



**COUNCIL MEETING, NOVEMBER 13, 2007**

**BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE (IN CAMERA): TO DISCUSS PROPOSED OR PENDING ACQUISITION OF LAND OR DISPOSITION OF LAND BY THE MUNICIPALITY, LITIGATION OR POTENTIAL LITIGATION AND PERSONAL 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 6:17 p.m. and in open session at 7:30 p.m. to hold Statutory Public Hearings under the *Planning Act*, and recessed at 7:35 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 8:18 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

**Members Present:**

Councillors R. Alakas, D. Alexander, M. Belcastro, F. Campion, P. Chiocchio, M. Dzugan, P. Grenier, J. Larouche, 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 (7:30 p.m.)

General Manager, Planning & Development Services, D. Thorpe

General Manager, Parks, Facilities and Leisure Services, B. Fenwick

General Manager, Human Resources, R. Mantesso

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

**07-25** Moved by Dzugan and Campion

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:17 p.m. to consider:

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

**CARRIED**

***(Councillor Grenier was not present during Committee-of-the-Whole discussions on a proposed or pending acquisition or disposition of land matter).***

**07-25** Moved by Van Vliet and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:30 p.m. without report.

**CARRIED**

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF NOVEMBER 13, 2007:**

**2000-122** Gen. Mgr., Planning and Development Services, D. Thorpe – New Highway Damage and Obstruction Control By-law.

**07-4** Budget Review Committee – future arena project.

**07-4** Budget Review Committee – 2008 Capital Budget Forecast.

**07-6** Senator Stephen Quesnelle, Metis Nation of Ontario Welland Council – requesting to have the Metis Flag flown at City Hall on Louis Riel Day, November 16, 2007.

**07-13** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz – Creative Outdoor Advertising Contract.

**07-19** Gen. Mgr., Parks, Facilities and Leisure Services, B. Fenwick – Feasibility Study Steering Committee.

**07-22** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Construction and Lease Agreement – State Street Parking Lot.

**07-22** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Lyons Creek Road & Moyer Road School.

**07-22** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Parking Restrictions – Elizabeth Street.

**07-22** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Review of Parking Operations.

**07-22** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Award of Tender Supply of Two (2) Pay and Display Parking Machines.

**07-28** Colleen Bateman – incentives for downtown Welland.

**07-126**

**07-126Z** Gen. Mgr., Planning and Development Services, D. Thorpe – Proposed Plan of Subdivision and Amendment to Zoning By-law 2667 – Clare Estates Subdivision (File No. 26T-14-07002, and 2007-06) – south side of Webber Road, between South Pelham Road and Clare Avenue – Upper Canada Consultants on behalf of: Triple-F Developments Inc., 1454417 Ontario Ltd., and Lea Silvestri Investments Ltd.

**07-147Z** Gen. Mgr., Planning and Development Services, D. Thorpe – Application for Zoning By-law Amendment – Joseph Tomaino and Ivan Gojmerac, Lot 48 and Part of Lots 46 and 47, Plan 552, known municipally as 102 Maple Avenue (File: 2007-07).

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

**07-13** A By-law to authorize the entering into an agreement with Creative Outdoor Advertising to provide advertising on transit benches within the City of Welland.

**07-88** A By-law to authorize the retention of Dillon Consulting Limited to prepare the New Official Plan for the City of Welland.

**07-126Z** A By-law to amend City of Welland Zoning By-law 2667 (Triple-F Developments Inc., 1454417 Ontario Ltd., and Lea Silvestri Investments Ltd. – File 2007-06).

**07-147Z** A By-law to amend City of Welland Zoning By-law 2667 (Joseph M. Tomaino and Ivan Gojmerac – File 2007-07) 102 Maple Avenue.

**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 13th day of November, 2007.

**STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT**

Councillor Dzugan presided as Chair of the Public Hearings:

**07-147Z** A complete Application has been made by JOSEPH M. TOMAINO AND IVAN GOJMERAC to rezone Lot 48 and Part of Lots 46 and 47, Plan 552 for lands at 102 Maple Avenue from the existing R2 – Single-Detached Dwelling – Second Density Zone By-law 2667 to a Site Specific R3 Zone By-law 2667. The purpose of the Amendment is to permit the construction of two (2) single-detached dwellings on lots having a minimum frontage of 11.5 metres whereas 12.0 metres is required and to satisfy a Condition of approval of a Consent Application which will create two (2) lots where one (1) exists. The Official Plan designation is RESIDENTIAL (R). The subject lands are also the subject of an Application for Consent – File B018/2007WELL.

