



**MINUTES OF  
SPECIAL COUNCIL MEETING, APRIL 23, 2013**

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

Council met in open session at 6:08 p.m., and Committee-of-the-Whole closed to the public at 6:37 p.m., and again in open session at 7:03 p.m. on the above date.

His Worship Mayor Barry Sharpe in the Chair.

**Members Present:**

Councillors F. Campion, M. Carl, P. Chiochio, P. Grenier, M.A. Grimaldi (6:14 p.m.), J. Larouche, R. Letourneau, M. Petrachenko (6:24 p.m.), and B. Wright.

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

City Manager, C. Stirtzinger  
Deputy City Clerk, L. Bubanko  
Chief, Fire & Emergency Services, D. Prevost (6:08 p.m. and 7:03 p.m.)  
General Manager, Infrastructure Services/City Engineer, S. Iannello (6:08 p.m. and 7:03 p.m.)  
General Manager, Corporate Services/City Treasurer, K. Douglas (6:08 p.m. and 7:03 p.m.)  
General Manager, Human Resources, R. Mantesso  
General Manager, Integrated Services, B. Fenwick (6:08 p.m. and 7:03 p.m.)  
Planning Supervisor, S. Mabee (until 6:37 p.m.)  
Administrative Assistant, Corporate Services, A. Smith (7:03 p.m.)  
Manager of Budgets and Financial Reporting/Deputy Treasurer, J. Johnson (7:19 p.m.)

**11-74****11-74Z** Moved by Chiocchio and Carl

THAT THE COUNCIL OF THE CITY OF WELLAND grants Draft Approval to the Forks Road Plan of Subdivision (File: 26T-14-10002) developed by Fusion Homes being, Part of Lot 25, Concession 4, and Part of Lots 215 to 218 Inclusive, Part of Lots 244, 245, 247, 268, 269, 274, 276, 277, 311, 312, and 313; Lots 141 to 214 Inclusive, 219 to 243 Inclusive, 248 to 267 Inclusive, and 275; Part of Blocks H and J; Blocks E, G, and Reserve Block E; Woodland Drive, Tangleway Street & Wagram Road (all closed by By-law 1329, RO102482); Part of Glenwood Parkway, Inway Drive, Varsity Crescent and University Crescent (all closed by By-law 1329; RO102482); All Lanes Between Lots 145 and 146, 150 and 151, 157 and 158, 247 and 248; Part of Lanes Between Lots 268 and 269 (all lanes closed by By-law 1329, RO102482), Registered Plan 62 now known as Plan 821, Formerly Township of Humberstone; Parts 1, 3 and 4, 59R12696; T/W easement over Part 2, 59R12696, as in SN70871; S/T AA99819, RO62558, City of Welland, based upon a Plan prepared by IBI Group dated May 25, 2012 (revised) consisting of seven (7) lots for single detached dwellings, seven (7) blocks for approximately 143 to 158 single detached dwellings, two (2) blocks for approximately 50 semi detached dwellings, three (3) blocks for open space, and two (2) blocks for walkways along with the associated roadways, as red-lined by the City of Welland, subject to the following Conditions:

1. That the Owner enter into a Subdivider's Agreement with the City of Welland to be registered on Title;
2. 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;
3. That all necessary easements required for utility and servicing purposes be granted to the appropriate Authority free of all encumbrances;
4. That any required 0.3 metre reserve(s) be transferred to the City of Welland, free of all encumbrances, for access control purposes;
5. That the Owner shall pay to the City cash-in-lieu of parkland dedication in accordance with current City standards/policy.
6. That the Owner agrees to implement the recommendations of the Geotechnical Engineering Report, prepared by LVM, dated November 23, 2010, through the Subdivider's Agreement which shall include the following warning clause:

*"The purchaser acknowledges that the Geotechnical Engineering Report for the subdivision has identified the soil as including native clay and clay fill, characterized as sensitive or expansive clays, leading to a number of special design and construction recommendations which must be complied with before a building permit will be issued for any proposed house or building. The recommendations include:*

- *Reinforced foundation design by qualified designer*
  - *Review of foundation design by geotechnical firm*
  - *Review of soil excavation by geotechnical firm*
  - *Houses in fill Areas 2/3 to have basement floors max 1.5m below grade – no brick veneer*
  - *Free draining sand to be used for backfill – no clay*
  - *Flexible service connections for all pipes founded in clay*
  - *50mm styrofoam insulation recommended under basement floor slab*
  - *Wire mesh recommended in basement floor slabs*
  - *Plastic sheet membrane under the topsoil sloped away from the foundation wall*
  - *Bottom of weeping tile located 50mm above underside of footing"*
7. That the Owner agrees, through the Subdivider's Agreement, to have the following clause included:

