



**MINUTES OF**  
**COUNCIL MEETING, AUGUST 12, 2013**  
**CIVIC SQUARE, COUNCIL CHAMBERS**  
**60 EAST MAIN STREET**

Council met in Committee-of-the-Whole closed to the public at 6:30 p.m. and in open session at 7:12 p.m. on the above date.

His Worship Mayor Barry Sharpe in the Chair.

**Members Present:**

Councillors M. Belcastro, F. Campion (until 9:55 p.m.), M. Carl, P. Chiocchio, T. DiMarco (7:12 p.m.), P. Grenier, J. Larouche, R. Letourneau, D. McLeod (until 9:33 p.m.), M. Petrachenko and B. Wright.

**Members of Staff and Others Present:**

Acting City Manager/General Manager, Human Resources, R. Mantesso  
City Clerk, C. Raby  
Deputy Clerk, L. Bubanko (7:12 p.m.)  
Chief, Fire & Emergency Services, D. Prevost (until 9:25 p.m.)  
General Manager, Infrastructure Services/City Engineer, S. Iannello  
Manager of Budgets and Financial Reporting/Deputy Treasurer, J. Johnson  
Planning Manager, R. DiFelice (7:12 p.m. – 9:40 p.m.)

**13-25** Moved by Wright and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:30 p.m. to consider:

- a proposed or pending acquisition or disposition of land by the municipality or local board;
- the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
- for the purpose of educating or training members of Council.

*(Councillor Carl was not present during Committee-of-the-Whole discussions on receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose).*

**CARRIED**

**13-25** Moved by Letourneau and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:01 p.m. without report.

**CARRIED**

**THE FOLLOWING ITEMS WERE ADDED:**

**13-73Z** A By-law to amend City of Welland Zoning By-law 2667 (Vinmar Developments Ltd – File 2013-02) 755 South Pelham Road.

**12-122** Report P&B-2013-26 Appendix VIII distributed.

**THE FOLLOWING ITEM WAS DELETED:**

**13-15** Presentation by Fire Marshal's Public Fire Safety Council and Enbridge Gas Distribution Inc. regarding Project Assist.

**PRESENTATIONS:**

**09-75** Lorraine Lafrenière, Director General, Canoe Kayak Canada – Expression of thanks to the City of Welland and the Welland Recreational Canal Corporation regarding Canoe Niagara 2013.

**13-4** Evan McDade, CA, Deloitte and Touche LLP addressed Council regarding the Consolidated Financial Statements for the year ending December 31, 2012.

**AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORT(S)**

**13-15** Michael Lundholm, Owner and Architect, and Helmut Klassen, B.Arch., M.Arch., Ph.D., Lundholm Associates Architects addressed Council regarding an update on the Historic Central Fire Hall.

## **LEGISLATED PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT**

Councillor Chiochio presided as Chair of the Public Hearing:

**13-89Z** A complete Application has been made by OLGA AZANOVA to rezone Lot 28, Plan 59M-139 for lands at 3 College Park Drive from the existing R3 - Single-Detached Dwelling - Third Density Zone to a Site Specific R3 Zone. The purpose of the Amendment is to permit an accessory dwelling unit in the basement of the existing single-detached dwelling and to recognize the west side yard setback of the existing deck and accessory building. The Official Plan designation is LOW DENSITY RESIDENTIAL. Councillor Chiochio outlined the procedures of the Public Hearing as required by the *Planning Act*.

R. Di Felice confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

Ruben Khachian, 814 Walsh Court, Newmarket, ON L3X 2V3, presented on behalf of the applicant.

### **In support of the application:**

- No one spoke to the application.

There being no persons present to speak in support of the application, the Chair asked for those opposing the application.

### **In opposition of the application:**

- No one spoke to the application.

There being no persons present to speak in opposition to the application, the hearing was concluded.

Councillor Chiochio presided as Chair of the Public Hearing:

**13-90Z** A complete Application has been made by P. J. IULIANO on behalf of 1882988 ONTARIO INC. to rezone Lot 3 and Part Lots 2, 4, 5, 6, 8 and 9, Plan 614 for lands at 27 Thorold Road from the existing C2 - Shopping Commercial Zone to a Site Specific C2 Zone. The purpose of the Amendment is to permit a commercial school as an additional use to uses already permitted by the existing C2 Zone; to recognize the existing east side yard of 0.22 metres; to exempt the property from provisions of a 3.0 metre wide planting strip and 10% landscaped open space to recognize the existing situation; and to provide a maximum of 23 parking spaces for the commercial school and four existing dwelling units. The Official Plan designation is COMMUNITY COMMERCIAL CORRIDOR.