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 applications:**

- Joe Tomaino, 218 Colbeck Drive, Welland, ON, L3C 7M3, applicant and agent.

**In opposition to the applications:**

- No one spoke to the application.

There being no other submissions the hearing was concluded.

**2000-102** Moved by Dzugan and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves a new Highway Damage and Obstruction Control By-law as described in Report PDS-2007-83; and further  
 THAT Welland City Council repeals existing By-laws 4477, 9265, 2000-94 and 2000-122, upon passage of this new Highway Damage and Obstruction Control By-law.

**CARRIED****07-4** Moved by Dzugan and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves the project planning for a future arena project based on a P3 model with the inclusion of the necessary estimates in the 2008 operating budget and capital forecast as recommended by the Budget Review Committee.

**CARRIED****07-4** Moved by Dzugan and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves the 2008 Capital Budget Forecast, in principle, as recommended by the Budget Review Committee.

**CARRIED****07-6** Moved by Dzugan and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves the request from Senator Stephen Quesnelle, Metis Nation of Ontario Welland Council, to fly the Metis Flag at City Hall on Louis Riel Day, November 16, 2007 as recognized by the Province of Ontario.

**CARRIED****07-13** Moved by Dzugan and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves a contract extension for up to five (5) years with Creative Outdoor Advertising for advertising rights on benches located at various bus stop locations in the City of Welland.

**CARRIED****07-19** Moved by Dzugan and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Terms of Reference for a Feasibility Study Steering Committee as outlined in Appendix "A"; and further  
 THAT Welland City Council approves the formation of an Arena Feasibility Steering Committee to complete a feasibility study and business plan for the current and future arena facilities; and further  
 THAT Welland City Council approves the formation of a Rose City Seniors Activity Centre Feasibility Steering Committee to provide guidance in the plans for the expansion and general operation of the Rose City Seniors Activity Centre; and further  
 THAT Welland City Council appoint a member of Council to each of the Committees.

**CARRIED****07-22** Moved by Dzugan and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare a lease agreement with the Macfrugal's Furniture for the lease of land, to implement a Parking Lot located at the intersection of State Street and King Streets and the necessary By-law to amend Schedule "XVII", Parking Lots of By-law 89-2000 as follows:

Addition of the following:

Lot #	Lot Name	Control	Rate	Time of Day	Maximum Stay
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12	State Street Parking Lot	Macfrugal's	Lease	Monday to Sunday	24 Hours
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**CARRIED**

**07-22** Moved by Dzugan and Belcastro  
**THAT THE COUNCIL OF THE CITY OF WELLAND** approves the removal of the school crossing at the intersection of Lyons Creek Road and Moyer Road.

**CARRIED**

**07-22** Moved by Dzugan and Belcastro  
**THAT THE COUNCIL OF THE CITY OF WELLAND** directs staff to prepare the necessary By-law to amend By-law 89-2000, Schedule V, "No Parking" as follows:

**DELETE:**

COLUMN 1 STREET	COLUMN 2 SIDE	COLUMN 3		COLUMN 4 PERIOD (TIMES\DAY)
		FROM	TO	
Elizabeth Street	North Side	Niagara Street	Edgar Street	AT NO TIME

**ADD:**

COLUMN 1 STREET	COLUMN 2 SIDE	COLUMN 3		COLUMN 4 PERIOD (TIMES\DAY)
		FROM	TO	
Elizabeth Street	North Side	Aqueduct Street	Edgar Street	AT NO TIME

**CARRIED**

**07-22** Moved by Dzugan and Belcastro  
**THAT THE COUNCIL OF THE CITY OF WELLAND** directs staff to prepare a By-law to implement the following parking initiatives:

- i) That "Free Parking" be implemented in Area "B" at the Market Square parking lot
- ii) 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
- iii) That "Residential Permit Parking Only" be implemented on Fourth Street, Fifth Street, Sixth Street, Patsy Avenue, and that all current residents be provided free parking permits
- iv) That the rate of pay for both the Market Square Parking Lot, Area D and King Street Parking Lot (parking meters), be increased to \$0.50/hour.