*"The purchaser acknowledges that the foundation design must be reviewed by LVM and documentation from LVM indicating that this review has been completed must be submitted to the City prior to a building permit being issued by the City."*

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8. 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;
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 staff;
10. That the Owner agrees to provide traffic calming measures, such as a raised pedestrian crossing, as part of the design for the intersection of Street "A" and Street "C", to the satisfaction of the City.
11. That the Owner agrees to construct a cul-de-sac at Forks Road in the area of Lot 7, to the satisfaction of the City. Further, the Owner agrees that all costs associated with the construction of the cul-de-sac will be borne by the Owner/developer.
12. That the Owner agrees to construct a traffic circle at the intersection of Kingsway and Street "A" to the satisfaction of the City. Further, the Owner agrees that all costs associated with the installation and construction of the traffic circle, including the preparation of R-plans, will be borne by the Owner/developer.
13. That the Owner agrees to construct roads via the unopened road allowances to connect "Street A" and "Street C" to the Kingsway in accordance with City Standards. Further, the Owner agrees that all costs associated with the construction of the roads will be borne by the Owner/developer.
14. The Owner agrees to:
  - a. Include in all offers of purchase and sale statements that advise the prospective purchaser that (i) business delivery mail will be from a designated Centralized Mail Box, and (ii) that the developers/owners will be responsible for notifying the purchasers of the Centralized Mailbox locations prior to the closing of any sale.
  - b. Install a concrete pad in accordance with the requirements of, and in the locations to be approved by Canada Post to facilitate the installation of Community Mail Boxes;
  - c. Identify the concrete pads on Engineering Servicing Drawings which are to be poured at the time of the sidewalk and/or curb installation within each phase of the Plan of Subdivision; and
  - d. Determine the location of all centralized mail facilities in co-operation with Canada Post and to post the location of these sites on appropriate maps, information boards and plans;
15. That the owner submit a written undertaking to the Niagara Region Public Works Department (Development Services Division) acknowledging that draft approval of this subdivision will result in an excess of dwelling units that is beyond the servicing capacity of the Dain City Sewage Pumping Station, and that draft approval of this subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara as servicing allocation for this subdivision will not be assigned until the plan is granted final approval for registration and then only on a building permit by building permit basis. Further, the owner shall acknowledge within the undertaking that any pre-servicing will be at the sole risk and responsibility of the owner. A similar clause shall be inserted into the Subdivision Agreement prepared for this development.
16. That the owner submit a written undertaking to the Niagara Region Public Works Department (Development Services Division) indicating that all offers and agreements of Purchase and Sale, which may be negotiated prior to or after registration of this Subdivision, shall contain a clause indicating that servicing allocation for this subdivision will not be assigned until the plan is registered and then only on a building permit by building permit basis. A similar clause shall be inserted in the Subdivision Agreement prepared for this development.

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17. That the design drawings and calculations for the water, sanitary sewer and stormwater drainage system required to service this development be submitted to the Niagara Region Public Works Department (Development Services Division) for review and approval.
18. That prior to final approval of the plan of subdivision for registration, Ministry of the Environment Environmental Compliance Approvals for the storm and sanitary sewers shall be obtained from the Niagara Region Public Works Department (Development Services Division) through the Transfer of Review Program. Note: The stormwater management system proposed for this development will require the direct approval from the Ministry of the Environment.
19. The Subdivision Agreement between the owner and the City shall contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.
20. The Subdivision Agreement between the owner and the City shall contain a provision whereby the owner shall ensure that all streets and development blocks can provide access in accordance with the Regional Municipality of Niagara Waste Management Policies and by-laws relating to the curbside collection of waste and recyclable materials. In the event that proper access cannot be provided in accordance with Regional Policies, the following warning clause shall be included in the Subdivider's Agreement and inserted into all Agreements of Purchase and Sale or Lease for each dwelling unit:  
*"Purchasers/Tenants are advised that due to the site layout, garbage pick-up for the development will be provided by the condominium corporation through a private contractor and not the Region."*
21. That prior to approval of the final plan, the owners shall submit to the Niagara Region Public Works Department (Development Services Division) and the City of Welland an updated/revised Phase 1 and Phase 2 Environmental Site Assessment (ESA) prepared by a qualified person in accordance with current Ministry of Environment standards. Upon completion of the Phase 1 and Phase 2 Environmental Site Assessment, including remediation of the property if necessary, a Record of Site Condition (RSC) shall also be filed on the Ministry of the Environment's Environmental Site Registry and a copy shall be provided to the Niagara Region and the City of Welland with a copy of the Ministry's written acknowledgement of the filing of the RSC.
22. That no disturbances of the site occur until the Environmental Site Assessment required in accordance with Condition 21 above has been completed.
23. That a warning clause be included in the Subdivision Agreement and all Agreements of Purchase and Sale or Lease that advises prospective purchasers of the nearby industrial designations and that an industrial facility may develop in the future occasionally causing nuisance by way of noise, odour, or dust, which may interfere with some activities of the dwelling occupants.
24. That the Owner prepares, and submits, a detailed Tree Saving Plan, as outlined in the Region's Tree and Forest Conservation Bylaw for review and approval by the NPCA.
25. That the Owner prepare, and submit, detailed site grading, storm servicing, stormwater management and sediment and erosion control plans for review and approval by the NPCA.
26. That the Owner prepares, and submits, a Naturalization/Restoration Plan for any areas where the buffer to the adjacent wetland is less than 15 metres. The purpose of the Plan will be to establish an effective vegetation protection zone to act as a buffer between the proposed development and the wetland/woodland feature.

