking meters on the east side of King Street from approximately Fifth Street to Third Street, Monday to Saturday, 8am to 6pm at a fee of \$1.00/hour and a maximum time period of 2 hours; and further
- iv) That staff install a parking machine at the Welland Arena to be in operation Monday to Friday, 6am to 4pm, at a fee of \$0.50/hour; and further
- v) That residential permit parking only be implemented on Fourth Street, Fifth Street, Sixth Street, and that all current residents be provided free parking permits; and further
- vi) That the rate of pay for both the Market Square Parking Lot, Area D and King Street Parking Lot, be increased to \$0.50/hour.

NOT PUT

07-22 Moved by Sharpe and Alakas

THAT motion 07-22 regarding parking initiatives be amended by removing Item (iv): ***"That staff install a parking machine at the Welland Arena to be in operation Monday to Friday, 6am to 4pm, at a fee of \$0.50/hour"***.

CARRIED

07-22 Moved by O'Dell and Letourneau

THAT motion 07-22 regarding parking initiatives be amended by removing Item (ii) ***"That staff discontinue parking fee collection at the Park Street parking lot"***.

CARRIED

(Councillor Grenier asked to be opposed to this resolution).

07-22 Moved by Campion and Sharpe

THAT motion 07-22 regarding parking operations, as amended, be referred for further study and report.

CARRIED

07-32 Moved by Eybel and Letourneau

THAT the matter regarding the Tourism Advisory Committee be referred for further study and report.

LOST

FOLLOWING THE LOST VOTE ON THE MOTION TO REFER, THE ORIGINAL MOTION WAS THEN PUT IN ITS ORIGINAL FORM AS FOLLOWS:

07-32 Moved by Sharpe and Eybel

THAT THE COUNCIL OF THE CITY OF WELLAND approves the creation of a Tourism Advisory Committee (TAC); and further

THAT Welland City Council approves the Terms of Reference of the Tourism Advisory Committee; and further

THAT Welland City Council authorizes Staff to recruit membership for that Committee.

AND.....CARRIED

(Councillors O'Dell, Alakas and Letourneau asked to be recorded

as opposed to this resolution).

07-67 Moved by Belcastro and Alakas

THAT THE COUNCIL OF THE QTY OF WELLAND authorizes staff to display the City's forestry vehicles and related equipment at the 19th Annual Tree Climbing Championship hosted by the International Society of Arboriculture of Ontario (ISAO) at the Niagara Botanical Gardens on Saturday, September 15, 2007; and further

THAT Welland City Council supports the proposal from City Staff to submit an application to host the 20th Annual (ISAO) Tree Climbing Championship in 2008 at Chippawa Park in Welland; and further

THAT Welland City Council endorses that the application to host the 20th Annual (ISAO) Tree Climbing Championship in 2008 is considered by the City's 150th Anniversary Planning Committee as a celebration event.

CARRIED

07-85 Moved by Belcastro and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND grants Draft Approval to Block 150 Subdivision (File: 27T-14-07001) owned by 2090572 Ontario Inc., being Block 150, Plan 59M-269, City of Welland prepared by Suda Maleszyk showing seven (7) lots for single detached dwellings, one (1) Block for a freehold triplex 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 have been registered on Title;
- (c) That all necessary Easements required for utility and servicing purposes shall be granted to the appropriate Authority free and clear of all encumbrances;
- (d) The Owner shall provide comprehensive geotechnical soils investigations for each building site which must make recommendations on the use of the site for the construction of buildings prior to the issuance of a Building Permit;
- (e) Concrete sidewalks, to City Standards, shall be constructed on north side of Daimler Parkway and on the east side of Perth Trail;
- (f) That any work on Daimler Parkway with respect to the realignment/removal of the concrete island will be borne by the Owner. The required work is to be approved by the City;
- (g) The Owner acknowledges that Lots 1 and 2 will be serviced privately;
- (h) The Owner shall pay, to the City of Welland, upon execution of the Subdivider's Agreement, \$300.00 per dwelling unit for the installation of trees within the public road allowance by City forces. The Owner shall ensure that at least one (1) tree is planted in front of each lot fronting onto Perth Trail.
- (i) The Owner shall plant trees along the northern and eastern most property lines to provide for more privacy to the surrounding land owners and future residents of the Subdivision;
- (j) That the Owner acknowledges within 60 days of Draft Plan Approval of this Subdivision that Draft Approval 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 That in order to provide Regional curbside waste collection services, the Owner must ensure that all streets and development blocks provide an adequate through access to the satisfaction of the Regional Public Works Department;
- (k) That immediately within sixty (60) days 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;
- (l) That the design drawings for the water, sanitary sewer and stormwater drainage systems required to service this development be submitted to the Regional Public Works Department for review and approval. (Note: Any stormwater management facility that may be proposed for this development would require the direct approval of the Ministry of the Environment, Toronto);
- (m) 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;
- (n) That prior to the Final Plan or any on-site grading, the Owner shall submit to the Regional Planning and Development Department, for review and approval, two copies of the following plans for the Subdivision designed and sealed by a suitably qualified professional engineer:
- i) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - ii) Detailed sediment and erosion control plans;
 - iii) That the Subdivider's Agreement between the Owner and the City of Welland contain provisions whereby the Owner agrees to implement these approved plans.
- (o) That prior to the granting of Approval for the Final Plan, City of Welland Planning and Development Services will require written notice from the following upon their respective Conditions having been met satisfactorily:
- Regional Niagara Planning and Development Department for Conditions: j, k, n.
Regional Niagara Pubic Works Department for Condition: l, m.