**CARRIED**

**07-22** Moved by Dzugan and Belcastro  
**THAT THE COUNCIL OF THE CITY OF WELLAND** awards the Supply of Two (2) Pay and Display Parking Machines to J.J. Mackay Canada Limited in the amount of \$24,000.

**CARRIED**

**07-28** Moved by Dzugan and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Colleen Bateman at the November 13, 2007 General Committee Meeting regarding incentives for downtown Welland.

**CARRIED**

**07-126****07-126Z** Moved by Dzugan and Belcastro

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves an amendment to Zoning By-law 2667, as amended, for lands south of Webber Road, between South Pelham Road and Clare Avenue, more specifically described as Part of Lot 258, former Township of Thorold, now in the City of Welland from the existing Rural Agricultural (RA) Zone to a Site Specific Holding Single Detached Dwelling Third Density Zone; a Site Specific Holding Multiple Dwelling – Third Density Zone (H-RM3-X17); a Holding Multiple Dwelling – Fourth Density Zone, and an Open Space (O1) Zone to permit the development of a Plan of Subdivision consisting Single Detached dwellings, Street Townhouse units, and an apartment; and further
2. 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; 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
3. THAT Welland City Council grants Draft Approval to the Clare Estates Subdivision (File: 26T-14-07002) developed by Triple-F Developments Inc., 1454417 Ontario Ltd., and Lea Silvestri Investments Ltd., being Part of Lot 258, former Township of Thorold now in the City of Welland based upon a Plan prepared Upper Canada Consultants. dated February 27, 2007 consisting of one hundred and eight (108) Lots for Single Detached Dwellings, twelve (12) Blocks for sixty-five (65) Street Townhouse units, one (1) Block for a multiple family development (123 units), one (1) Block for road widening purposes, and six (6) Blocks for 0.3 metre Reserves as red-lined by the City of Welland subject to the following Conditions:
  - a. 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;
  - b. That all necessary Easements be granted to the City of Welland free of all encumbrances;
  - c. That all necessary Easements required for utility and servicing purposes be granted to the appropriate Authority free of all encumbrances;
  - d. That Blocks 113 and 127, being 0.3 metre Reserves, be transferred to the Regional Municipality of Niagara, free of all encumbrances, for access control purposes;
  - e. That Blocks 110, 111, 129 and 130, being 0.3 metre Reserves, be transferred to the City, free of all encumbrances, for access control purposes;
  - f. That 5 metre by 5 metre daylighting triangles on Lots 16, 17, 33, 51, 56, 61, 78, 81, 82, 103, 108 and Blocks 120 and 121 be dedicated as part of the roads;
  - g. That Blocks 112 and 128 be dedicated as part of the roadway;
  - h. The Owner shall construct a sidewalk, to City standards, along the south side of Webber Road from South Pelham Road to Clare Avenue, together with sidewalk access points from Street "A" to the satisfaction of the City of Welland;
  - i. The Owner shall pay Cash-in-lieu of Parkland Dedication for the difference between a previous over-dedication of land from the Webber Estates Subdivision (0.46 hectares) and the required 0.53 hectares in order to meet the 5% Parkland Dedication Requirement. Alternatively, at the City's discretion, the Owner may upgrade the parklands which may include walkways and furniture, among other components;

- j. The Owner shall pay to the City of Welland, upon execution of the Subdivider's Agreement, \$300.00 per dwelling unit (for Single Detached and Street Street Townhouses), \$4,500 for Block 114 and \$19,500.00 along Webber Road for the installation of trees within the road allowance by City forces;

