



## **COUNCIL MEETING, JANUARY 22, 2008**

**BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE (IN CAMERA): TO DISCUSS THE FOLLOWING MATTERS: PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY CONCERNING LANDS IN THE INTEREST OF THE WELLAND RECREATIONAL CANAL CORPORATION AND LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS; AND**

**BY PROCEDURAL BY-LAW 2007-178:  
TO RATIFY THE ACTIONS OF GENERAL COMMITTEE**

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

Council met in open regular session at 5:05 p.m. and in Committee-of-the-Whole at 5:25 p.m. pursuant to By-law 207-178, the Procedural By-law of Council, in open regular session following the General Committee Meeting at 9:06 p.m. on the above date and again in Committee-of-the-Whole at 9:09 p.m.

Vice Mayor Mark Dzugan opened the meeting at 5:05 p.m.

His Worship Mayor Damian Goulbourne assumed the Chair at 9:06 p.m.

### **Members Present:**

Councillors R. Alakas, D. Alexander, M. Belcastro (5:30 p.m.), F. Campion (5:10 p.m.), P. Chiocchio, M. Dzugan, Mayor Goulbourne (5:40 p.m.), P. Grenier (5:40 p.m.), J. Larouche, R. Letourneau, S. O'Dell, B. Sharpe (5:45 p.m.) and L. Van Vliet.

### **Members of the Staff and Others Present:**

City Manager, P. Simmons (5:45 p.m.)  
Deputy Clerk, B. Gallaccio (6:40 p.m.)  
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  
General Manager, Planning & Development Services, D. Thorpe  
General Manager, Parks, Facilities and Leisure Services, B. Fenwick  
General Manager, Human Resources, R. Mantesso (5:30 p.m.)  
Tourism Coordinator, D. McInnis  
Manager, Economic Development, D. Degazio

**Members of the Welland Recreational Canal Corporation Present:**

Bob Mahler (Chair), Mike Lottridge, Volker Kerschl, Roy Timms, Tom Bacolini,  
Mary Hughes (Meeting Secretary to WRCC) and S. Fischer (Manager of Operations)

**08-25** Moved by Grenier and Alexander

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Vice Mayor Mark Dzugan as Chair, in Committee-of-the-Whole closed to the public at 5:25 p.m. to consider:

- a) proposed or pending acquisition or disposition of land by the municipality concerning lands in the interest of the Welland Recreational Canal Corporation.

**CARRIED****08-25** Moved by Belcastro and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:05 p.m. without report.

**CARRIED****DISCLOSURE OF INTEREST:**

Councillor Belcastro disclosed an interest in Ref. Nos. 03-139/07-135; 03-139/03-139Z/07-135Z; 07-135/07-135Z; and related By-laws 2008-7 and 2008-8, and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is the President of the Seaway Mall.

Councillor Alakas disclosed an interest in Ref. No. 08-53 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he represents CAW Local 523.

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF JANUARY 22, 2008:****03-139****03-139Z**

**07-135Z** Mary Bull, Wood Bull LLP – requesting deferral of General Committee's consideration of amendments for east and west sides pertaining to addition retail follor area for 102 Primeway Drive and 69 & 165 Primeway Drive.

**04-48** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Retention of Engineering Consultant Services for the Design of Storm and Sanitary Sewers on the Re-Opened Centre Street.

**04-48** A By-law to authorize the retention of Associated Engineering (Ont.) Ltd. for the design of storm sewers and sanitary sewers on re-opened Centre Street.

**05-158** City Manager, P. Simmons – Woodlawn/River Roads Sports Park Project.

**07-135**

**07-135Z** Mary Bull, Wood Bull LLP, Solicitors for Calloway REIT (Welland) Inc. – requesting to address Council re: official plan and zoning applications for 102, 69 & 165 Primeway Drive.

**03-139**

**07-135** Gen. Mgr., Planning and Development Services D. Thorpe - Request for Red-Lined Revision to Draft Plan of Subdivision – Niagara Centre Subdivision (File 26T-14-97003).

**07-135**

**07-135Z** Gen. Mgr., Planning and Development Services D. Thorpe - Proposed Amendment to the Official Plan and Zoning By-law 2667 – Calloway REIT (Welland) Inc. – Rona Site on the north

side of Woodlawn Road, west of Brown Road (File: 2006-20).