Councillor Chiochio outlined the procedures of the Public Hearing as required by the *Planning Act*.

R. Di Felice confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

Martin Heikoop, Upper Canada Consultants, 1-261 Martindale Road, St. Catharines, ON L2W 1A1, Vanessa Iuliano, 269 Cardinal Crescent, Welland, ON L3C 0B1 and Lori DeLuca, 23 Bartok Crescent, Port Colborne, ON L3K 6B5, presented on behalf of the applicant.

**In support of the application:**

- Sanja Smrek, 31½ Thorold Road, Welland ON L3C 3T3.

There being no other persons present to speak in support of the application, the Chair asked for those opposing the application.

**In opposition of the application:**

- No one spoke to the application.

There being no persons present to speak in opposition to the application, the hearing was concluded.

**13-1** Moved by Larouche and Grenier  
 THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of July 16, 2013, as circulated.

**CARRIED**

**04-57** Moved by Belcastro and Letourneau  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated July 15, 2013 regarding Report ICP 70-2013: Update on Amendment 2 to Places to Grow.

**CARRIED**

**06-84** Moved by Belcastro and Letourneau  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated August 6, 2013 regarding Report ICP 75-2013: Niagara Age-Friendly Community Initiative and refers same to the Senior Citizens Advisory Committee for its information.

**CARRIED**

**06-131**

**06-131Z** Moved by Belcastro and Letourneau  
 THAT THE COUNCIL OF THE CITY OF WELLAND adopts an Official Plan Amendment to designate the lands south of Timberview Crescent, west of the existing stormwater management facility, more specifically described as Part of Block 82 and Part of Lot 44, Plan 59M-374 as Medium Density Residential - Special Policy Area; and further

THAT Welland City Council approves an Amendment to Zoning By-law 2667, as amended, for lands south of Timberview Crescent, west of the existing stormwater management facility, more specifically described as Part of Block 82 and Part of Lot 44, Plan 59M-374, in the City of Welland from the existing Multiple Dwelling - Third Density (RM3-X20) Zone to a Holding Site Specific Multiple Dwelling - Third Density Zone for Blocks 4 and 5 to permit semi-detached dwellings and accessory dwelling units and rezoned from the existing Multiple Dwelling – Third Density (RM3-X20) Zone to a Holding Site Specific Multiple Dwelling Third Density (H-RM3) Zone for Blocks 1, 2, 3, 6, 7, 8, 9 to permit freehold triplexes, street townhouses, and accessory dwelling units; and further

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

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**06-131****06-131Z...cont'd.**

video and written report of an internal examination of the sanitary and storm sewer systems is provided; that the entire water system has been completed and tested and disinfected and water services have been installed to the front property line; that the entire storm sewer system has been completed; that the asphalt roadway has been constructed (the stone base and asphalt base); that the grading requirements and lot grading requirements of the City's Land Development Policy have been met; all streetlights are in good working order and energized by the Welland Hydro-Electric Corp; 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 Phase 6 Subdivision (File: 26T-14-13001) developed by Sterling Realty (Niagara) Inc., being Part of Block 82 and Part of Lot 44, Plan 59M-374, in the City of Welland based upon a Plan prepared by Upper Canada Consultants dated December 18, 2012 consisting of ten (10) Blocks; one (1) Block for the construction of four (4) street townhouse units, six (6) Blocks for the construction of eighteen (18) freehold triplexes, two (2) Blocks for the construction of four (4) semi-detached dwelling units and one (1) Block for a 0.3 metre reserve, 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 development must conform to the City of Welland Municipal Standards, as amended.
4. That Block 10 inclusive being a 0.3 metre Reserve, be transferred to the City of Welland free of all encumbrances for access control purposes.
5. That all necessary Easements required for utility and servicing purposes be granted to the appropriate Authority free of all encumbrances.
6. 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.
7. 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 dwellings/buildings.
8. That the Owner provide a letter-of-credit and enter into a legal agreement for the water and wastewater portion of the Regional Development Charges within 12 months of Draft Plan Approval (or Extension) of a Plan of Subdivision, unless evidence of a MOE Application for servicing has been made within this time, to the satisfaction of the Niagara Region Public Works Department (Development Services Division).
9. That prior to final approval for registration of this Plan of Subdivision, the Owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment Environmental Compliance Approval under the Transfer of Review Program to the satisfaction of the Niagara Region Public Works Department (Development Services Division).
10. That prior to approval of the Final Plan or any on-site grading, the Owner submit to the Niagara Peninsula Conservation Authority, for review and approval, a Stormwater Management brief to confirm that the proposed development meets the intent of the overall Stormwater Management Plan for the Coyle Creek Subdivision.
11. That prior to approval of the Final Plan or any on-site grading, the Owner submit to the Niagara Peninsula Conservation Authority, for review and approval, detailed lot grading and drainage plans, delineating both existing and proposed grades and the means whereby major system flows will be accommodated across the lands.
12. That prior to approval of the Final Plan or any on-site grading, the Owner submit to the Niagara Peninsula Conservation Authority, for review and approval, detailed sedimentation and erosion control plans explaining methods proposed for: (a) the control of silt and erosion during the construction phase, and (b) restoration proposed for the site after construction.