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27. That the Owner prepares, and submits, a Monitoring Plan which will determine the effectiveness of mitigation measures and the Naturalization/Restoration Plan, and provide alternative mitigation requirements as necessary to ensure the development has no negative impacts on the natural heritage features on site. Any required monitoring will be conducted by the proponent. The Monitoring Plan shall outline what is to be monitored, corresponding acceptable levels, conditions for when prescriptive measures will be required, monitoring timeframes (frequency, length of time), and provide an enforcement mechanism for both the measures required under the Monitoring Plan, as well as any measures that may be required to address negative impacts.
28. That all detailed plans for this development incorporate the mitigation measures listed in the "Mitigation Measures" section of the Niagara Peninsula Conservation Authority Letter dated October 9, 2012, throughout the subdivision plan area including Blocks 9, 12, 14, and 15 where necessary.
29. That the Owner obtain a permit from the NPCA for the storm sewer and associated outfall related to the development of Block 8.
30. That prior to the granting of Approval for the Final Plan, City of Welland Integrated Services - Planning Division, will require written notice from the following upon their respective Conditions having been met satisfactorily;
  - a. Niagara Region for Conditions: 15, 16, 17, 18, 19, 20, 21, 22, and 23;
  - b. Niagara Peninsula Conservation Authority for Conditions: 24, 25, 26, 27, 28, and 29;
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

THAT Welland City Council authorizes the Mayor to sign the Draft Approval and Final Approval Plans for Dain City Subdivision once all Conditions have been satisfied; and further

THAT Welland City Council approves an amendment to Zoning By-law 2667, as amended, to rezone lands on the south side of Forks Road, west of the Welland By-pass Canal, more specifically described as Part of Lot 25, Concession 4, and Part of Lots 215 to 218 Inclusive, Part of Lots 244, 245, 247, 268, 269, 274, 276, 277, 311, 312, and 313; Lots 141 to 214 Inclusive, 219 to 243 Inclusive, 248 to 267 Inclusive, and 275; Part of Blocks H and J; Blocks E, G, and Reserve Block E; Woodland Drive, Tangleway Street & Wagram Road (all closed by By-law 1329, RO102482); Part of Glenwood Parkway, Inway Drive, Varsity Crescent and University Crescent (all closed by By-law 1329; RO102482); All Lanes Between Lots 145 and 146, 150 and 151, 157 and 158, 247 and 248; Part of Lanes Between Lots 268 and 269 (all lanes closed by By-law 1329, RO102482), Registered Plan 62 now known as Plan 821, Formerly Township of Humberstone; Parts 1, 3 and 4, 59R12696; T/W easement over Part 2, 59R12696, as in SN70871; S/T AA99819, RO62558, City of Welland, from the existing Open Space (O2) zone to Single Detached Dwelling – Third Density (H-R3), Multiple Dwelling – Second Density (H-RM2), and Environmental Protection (EP) zones to permit the development of a Plan of Subdivision consisting of seven (7) lots for single detached dwellings, seven (7) blocks for approximately 143 to 158 single detached dwellings, two (2) blocks for approximately 50 semi detached dwellings, three (3) blocks for open space, and two (2) blocks for walkways along with the associated roadways.

THAT Welland City Council directs that, prior to the lifting of the Holding Symbol (H), the Owner inform the City in writing that the following items have been completed:

- The entire sanitary sewer system has been completed and tested and sanitary services have been installed to the front property line and that a video and written report of an internal examination of the sanitary and storm sewer systems is provided;

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**11-74****11-74Z...cont'd...**

- The entire water system has been completed and tested and disinfected and water services have been installed to the front property line;
- The entire storm sewer system had been completed;
- That the asphalt roadway has been constructed (the stone base and asphalt base);
- 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.

***(Councillor Petrachenko disclosed an interest and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his brother's property may be affected by the development).***

**CARRIED****13-25**

Moved by Wright 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 6:37 p.m. to consider:

- personal matters about an identifiable individual, including municipal or local board employees; and
- for the purpose of educating or training members of Council.