**07-135** A By-law to authorize the adoption of Official Plan Amendment No. 125.

**07-135Z** A By-law to amend City of Welland Zoning By-law 2667 (Calloway Reit (Welland) Inc. – File 2006-20) north side of Woodlawn Road, west of Brown Road.

**08-1** 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 22<sup>nd</sup> day of January, 2008.

**08-13** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Dedicated Gas Tax Funds Program for Public Transit.

**08-13** A By-law to authorize the entering into a Letter of Agreement with Her Majesty the Queen in Right of the Province of Ontario, as represented by the Minister of Transportation, for provincial funding under the dedicated gas tax funds for public transportation program.

**99-99** Moved by Grenier and Alexander

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the Welland Recreational Waterway Master Plan (Draft Plan) presented and produced by the Welland Recreational Canal Corporation (WRCC); and further

THAT Welland City Council refers the Welland Recreational Waterway Master Plan (Draft Plan) to staff for review, comment, and consideration as to ways and means to integrate, where appropriate, this Draft Plan with existing and future City financial strategic, business and developmental plans and guiding documents; and further

THAT Welland City Council directs staff to provide recommendations to Council for the implementation of all or part of the Welland Recreational Waterway Master Plan (Draft Plan) recommendations following consultation with the Welland Recreational Canal Corporation.

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**99-99** Moved by Campion and Mayor Goulbourne

That the motion be amended by deleting Paragraph 2 and inserting in Paragraph 3 a timeline of February 12, 2008 General Committee/Council Meeting for staff to provide comment to Council.

**CARRIED**

***FOLLOWING THE VOTE ON THE AMENDED MOTION, THE MAIN MOTION WAS PUT AS AMENDED AS FOLLOWS:***

**99-99**

***THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the Welland Recreational Waterway Master Plan (Draft Plan) presented and produced by the Welland Recreational Canal Corporation (WRCC); and further***

***THAT Welland City Council directs staff to provide recommendations to Council for February 12, 2008 General Committee/Council Meeting for the implementation of all or part of the Welland Recreational Waterway Master Plan (Draft Plan) recommendations following consultation with the Welland Recreational Canal Corporation.***

**AND .....**

**CARRIED**

**03-139**

**07-135** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND grants a Red-lined Amendment to the Niagara Centre Subdivision (File 26T-14-97003) owned by Calloway REIT (Welland) Inc. being Parts 1 through 8, inclusive, Plan 59R-9112 (Part of Lots 20, 21 and 22, Concession 2 and Part of Lot 21, Concession 1 and part of the road allowance between Concessions 1 and 2 and part of the road allowance between Lots 20 and 21,

Concession 1 and part of the road allowance between Lots 20 and 21, Concession 2, former Township of Crowland, now in the City of Welland) prepared by A.W.S. Engineers and Planners Corp. as Red-lined by City Council on December 11, 2007 showing twenty-five (25) Lots including one (1) Lot for Storm Water Management Facilities, two (2) Lots for open space purposes and one (1) Lot for highway widening subject to the following Conditions:

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**03-139**

**07-135...cont'd.**

- a) That the Owner enter into a Subdivider's Agreement with the City of Welland to be registered on Title;
- b) That no grading or construction work shall commence on the site until such time as the Subdivider's Agreement has been entered into, all financial security is in place and the Plan and all documentation has been registered on Title;
- c) That Block 26, being a 0.3 metre reserve, be conveyed to the Regional Municipality of Niagara free and clear of all mortgages, liens and encumbrances;
- d) That Block 25 be dedicated as a Public Highway on the Final Plan;
- e) That Blocks 15, 23 and 24 be conveyed to the City of Welland;
- f) That all necessary Easements required for utility and servicing purposes shall be granted to the appropriate authority free of all encumbrances;
- g) That detailed lot grading and drainage plans, indicating both existing and proposed grades, and the means whereby major system flows will be accommodated across the site, be submitted to the Niagara Peninsula Conversation Authority for review and approval;
- h) The Owner agrees in the executed Subdivider's Agreement to:
  - i) maintain a 7.5 metre structural setback from the top of the valley slopes for Lots 12, 14,16 and 17;
  - ii) erect a limit of works fence a minimum of 3 metres from the top of the Welland River Valley Slope on Lots 12, 14, 16 and 17 during the construction phase;
  - iii) not dump or place material of any kind, whether originating on site or off-site, on the Welland River Valley Slope and to maintain the natural grades of this valley slope save and except where approved Storm Water Management works are constructed;
  - iv) re-vegetate all disturbed areas immediately upon completion of all works;
- i) That the Owner shall meet all of the Conditions and requirements of the Ministry of Culture as set out in its letters dated January 28, 1998 and September 11, 2003 and specifically that an Archaeological Assessment Report, for the portion of the site not yet reviewed, be prepared for review by the Ministry and that the Owner undertake any mitigation works required. No grading or other soil disturbances shall take place on the subject property prior to Regional Planning Department and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements;
- j) That the Owner shall meet the Conditions and Requirements of the Ministry of Transportation as set out in its letters dated February 9, 1998 and October 29, 2003, and as follows:
  - i) the Owner shall submit a Traffic Impact Study to the Ministry of Transportation addressing the anticipated traffic volumes and their impact on Highway 406;
  - ii) the Owner shall submit to the Ministry of Transportation a copy of a Storm Water Management Plan addressing the intended treatment of calculated run-off;
  - iii) site triangles measuring 37 metres by 10 metres located at the intersection of Woodlawn Road and the new intersecting street be dedicated as a Public Highway on the Owner's certificate on the Final Plan;
  - iv) the Owner shall enter into a legal Agreement, if necessary, with the Ministry of Transportation whereby the Owner agrees to assume financial responsibility for all improvements to the intersections at Woodlawn Road and the new street and Woodlawn Road and River Road as identified by the Traffic Studies;
- k) That the Owner acknowledge promptly to the Regional Planning Department that the Draft Approval of this Subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara. Servicing allocation will be assigned instead at the time of Final Approval of this Subdivision for registration purposes;
- l) That immediately following Notice of Draft Plan Approval, the Owner shall provide the Regional Planning Department with a written undertaking that all Offers and Agreements of Purchase and Sale that may be negotiated prior to registration of the Subdivision shall contain a clause clearly indicating that a servicing allocation for the Subdivision will not be assigned until the Plan is granted

- Final Approval for registration;
- m) That the detailed design drawings for the watermain system, the sanitary sewer system and the stormwater drainage system required to service this proposal be submitted to the Regional Public Works Department for its review and approval;

...continued...

**03-139**

**07-135...cont'd.**

- n) That the Ministry of the Environment Certificate of Approval be obtained for the necessary servicing (water, sanitary sewer and stormwater drainage) for the development prior to Final Approval for registration. NOTE: Where a quality/quantity facility or a new outlet to a receiving stream is being proposed, the design for the stormwater management system should be submitted directly to the Ministry of the Environment (Attention: M. Dhalla, P. Eng.) for approval and the issuance of a Certificate of Approval;
- o) That prior to approval of the Final Plan, the Owner shall submit to the Regional Planning Department for review and approval a detailed Storm Water Management Plan for the Subdivision completed in accordance with the Ministry of the Environment documents entitled Storm Water Management Planning and Design Manual, March 2003 and Storm Water Quality Guidelines for New Development, May 1991, endorsed by a suitably qualified Professional Engineer. Furthermore, that the Owner agrees in the Subdivider's Agreement to implement the approved Storm Water Management Plan;
- p) That the Owner submit to the Regional Public Works Department, for review and approval, a Traffic Impact Study prepared by a qualified Engineer. The Traffic Impact Study shall address all necessary intersection improvements (future left-turn lanes and traffic signal modifications at the Regional Road 41 (Woodlawn Road) and River Road intersection. Furthermore, that in the Subdivider's Agreement with the City of Welland, the Owner agrees to pay all costs associated with intersection improvements and traffic signal alterations;
- q) That in the Subdivider's Agreement, the Owner agrees to obtain Regional Construction Encroachment and/or Entrance Permits prior to any construction taking place within a Regional road allowance;
- r) That in the Subdivider's Agreement, the Owner agrees to submit to the Regional Public Works Department a Certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development;
- s) That in the Subdivider's Agreement with the City of Welland, the Owner agrees to protect and ensure access to existing and future Regional Easements on the property for Regional sanitary sewers and watermains through the following measures: verify the locations of the Easements and the pipes prior to any site alteration, provide grading plans affecting the Easements, including any adjustments to existing manholes, to the Regional Public Works Department for its review, not plant large trees or allow any development within the Easements, maintain access for heavy equipment to the Easements for maintenance purposes, adjust, at the Developer's cost, any existing manholes to any new grade changes resulting from site alteration, and provide plans showing final grade elevations and manhole elevations along the Easements to the Regional Public Works Department;
- t) That in the Subdivider's Agreement with the City of Welland, the Owner agree to provide Easements for future sanitary sewers and watermains to be installed on the eastern portion of the subject property paralleling Highway 406;
- u) That in the Subdivider's Agreement with the City of Welland, the Owners of commercial and industrial buildings be required to install and maintain suitable sampling manholes at the property line and to install, where necessary, interceptors for the removal of grease, flammable waste and other harmful ingredients, in accordance with the Region's Sewer Use By-law #39-2002;
- v) That all traffic matters including, but not limited to, design, property acquisition, access, construction and funding be resolved to the satisfaction of the Regional Public Works Department, the City of Welland and the Ministry of Transportation;
- w) 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 buildings;