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**06-131****06-131Z...cont'd.**

13. That prior to approval of the Final Plan or any on-site grading, the Owner submit to the Niagara Peninsula Conservation Authority, for review and approval, a Stormwater Management Plan. Said Plan is to be prepared by a qualified Professional Engineer in compliance with the Ministry of the Environment and Energy's "Stormwater Management Practices and Planning Design Manual", June 1994 (as amended) and the "Stormwater Quality Guidelines for New Development" (as amended).
14. That prior to approval of the Final Plan or any on-site grading the Owner submit to the Niagara Peninsula Conservation Authority, for review and approval, with a copy to the City of Welland a Tree Saving or Preservation Plan prepared in accordance with the Niagara Region Tree and Forest Conservation By-law (No. 30-2008, as amended).
15. That the Owner agrees that the following NPCA mitigation measures be included in the Subdivider's Agreement: mitigation measures of good construction practices and a sediment and erosion control plan; silt fencing shall be installed along the limit of the development area before the commencement of construction activities and vegetative cover shall be restored to all bare ground as soon as possible; all fill materials should be kept inside the fencing and removed from the site as soon as it is practical to limit potential sediment sources; all equipment fueling and maintenance should be performed such that it does not contaminate surface water or the ground; limit of work fencing along the perimeter of the development area is required to limit the amount of soil compaction that could damage or suffocate root systems; and, a chain link fence be installed along the development limit adjacent to the floodplain to limit access to this area and to protect the natural riparian buffer. All mitigation measures to be carried out to the satisfaction of the Niagara Peninsula Conservation Authority.
16. That the Owner agrees in the Subdivider's Agreement to implement all plans and required works arising from meeting Conditions 7, 8, 9, 10, 11, 12, 13, 14, and 15 above.
17. The Owner covenants and agrees to provide the City of Welland with evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post Corporation for the installation of Community Mail Boxes (CMB) as required by Canada Post Corporation and as shown on the approved engineering design drawings/Draft Plan, at the time of sidewalk and/or curb installation. The Owner further covenants and agrees to provide notice to prospective purchasers of the locations of CMB(s) and that home/business mail delivery will be provided via CMB, provided the Developer has paid for the activation and equipment installation of the CMB(s).
18. That prior to the granting of Approval for the Final Plan, the City of Welland, will require written notice from the following upon their respective Conditions having been met satisfactorily:
  - i. Regional Niagara Public Works for Conditions: 8 and 9.
  - ii. Niagara Peninsula Conservation Authority for Conditions: 10, 11, 12, 13, 14 and 15.
  - iii. Canada Post for Condition: 17.
19. 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 Phase 6 Subdivision once all Conditions have been satisfied.

**CARRIED**

**09-75**

Moved by Petrachenko and Wright

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the expression of thanks from Lorraine Lafrenière, Director General, for the successful execution by the City of Welland and the Welland Recreational Canal Corporation of Canoe Niagara 2013 in the City of Welland.

**CARRIED**

**12-122**

Moved by Belcastro and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes the Semi-Annual Subdivision Status Report as of December 31, 2012.