CARRIED

07-90 Moved by Belcastro and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND approves the tender of Norjohn Emulsion Division for the supply and application of Road Surface Treatment Materials for the total price of \$80,400; and further THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a contract with the said contractor, to execute the construction.

CARRIED

07-92 Moved by Belcastro and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of Serianni Construction Ltd. of Welland, Ontario, as detailed in Report ENG-2007-18, for the Utility Cut Final Reinstatement 2007 at the quoted price of \$206,951.50 including applicable PST; and further THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a contract with Serianni Construction Ltd., to execute the construction.

CARRIED

07-107 Moved by Chiocchio and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND accepts Report P&R-2007-22 Supply and Installation of Protective Screens at Sports Complex 1 & 2 Award of Tender for information; and further THAT Welland City Council accepts the tender of KC Dunrite of Caledonia, Ontario, as detailed in Report P&R-2007-22, for the Supply and Installation of Protective Screens at Sports Complex 1 & 2 at the quoted price of \$28,857.60 including applicable PST; and further THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a contract with KC Dunrite, to execute the construction.

CARRIED

07-108Z Moved by Letourneau and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report PDS-2007-51 concerning an Amendment to Zoning By-law 2667, as amended, for Lot 978, NP 960, east of Crowland Avenue and north of Welland Street, known municipally as 114 Crowland Avenue; and further THAT Welland City Council defers any decision until such time as the existing building is inspected to determine its feasibility to be redeveloped.

CARRIED

07-109 Moved by Alexander and Grenier
 THAT THE COUNCIL OF THE CITY OF WELLAND accepts the proposal negotiated with Dillon Consulting Limited for the development of a Commercial Strategy and related Official Plan Policies in the amount of \$112,724.88, excluding G.S.T.; and further
 THAT Welland City Council pre-approves the expenditure of \$37,725.00 from the 2008 Operating Budget for the Commercial Strategy; and further
 THAT Welland City Council approves an exemption from the Purchasing Policy to permit a single source expenditure; and further
 THAT Welland City Council directs Staff to prepare the necessary By-law.

CARRIED

(Councillor Campion asked to be opposed to this resolution).

07-110 Moved by Alexander and Chiochio
 THAT THE COUNCIL OF THE CITY OF WELLAND adopts the Advisory Committee Protocol, in principle.

CARRIED

07-111 Moved by Belcastro and Eybel
 THAT THE COUNCIL OF THE CITY OF WELLAND supports the resolution from the City of Thorold regarding the negative environmental impact of plastic bags and requesting the Region of Niagara to consider a policy to reduce or eliminate plastic grocery bags, and work with retailers to discourage the practice of double bagging and suggest alternatives to plastic grocery bags, such as low-cost biodegradable bags, canvas or paper bags; and further
 That the Clerk advise the proper authorities accordingly.

CARRIED

07-112 Moved by Sharpe and Chiochio
 THAT THE COUNCIL OF THE CITY OF WELLAND receives the letter from Lori Hayes Root dated June 13, 2007 requesting permission to install a mounting device to be supplied by Lori Hayes Root and others through fund raising efforts to display the art of interested local artists in the Library level entrance to the Civic Square; and further
 THAT Welland City Council approves the request to promote the art of local artists in the Library level entrance of the Civic Square on the understanding that all displayed art is left at the sole risk of the artist/owner of said work.

CARRIED

07-114 Moved by Dzugan and Eybel
 THAT THE COUNCIL OF THE CITY OF WELLAND agrees to participate in the Region-wide "Think and Drive" social marketing road safety campaign and to work with the Regional Niagara Road Safety Committee to achieve local community support.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

04-47

07-10 Moved by Belcastro and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Fred Sullivan to the Welland Public Library Board to November 30, 2010 to replace the late Rudi Masswohl.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

1. Moved by Alexander and Grenier
THAT THE COUNCIL OF THE CITY OF WELLAND now gives leave to introduce the following proposed By-laws entitled:

07-4

BYL 2007 - 101

A By-law to adopt the revised 2007 Capital Budget.