- x) That Lot 9 be transferred to the City of Welland free and clear of all encumbrances for stormwater management purposes only after the Owner has constructed the required Storm Water Management Facilities, including any required landscaping, to the satisfaction of the City;
- y) The Owner agrees that a signalized intersection is required at Primeway Drive and the first driveway to the east, such costs, estimated at \$325,000.00, including interconnection of signals estimated at \$3,500.00, together with fees for Regional inspection/administrative costs, estimated at \$20,000.00, to be paid by the Owner; and

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**03-139**

**07-135...cont'd.**

- z) That prior to 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: k, l, o;
  - Regional Niagara Public Works Department for Conditions: c, m, p, q, r, s, t, u, v, y;
  - Ministry of Transportation for Conditions: d, j, v;
  - Ministry of Culture for Conditions: i;
  - Niagara Peninsula Conservation Authority for Conditions: g, h;
  - Ministry of the Environment for Conditions: n; and further

THAT Welland City Council authorizes the Mayor to sign the Red-lined revision and Final Approved Plans for the Niagara Centre Subdivision once all Conditions have been satisfied; and further

THAT Welland City Council considers these changes to Conditions of Draft Approval minor in nature and that notification is not required as per Section 51(47) of the Planning Act.

**CARRIED**

**03-139**

**03-139Z**

**07-135** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND grants the request from Mary Bull to defer the General Committee's consideration of the amendments for both the east and west site that pertain to additional retail floor area until the General Committee Meeting of February 12, 2008.

**CARRIED**

**04-48** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the retention of Associate Engineering (Ont.) Ltd. to proceed with the detailed design of storm and sanitary sewers on the recently re-dedicated Center Street right-of-ways for the amounts of \$14,632.00 and \$20,182.00 respectively, as detailed in Report ENG-2008-02; and further

THAT Welland City Council authorizes the Treasurer to finance the project estimated total expenditure in the amount of \$34,814.00 under the 2005 budget allocation amount of \$200,000 for the O.A.W. Design shared with Regional Niagara; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a contract with Associated Engineering (Ont.) Ltd., to execute the agreement.

**CARRIED**

**05-158** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND directs that Revised Report CM 2008-01- Woodlawn Road Sports Park Project, be deferred to the February 12 Budget Review Committee Meeting.

**CARRIED**

**07-135**

**07-135Z**

Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND adopts Official Plan Amendment No. 125 respecting Part of Lots 21 and 22, Concession 2, former Township of Crowland, now City of Welland being part of Part 1, Plan 59R-9112 to amend the Prestige Light Industrial/Highway Commercial designation – Official Plan Amendment No.: 97 to permit appropriately screened outdoor storage to exceed 50% of the gross floor area of the proposed building and to permit such storage in yards other than the rear yard and to guide development of the subject lands by providing site specific policies designed to ensure that the proposal is proper and in keeping with sound planning principles; and further  
 THAT Welland City Council approves an amendment to Zoning By-law 2667, as amended, Part of Lots 21 and 22, Concession 2, former Township of Crowland, now City of Welland being part of Part 1, Plan 59R-

...continued...