**CARRIED**

**12-138** Moved by Campion and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves the revised redlined Draft Plan prepared by William A. Mascoe Surveying Ltd. and dated July 26, 2013 consisting of fourteen (14) lots for a total of seventeen (17) dwelling units; and further

That Welland City Council is satisfied that the revised redlined Draft Plan is in general conformity with the approved Draft Plan of Subdivision and that no further notice is required; and further

THAT Welland City Council approves the entering into a Subdivider's Agreement with 2322767 Ontario Inc. with respect to a residential Plan of Subdivision (Woods View Subdivision) located on lands north of Trent Avenue and east of First Avenue consisting of eleven (11) lots for single-detached dwellings and three (3) lots for semi-detached dwellings; and further

THAT Welland City Council directs staff to prepare any necessary By-laws; and further

THAT Welland City Council authorizes the Mayor and Clerk to execute any necessary documents associated with the Subdivision; and further

THAT Welland City Council authorizes the Mayor to sign the Final Plan of Subdivision to allow the Plan to be registered once all Conditions of Draft Approval have been met and the Plan has been checked for conformity.

**CARRIED****13-4** Moved by Grenier and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Evan McDade, CA, Deloitte and Touche, LLP, regarding the 2012 Auditor's Report of the Consolidated Financial Statements for the fiscal year ending December 31, 2012, for the Corporation of the City of Welland; and further

THAT Welland City Council accepts and approves the Consolidated Financial Statements for the Corporation of the City of Welland for the fiscal year ending December 31, 2012.

**CARRIED****13-15** Moved by Letourneau and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Michael Lundholm, Owner and Architect, and Helmut Klassen, B.Arch., M.Arch., Ph.D., Lundholm Associates Architects regarding an update on the Historic Central Fire Hall; and further

THAT Welland City Council refers the Welland Historic Central Fire Hall Feasibility Study and Concept Design to staff for review and report to the Budget Review Committee for its consideration.

**CARRIED****13-19** Moved by DiMarco and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND continues to support and promote sports and recreation events in our City; and further

THAT Welland City Council would support an application by the Welland Whalers Senior Mens Hockey Team to host a future Allan Cup – Canadian Mens Senior AAA Hockey Championships – in Welland.

**CARRIED****13-22** Moved by Larouche and Wright

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report TRAF-2013-07: Proposed Amendments to Traffic and Parking By-law 89-2000 – Forks Road Parking Restrictions; and further

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**13-22...cont'd**

THAT Welland City Council authorizes staff to amend Schedule "V" – Parking Prohibitions (Specified Places, with Signs) of the Traffic and Parking By-law 89-2000 as follows:

*Add the following to Schedule "V" – Parking Prohibitions (Specified Places, with Signs):*

COLUMN 1 STREET	COLUMN 2 SIDE	COLUMN 3		COLUMN 4
		FROM	TO	
Forks Road	North side & South side	Elm Street	Colborne Street	May 1 <sup>st</sup> to November 30 <sup>th</sup>

**CARRIED**

**13-22** Moved by Petrachenko and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report TRAF-2013-08: Bike Lanes and Parking-East Main Street; and further

THAT Welland City Council approves the implementation of Bike Lanes and Parking Lanes as outlined in Report TRAF-2013-08.

**CARRIED**

**13-73****13-73Z** Moved by Carl and Campion

THAT THE COUNCIL OF THE CITY OF WELLAND approves an Amendment to Zoning By-law 2667, as amended, for lands south of Balsam Street, east of Brookhaven Court and west of South Pelham Road more particularly described as Part of Lot 1, Concession 11, former Township of Pelham, now in the City of Welland, from the existing Rural Agricultural (RA) Zone to a Site Specific Holding Single-Detached Dwelling – Third Density (H-R3) Zone to permit the development of a Plan of Subdivision consisting of eighteen (18) lots with eighteen (18) single-detached dwellings with reduced Front Yard setbacks; and further

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; that the entire water system has been completed and tested and disinfected and water services have been installed to the front property line; that the entire storm sewer system has been completed; that the asphalt roadway has been constructed (the stone base and asphalt base); that the grading requirements and lot grading requirements of the City's Land Development Policy have been met; all streetlights are in good working order and energized by the Welland Hydro-Electric Corp.; 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 of the Forest Creek Estates Subdivision (File 26T-14-13002) developed by Vinmar Developments Ltd. being Part of Lot 1, Concession 11, former Township of Pelham, now in the City of Welland, based upon a Plan prepared by Upper Canada Consultants dated April 15, 2013 consisting of eighteen (18) single-detached Lots, one (1) Block for 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:

1. That the Owner enter into a Subdivider's Agreement with the City to be registered on Title.
2. That no grading or construction 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 the Owner shall pay, to the City, Cash-in-Lieu of Parkland Dedication in accordance with current City Standards/Policy.