...continued...

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

06-161

07-94

BYL 2007 - 102

A By-law to authorize the acceptance of tender and the entering into a contract with Condotta Construction Ltd. for the watermain replacement on Lincoln Street between Prince Charles Drive and Mayfair Drive, Kline's Avenue and Cross Street, and between East Main Street and Division Street, and the Watermain Abandonment on East Main Street between Hellems Avenue and Cross Street.

01-108

BYL 2007 – 103

A By-law to authorize the retention of Totten Sims Hubicki to provide Engineer Designs for the Downtown Core.

06-131

06-132

BYL 2007 - 104

A By-law to authorize the signing of Official Plan Amendment No. 121.

06-131Z

BYL 2007 - 105

A By-law to amend City of Welland Zoning By-law 2667 (Sterling Realty (Niagara) Inc., Jennifer A. Wuisman, Harry J. and Sandra G. Andrews and Raymond B. and Deborah A. Sibbett - File 2006-10) south side of Gaiser Road east of South Pelham Road.

06-132Z

BYL 2007 - 106

A By-law to amend City of Welland Zoning By-law 2667 (Peninsula Residentials Inc., Jennifer Ann Wuisman, Lea Silvestri Investments Ltd. and Sterling Realty (Niagara) Inc. - File 2006-11) north and

south of Gaiser Road, east of Colbeck Drive.

07-107

BYL 2007 - 107

A By-law to authorize the acceptance of tender and the entering into a contract with KC Dunrite for the supply and installation of protective screens at the Sports Complex.

07-109

BYL 2007 - 108

A By-law to authorize the retention of Dillon Consulting Limited for the Commercial Strategy study for the City of Welland.

And that same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Alexander and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-laws listed in the foregoing motion as reproduced in this Evening's Council Agenda, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal same.

CARRIED

BY-LAWS PRESENTED FOR FIRST READING:

3. Moved by Belcastro and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND now gives leave to introduce the following proposed By-laws entitled:

05-149

BYL 2007 - 109

A By-law to authorize the retention of Kerry T. Howe Engineering Limited to provide final design services for the implementation of Phase 1 Remedial Works for the Ontario Road Pumping Station Area.

06-13

BYL 2007 - 110

A By-law to authorize the entering into a Collective Agreement with the Amalgamated Transit Union Local 1633 for the period of January 1, 2006 to June 30, 2011.

07-4

BYL 2007 - 111

A By-law to amend By-law 2007-68, being a By-law to establish tax ratios and tax rates and to levy taxes for the year 2007.

07-19

BYL 2007 - 112

A By-law to authorize the entering into an agreement with the District School Board of Niagara for the installation of Playspace Equipment at Plymouth Elementary School.

07-22

BYL 2007 - 113

A By-law to appoint Traffic Enforcement Officers of the Corporation

of the City of Welland to enforce the provisions of Traffic and Parking By-law 89-2000 at Seaway Mall; and to repeal By-law 2007-18.

07-22

BYL 2007 - 114

A By-law to amend By-law 89-2000, being a By-law Regulating Traffic and Parking within the City of Welland.

07-90

BYL 2007 - 115

A By-law to authorize the acceptance of tender and entering into a contract with Norjohn Emulsion Division for the supply and application of road surface treatment materials.

07-92

BYL 2007 - 116

A By-law to authorize the acceptance of tender and the entering into contract with Serianni Construction Ltd. for the Utility Cut Final Reinstatement 2007.

2000-43

2000-83

BYL 2007 - 117

A By-law to repeal By-law 2006-185, being a By-law to authorize the entering into an agreement with Philips Engineering to update the engineering standards for new development within the City of Welland.

...continued...

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

07-1

BYL 2007 - 118

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 17th day July, 2007.

And that the same be now read a first time.

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

4. Moved by Belcastro and Alakas
 THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-laws listed in the foregoing motion as reproduced in this Evening's Council Agenda, as amended, be now read a second and third time and do pass, and the Mayor and 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, August 8, 2007 for inclusion on the next Regular Council Meeting Agenda of August 14, 2007.

99-99 Councillor Van Vliet gave Notice of Motion of the following issue to be presented to Council at the August 14, 2007 Regular council Meeting:

THAT THE COUNCIL OF THE CITY OF WELLAND approves amending the Go Quietly By-law to permit the use of boats powered by motors of 10 horsepower or less to use the Welland Recreational Waterway in the northern section of the waterway commencing from the Townline Road plug to the northern extreme of the Waterway.

Council adjourned at 10:50 p.m.

These Minutes approved and adopted by Motion of Council this 14th day of August, 2007.

MAYOR

DEPUTY CLERK