**07-135**

**07-135Z...cont'd.**

9112 to a Site Specific H-C4 (Holding) Zone to permit appropriately screened outdoor storage exceeding 50% of the gross floor area of the proposed Home Improvement Store, to permit a maximum of 4,708 square metres of area to be dedicated to outdoor storage which can be located within the interior side yard; Specific Zone provisions will be created to deal with the location, size and screening requirements for the area dedicated to outdoor storage; and further

THAT Welland City Council directs that the Holding Symbol (H) in the Site Specific H-C4 Zone be removed, upon application, after a Site Plan Agreement has been executed between the Owner and the City; and further

THAT Welland City Council authorizes an exemption to the Fence By-law to permit a 3.7 metre board on board decorative fence to be erected be approved; and further

THAT Welland City Council authorizes Staff to prepare the necessary By-laws.

**CARRIED**

**07-135**

**07-135Z** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Mary Bull, Wood Bull LLP, Solicitors for Calloway REIT (Welland) Inc. at the January 22, 2008 General Committee Meeting regarding Calloway REIT (Welland) Inc. Official Plan and Zoning Applications.

**CARRIED**

**07-135**

**07-135Z** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the letter from Mr. Stanley B. Stein, Osler, Hoskin & Harcourt LLP, on behalf of the Seaway Mall, requesting that his name be removed from the delegation portion of the January 22, 2008 General Committee Meeting deferring his presentation to the February 12 General Committee Meeting, as he is not opposed to the staff recommendations contained in the following reports being considered at the January 22 General Committee Meeting:

- PDS-2007-94 - Request for Red-Lined Revision to Draft Plan of Subdivision - Niagara Centre Subdivision; and
- PDS-2007-95 - Proposed Amendment to the Official Plan and Zoning By-law 2667 - Calloway Reit (Welland) Inc.–Rona Site on the North Side of Woodlawn Road, west of Brown Road.

**CARRIED**

**08-13** Moved by Grenier and Sharpe

THAT COUNCIL OF THE CITY OF WELLAND approves the signing of the 2007/2008 Letter of Agreement

between the City of Welland and the Province of Ontario related to the conditions for eligible expenditures, which can be applied against the provincial funding provided under the Dedicated Gas Tax Funds for Public Transportation Program; and further

THAT Welland City Council authorizes the Mayor and Treasurer to sign the aforementioned 2007/2008 Letter of Agreement on behalf of the City of Welland; and further

THAT Welland City Council directs the Treasurer to set up a Dedicated Gas Tax Fund Reserve Account to receive the provincial gas tax funding for 2007/2008, and these funds be specifically directed to the continuance and expansion of local public transportation service as required by Province.

**CARRIED**

**08-25** Moved by Alexander and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 9:09 p.m. to consider:

a) labour relations or employee negotiations.

**CARRIED**

*(Councillor Alakas was not present during Committee-of-the-Whole discussions on a labour relations matter).*

**08-25** Moved by Letourneau and Alexander

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 9:15 p.m. without report.

**CARRIED**

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

**08-53** Moved by Sharpe and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND recognizes Family Day as proclaimed by the Province of Ontario to be administered in accordance with directions provided by staff and endorsed by Council with respect to application to all affected labour groups of the City of Welland.

**CARRIED**

## **BY - LAWS**

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

1. Moved by Grenier and Sharpe

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

**04-48**

BYL 2008 – 5

A By-law to authorize the retention of Associated Engineering (Ont.) Ltd. for the design of storm sewers and sanitary sewers on re-opened Centre Street.

**08-13**

BYL 2008 – 6

A By-law to authorize the entering into a Letter of Agreement with Her Majesty the Queen in Right of the Province of Ontario, as represented by the Minister of Transportation, for provincial funding under the dedicated gas tax funds for public transportation program.

**07-135**

BYL 2008 – 7

A By-law to authorize the adoption of Official Plan Amendment No. 125.

...continued...

**BY-LAWS PRESENTED FOR FIRST READING...CONT'D.:****07-135Z**

BYL 2008 – 8

A By-law to amend City of Welland Zoning By-law 2667 (Calloway Reit (Welland) Inc. – File 2006-20) north side of Woodlawn Road, west of Brown Road.

**08-1**

BYL 2008 – 9

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 22nd day of January, 2008.

And that the same be now read a first time.

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

2. Moved by Grenier and Sharpe

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 9:16 p.m.

These Minutes approved and adopted by Motion of Council this 5th day of February, 2008.

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**MAYOR**

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**DEPUTY CLERK**