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**13-73****13-73Z...cont'd.**

5. 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.
6. 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 dwellings/buildings.
7. The Owner shall file a Record of Site Condition (RSC) on the Ministry of the Environment's (Brownfields) Environmental Site Registry in accordance with Ontario Regulation 153/04, as amended by Ontario Regulation 511/09, as amended, prior to the issuance of a Building Permit, and that the Owner provide Niagara Region Public Works Department (Development Services Division) and the City with a copy of the Ministry of the Environment's written acknowledgement of the filing of the RSC.
8. Upon Registration of the Plan of Subdivision, the City will Lay Out, Establish and name Block 18, Plan 59M-242 as part of Street 'B'.
9. Upon completion of the streets, the City will Lay Out, Establish and Name Block 17, Plan 59M-242 as part of Street 'B' and Blocks 25 and 27, Plan 59M-355 as part of Brookhaven Court.
10. The Owner shall construct Block 17 and 18, Plan 59M-242 to full municipal urban standards as part of Street 'B'.
11. 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.
12. The Owner covenants and agrees to provide the City of Welland with evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post Corporation for the installation of Community Mail Boxes (CMB) as required by Canada Post Corporation and as shown on the approved engineering design drawings/draft plan, at the time of the sidewalk and/or curb installation. The Owner further covenants and agrees to provide notice to prospective purchasers of the locations of the CMBs and that home/business mail delivery will be provided via CMB, provided the Owner has paid for the activation and equipment installation of the CMBs.
13. That the Owner shall provide a letter-of-credit and enter into a legal agreement for the water and wastewater portion of the Regional Development Charges within 12 months of Draft Plan Approval (or Extension) of a Plan of Subdivision, unless evidence of a MOE Application for servicing has been made within this time, to the satisfaction of the Niagara Region Public Works Department (Development Services Division).
14. That prior to final approval for registration of this Plan of Subdivision, the Owner shall submit the design drawings (with calculations) for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment Environmental Compliance Approval under the Transfer of Review Program to the satisfaction of the Niagara Region Public Works Department (Development Services Division).
15. That the Subdivision Agreement between the Owner and the City 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.
16. Prior to any construction taking place within a Regional Road Allowance, a Regional Construction Encroachment and/or Entrance Permit must be obtained from the Region. Applications must be made through the Permits Section of the Transportation Services Division of the Public Works Department.
17. That the Owner dedicates a 3.05 metre road widening to the Regional Municipality of Niagara along South Pelham Road to the satisfaction of Region of Niagara Development Services Division.
18. That prior to approval of the Final Plan or any on-site grading, the Owner submit to the Niagara Region Public Works Department (Development Services Division) for review and approval two (2) copies of the following plans for the Subdivision designed and sealed by a suitably qualified professional Engineer:
  - a) Detailed storm servicing and stormwater management plans;
  - b) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and
  - c) Detailed sediment and erosion control plans; and

...continued...

**13-73****13-73Z...cont'd.**

- d) That the Subdivider's Agreement contain provisions whereby the Owner agrees to implement the approved plans.
19. A clause is to be inserted in the Building Restrictions (Schedule `B`) of the Subdivider's Agreement, which is registered as a restrictive covenant on Title, as follows:
- a) The Purchaser acknowledges that the Geotechnical Investigation for the Subdivision has identified competent founding soils for footings at a depth that may require `engineered fill` or special building design, depending on the depth of building and final grade of finished ground. Some recommendations and alternatives include:
- i. Increasing footing depth to competent soil;
  - ii. Review of engineered fill construction by a geotechnical firm;
  - iii. Steel rebar reinforcing in footings and foundation walls.
20. 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 13, 14, 15, 16 and 17;
  - b) Niagara Region/Niagara Peninsula Conservation Authority for Condition 18; and
  - c) Canada Post for Condition 12.
21. 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 Forest Creek Estates Subdivision once all Conditions have been satisfied.

**CARRIED**

**13-86**

Moved by Belcastro and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated July 15, 2013 regarding Report ICP 69-2013: Policy Initiation Report - Regional Policy Plan Amendment (RPPA 4-2013) - Urban Area Boundary Modifications for the City of Welland.

**CARRIED**

**13-89Z**

Moved by Grenier and Carl

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Application for a Zoning By-law Amendment to Rezone the lands described as Lot 28, Registered Plan 59M-139, municipally known as 3 College Park Drive, from the existing R3 (Single Detached Dwelling – Third Density) to a site specific R3 (Single Detached Dwelling – Third Density) Zone to permit an accessory dwelling unit within the existing single detached dwelling and to recognize the reduced setback of the existing deck and accessory building on the subject property.