**CARRIED****13-25**

Moved by Letourneau and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:56 p.m. without report.

**CARRIED****PUBLIC MEETING PURSUANT TO CITY OF WELLAND BY-LAW 2009-153**

**13-4** Public Meeting pursuant to City of Welland By-law 2009-153, 2013 City of Welland Enterprise Operating and Capital Budgets.

**The following spoke at the public meeting:**

- Barry Fitzgerald, 491 Deere Street, Welland, Ontario, L3B 2M1

There being no other submissions the public meeting was concluded.

**13-4**

Moved by Larouche and Wright

THAT THE COUNCIL OF THE CITY OF WELLAND approves the 2013 Enterprise Operating and Capital Budgets, Appendices I & II, attached to Report FIN-2013-15 resulting in a 6.26% tax levy increase from \$29,250,352 in 2012 to \$31,082,206 in 2013 with assessment growth of 1.42% reducing the net tax levy impact to 4.84%; and further

THAT Welland City Council approves the By-law to establish tax ratios and tax rates and to levy taxes for 2013 based on the 2013 Enterprise Operating Budget as adopted by Council.

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**13-4** Moved by Campion and Grimaldi  
 THAT THE COUNCIL OF THE CITY OF WELLAND defers Report FIN-2013-15: 2013 Enterprise Operating and Capital Budgets to the May 7, 2013 Council Meeting.

**LOST**

**13-4** Moved by Campion and Grimaldi  
 THAT THE COUNCIL OF THE CITY OF WELLAND amends the 2013 Enterprise Operating Budget as presented in Report FIN-2013-15 by removing \$600,000 from the Operating Surplus Reserve Fund to further reduce the tax levy increase.

**YEAS:** Councillors Letourneau, Chiochio, Campion, and Grimaldi

**NAYS:** Councillors Larouche, Petrachenko, Carl, Grenier, Wright, and Mayor Sharpe.

**LOST**

**13-4** Moved by Campion and Grimaldi  
 THAT THE COUNCIL OF THE CITY OF WELLAND amends the 2013 Enterprise Operating Budget as presented in Report FIN-2013-15 by removing \$180,000 from the Economic Development Reserve Fund to further reduce the tax levy increase.

*(Councillor Grimaldi asked to be recorded as in favour of this motion).*

**LOST**

**FOLLOWING THE LOST VOTES ON THE MOTION TO DEFER AND  
 THE TWO MOTIONS TO AMEND, THE MAIN MOTION WAS PUT IN  
 ITS ORIGINAL FORM AND.....**

**YEAS:** Councillors Larouche, Petrachenko, Carl, Grenier, Wright, and Mayor Sharpe.

**NAYS:** Councillors Letourneau, Chiochio, Campion, and Grimaldi.

**CARRIED**

#### **BY-LAWS**

Moved by Grenier and Carl  
 THAT THE COUNCIL OF THE CITY OF WELLAND having given due consideration to the following By-law, as reproduced in this evening's Council Agenda, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

**13-4**

BYL 2013-46

A By-law to adopt the 2013 Enterprise Operating and Capital Budgets.

*(Councillors Campion, Chiochio, Letourneau, and Grimaldi asked to be recorded as opposed to this By-law).*

**CARRIED**

Moved by Grenier and Carl

THAT THE COUNCIL OF THE CITY OF WELLAND having given due consideration to the following By-law, as reproduced in this evening's Council Agenda, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

**13-4**

BYL 2013-47

A By-law to establish tax ratios and tax rates and to levy taxes for the year 2013.

***(Councillors Campion, Chiocchio, Letourneau, and Grimaldi asked to be recorded as opposed to this By-law).***

**CARRIED**

Moved by Grenier and Campion

THAT THE COUNCIL OF THE CITY OF WELLAND having given due consideration to the following By-law, as reproduced in this evening's Council Agenda, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

**11-74**

**11-74Z**

BYL 2013-48

A By-law to amend City of Welland Zoning By-law 2667 (1695525 Ontario Inc. - File 2010-11), Dain City Subdivision, lands on the south side of Forks Road, west of the Welland By-Pass Canal.

***(Councillors Larouche, Chiocchio, Wright, and Letourneau asked to be recorded as opposed to this By-law).***

**CARRIED**

Moved by Grenier and Carl

THAT THE COUNCIL OF THE CITY OF WELLAND having given due consideration to the following By-law, as reproduced in this evening's Council Agenda, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

**13-1**

BYL 2013-49

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 23<sup>rd</sup> day of April, 2013.

**CARRIED**

Council adjourned at 8:13 p.m.

These Minutes approved and adopted by Motion of Council this 21<sup>st</sup> day of May, 2013.

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**MAYOR**

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**CITY CLERK**