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**07-126**

**07-126Z Cont'd**

- k. 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;
- l. 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;
- m. 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;
- n. 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;
- o. That the Owner submit two copies of a noise study to evaluate impacts from traffic along Webber Road (Regional Road 29) to the Regional Planning and Development Department for review and approval. The study is to be prepared by a qualified consultant (P. Eng. with noise expertise) who shall sign and certify that the study meets the requirements of the Ministry of the *Environment Guidelines Noise Assessment Criteria in Land Use Planning*, Publication LU-131, October 1997 as amended. Further, that the Owner agree in the Subdivider's Agreement to implement any relevant recommendations of the study;
- p. That the Subdivider's Agreement between the Owner and the City of Welland contain provisions whereby the Owner agrees to implement the approved storm water management, erosion and sediment control measures required in accordance with the Ministry of environment Certificate (#5820-6QYTB);
- q. 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;
- r. That the design drawings for the water, sanitary sewer and storm water drainage systems required to service this development be submitted to the Regional Public Works Department for review and approval. **NOTE:** Any storm water management facility that may be proposed for this development would require the direct approval of the Ministry of the Environment, Toronto);
- s. 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 (water mains, storm sewers and sanitary sewers) for this development;
- t. 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;
- u. The Owner must obtain a Regional Construction Encroachment and/or Entrance Permit prior to any construction taking place within the Regional Road allowance. Restoration of

the Region's property must be to 'as good as' or 'better than' condition at the completion of the works;

- v. No trees shall be removed within the Regional Road allowance without Regional consent. Where the development proposal requires the removal of a tree only a Regional tree crew shall remove a tree from the Regional Road allowance and the developer is required to replace the tree with two trees at the applicant's cost;

...Continued

**07-126**

**07-126Z Cont'd**

- w. The Owner shall submit a design, to the satisfaction of the City of Welland, for the roundabout to be located at the intersection of South Pelham Road and Gaiser Road.
  - x. The Owner shall provide a 6 metre by 8 metre Easement, in favour of Bell Canada, for a telecommunication centre;
  - y. The Owner is required to obtain a Record of Site Condition (RSC) acknowledged by the Ministry of the Environment;
  - z. 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;
  - aa. 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: m, n, o, p and q;
    - Regional Niagara Public Works Department for Conditions: d, r, s, t, u and v;
- 4 That if Final Approval is not given to this Plan within three (3) years of the approval date and no extensions have been given, Draft Approval shall lapse. If the Owner wishes to request an extension to Draft Approval, a written request, with reasons why the extension is required must be received by the City prior to the lapsing date; and further
- 5 THAT Welland City Council authorizes the Mayor to sign the Draft Approval and final Approval Plans for the Clare Estates Subdivision once all Conditions have been satisfied.

**CARRIED**

**07-147Z**Moved by Dzugan and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves an Amendment to Zoning By-law 2667, as amended, for Lot 48 and Part of Lots 46 and 47, Plan 552, known municipally as 102 Maple Avenue from the existing Single-Detached Dwelling – Second Density (R2) Zone to a Site Specific Single-Detached Dwelling – Third Density (R3) Zone to permit the construction of two (2) single-detached dwellings on lots having a minimum frontage of 11.5 metres.

**CARRIED**

**BY - LAWS**

**BY-LAWS PRESENTED FOR FIRST READING:**

1. Moved by Dzugan and Belcastro

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

**07-13**

BYL 2007-168

A By-law to authorize the entering into an agreement with Creative Outdoor Advertising to provide advertising on transit benches within the City of Welland.

**07-88**

BYL 2007-169

A By-law to authorize the retention of Dillon Consulting Limited to prepare the New Official Plan for the City of Welland.

**BY-LAWS PRESENTED FOR FIRST READING Cont'd:****07-126Z**

BYL 2007-170

A By-law to amend City of Welland Zoning By-law 2667 (Triple-F Developments Inc., 1454417 Ontario Ltd., and Lea Silvestri Investments Ltd. – File 2007-06).

**07-147Z**

BYL 2007-171

A By-law to amend City of Welland Zoning By-law 2667 (Joseph M. Tomaino and Ivan Gojmerac – File 2007-07) 102 Maple Avenue.

**07-1**

BYL 2007-172

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 13th day of November, 2007.

And that the same be now read a first time.

**CARRIED****BY-LAWS PRESENTED FOR SECOND AND THIRD READING:**

2. Moved by Dzugan and Belcastro

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**

Council adjourned at 8:25 p.m.

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**MAYOR**

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**DEPUTY CLERK**