**CARRIED**

**13-90Z**

Moved by Campion and Chiochio

THAT THE COUNCIL OF THE CITY OF WELLAND approves an Amendment to Zoning By-law 2667, as amended, for lands described as Lot 3 and Part Lots 2, 4, 5, 6, 8 and 9, Plan 614, known municipally as 27 Thorold Road, from the existing C2 - Shopping Commercial Zone to a Site Specific C2 Zone to permit a commercial school in addition to uses currently permitted by the C2 Zone; to exempt the property from provisions of a 3.0 metre wide planting strip and 10% landscaped open space; to provide a minimum of 23 parking spaces for the commercial school and four existing dwelling units; and to permit a minimum 6.2 metre wide drive aisle.

**CARRIED**

**13-91** Moved by Belcastro and Letourneau  
 THAT THE COUNCIL OF THE CITY OF WELLAND expresses its support for affordable, accessible, and reliable rail service to the Niagara Region; and further  
 THAT Welland City Council urges the federal government to invest in infrastructure and provide the necessary funding to ensure Niagara Region is effectively served by rail service.

**CARRIED**

**13-93** Moved by Belcastro and Letourneau  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes the Semi-Annual Subdivision Status Report as of June 30, 2013.

**CARRIED**

**13-94** Moved by Belcastro and Letourneau  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated August 7, 2013 regarding Report ICP 76-2013: Results of the Economic Impact Assessment of Niagara's Culture Sector and refers same to the Arts and Culture Advisory Committee for its information.

**CARRIED**

**13-95** Moved by Belcastro and Letourneau  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated August 6, 2013 regarding Report ICP 78-2013: Watercourse Mapping Project.

**CARRIED**

## **BY-LAWS**

Moved by Chiocchio and Grenier  
 THAT THE COUNCIL OF THE CITY OF WELLAND having given due consideration to the following By-laws, 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.

**13-89Z**

BYL 2013 - 99

A By-law to amend City of Welland Zoning By-law 2667 (Olga Azanova - File 2013-05) 3 College Park Drive.

**13-90Z**

BYL 2013 - 100

A By-law to amend City of Welland Zoning By-law 2667 (1882988 Ontario Inc. - File 2013-06) 27 Thorold Road.

**12-138**

BYL 2013 - 101

A By-law to accept the transfer of an easement(s) for storm sewers from 2322767 Ontario Inc. to the Corporation of the City of Welland in the Woods View Estates Subdivision (File 26T-14-12001).

**12-138**

BYL 2013 - 102

A By-law to authorize the signing of a Subdivider's Agreement with 2322767 Ontario Inc. with respect to the development of Woods View Estates Subdivision (File 26T-14-12001).

**13-73****13-73Z**

BYL 2013 – 103

A By-law to amend City of Welland Zoning By-law 2667 (Vinmar Developments Ltd – File 2013-02) 755 South Pelham Road.

**CARRIED**

Moved by Belcastro and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND having given due consideration to the following By-laws, 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.

**06-131**

BYL 2013 - 104

A By-law to authorize the adoption of Official Plan Amendment No. 3.

**06-131Z**

BYL 2013 - 105

A By-law to amend City of Welland Zoning By-law 2667 (Sterling Realty (Niagara) Inc. - File 2013-01) south of Timberview Crescent, east of South Pelham Road and west of Creekside Drive.

**13-84**

BYL 2013 - 106

A By-law to authorize acceptance of an offer to purchase from Welland Care Centre Inc. for the sale of City-owned property municipally known as 635 Prince Charles Drive.

**13-15**

BYL 2013 - 107

A By-law to authorize entering into agreement with the Welland Professional Fire Fighters Association to locate a monument at the Fire Station (636 King Street) to honour past members.

**13-22**

BYL 2013 - 108

A By-law to amend By-law 89-2000, being a By-law Regulating Traffic and Parking within the City of Welland (Schedule "I" Municipal/Private Parking).

**13-1**

BYL 2013 - 109

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 12th day of August, 2013.

**CARRIED**

**NOTICE OF MOTION**

In accordance with By-law 2009-144 passed on November 3, 2009, Councillor(s) must submit their NOTICE OF MOTION(s) in writing no later than Wednesday, September 25, 2013 for inclusion on the next regular Council meeting agenda of October 1, 2013.

Council adjourned at 10:09 p.m.

These Minutes approved and adopted by Motion of Council this 1<sup>st</sup> day of October, 2013.

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**MAYOR**

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**CITY CLERK**