



# **NOTICE**

**THE MAYOR HAS CALLED**

**A SPECIAL MEETING OF COUNCIL**

**AT 5:25 P.M.**

***TUESDAY, JUNE 25, 2019***

**IN THE COUNCIL ANTE ROOM – CIVIC SQUARE  
TO DISCUSS THE FOLLOWING:**

- **A TRADE SECRET OR SCIENTIFIC, TECHNICAL, COMMERCIAL OR FINANCIAL THAT BELONGS TO THE MUNICIPALITY OR LOCAL BOARD AND HAS MONETARY VALUE OR POTENTIAL MONETARY VALUE.**
  - *Gateway CIP Agreement.*
  
- **UNDER THE *BUSINESS CORPORATIONS ACT* – WELLAND HYDRO-ELECTRIC HOLDING CORPORATION.**
  - *Welland Hydro-Electric Holdings Corporation Annual General Meeting – Election and Confirmation of Directors, and Directors Remuneration.*

**AND**

**IN OPEN SESSION  
IN COUNCIL CHAMBERS, CIVIC SQUARE**

**TO CONSIDER ANY CORRESPONDENCE, REPORTS, AND BY-LAWS**

  
**Tara Stephens,  
City Clerk**



**SPECIAL COUNCIL MEETING AGENDA**  
**Tuesday, June 25, 2019**  
**COUNCIL CHAMBERS – CIVIC SQUARE**

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1. **COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (5:25 P.M.)**  
**(See yellow tab)**
  - A trade secret or scientific, technical, commercial or financial that belongs to the municipality or local board and has monetary value or potential monetary value.
    - *Gateway CIP Agreement.*
  - Under the *Business Corporations Act* – Welland Hydro-Electric Holding Corporation.
    - *Welland Hydro-Electric Holdings Corporation Annual General Meeting – Election and Confirmation of Directors, and Directors Remuneration.*
2. **ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:55 P.M.)**
3. **OPEN SPECIAL COUNCIL MEETING (7:00 P.M.)**
  - 3.1 **CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE ITEMS (IN-CAMERA) TO BE ADDED TO BLOCK**
  - 3.2 **ADDITIONS/DELETIONS TO AGENDA**
  - 3.3 **DISCLOSURES OF INTEREST**
  - 3.4 **COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN) (See pink tab)**

**(Recess the Special Council Meeting to hold the Annual Shareholder Meeting of Welland Hydro-Electric Holding Corporation).**

4. **COMMITTEE-OF-THE-WHOLE (OPEN)**  
**(to discuss items removed from Agenda Block)**
5. **BY-LAWS (SEE AGENDA INDEX)**
6. **CONFIRMATORY BY-LAW**

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 25th day of June, 2019.  
Ref. No. 19-1

7. **ADJOURNMENT**



## **SPECIAL COUNCIL MEETING AGENDA INDEX**

*Tuesday, June 25, 2019*

*7:00 P.M.*

**COUNCIL CHAMBERS – CIVIC SQUARE**

Page No.

### **AGENDA BLOCK**

1. **BUSINESS ARISING FROM MINUTES, PREVIOUS MEETINGS AND OTHER ITEMS REFERRED FROM COUNCIL FOR DISCUSSION - Nil**
  
2. **COMMITTEE AND STAFF REPORTS**
  1. **Business Arising from Committee-of-the-Whole (closed)**
  2. **Staff Reports - Nil**
  
3. **NEW BUSINESS - Nil**
  
4. **BY-LAWS**
  1. A By-law to authorize acceptance of an offer from Walter Lucchetta for the sale of vacant land (PT TWP Lot 239 Thorold/Gadsby Avenue). Ref. No. 19-91 (Authorize sale of vacant land).
  2. A By-law to authorize acceptance of an offer from Lucchetta Builders Inc. for the sale of vacant land (Part 2 Plan 59R7365/Aqueduct Street). Ref. No. 19-92 (Authorize sale of vacant land).
  3. A By-law to enter into contract with Nexterra Substructures Inc. for the Pine Street Municipal Services Improvements. Ref. No. 19-58 (Report ENG-2019-25, approved by Council on June 18, 2019).
  4. A By-law to enter into contract with Alfred Beam Excavating Ltd. For the River Road Industrial Subdivision. Ref. No. 19-74 (Report ENG-2019-26, approved by Council on June 18, 2019).



## GENERAL COMMITTEE

*Tuesday, June 25, 2019*  
**COUNCIL CHAMBERS - CIVIC SQUARE**

**Meeting Number 2019 - 10**

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1. **OPEN GENERAL COMMITTEE MEETING FOLLOWING THE SPECIAL COUNCIL MEETING.**
    - 1.1 **CALL TO ORDER BY VICE MAYOR JIM LAROUCHE**
    - 1.2 **ADDITIONS/DELETIONS TO AGENDA**
    - 1.3 **DISCLOSURES OF INTEREST**
    - 1.4 **ADOPTION OF MINUTES**

General Committee Meeting of June 11, 2019.
    - 1.5 **ITEMS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN) (See blue tab)**
  
  2. **VERBAL REPORTS AND DELEGATIONS**
    - 2.1 **DELEGATIONS (MAXIMUM 5/10/5 RULE)**
      - 10-123** Paul Turner, STEP re: STEP Program.  
**(Background information provided in Council members packages).**
      - 19-28** David Ahong B.A., CSEP-CEP and Shannon Rotteveel B.Sc., CSEP-CEP, R.Kin re: Cancer Rx: Cancer Exercise Prescription.  
**(Background information provided in Council members packages).**
      - 19-37** Niagara Region re: Welland Water Treatment Plan Phase II upgrade.
      - 19-19** Anand Desai, Associate Planner, Monteith Brown Planning Consultant re: Parks and Recreation Master Plan.  
**(Background information provided in Council members packages).**
    - 2.2 **PRESENTATIONS**
      - 17-76** Tara Stephens, City Clerk and Carmela Radice, Deputy Clerk re: Streaming/webcasting for the City of Welland.  
**(Background information provided in Council members packages).**
    - 2.3 **AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORT(S) – NII**



**GENERAL COMMITTEE -- Page 2**

**Tuesday, June 25, 2019  
COUNCIL CHAMBERS – CIVIC SQUARE**

**Meeting Number 2019 – 10**

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- 3. COMMITTEE-OF-THE-WHOLE (OPEN)  
(Discuss items removed from Agenda Block)**
  
- 4. ADJOURNMENT**



## GENERAL COMMITTEE

Tuesday, June 25, 2019  
COUNCIL CHAMBERS - CIVIC SQUARE

Meeting Number 2019 - 10



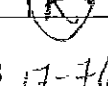
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### AGENDA BLOCK

1. BUSINESS ARISING FROM MINUTES, PREVIOUS MEETINGS AND OTHER ITEMS REFERRED FROM COUNCIL FOR DISCUSSION - Nil
  
2. STAFF REPORTS  
  
CORPORATE SERVICES – D. McLeod, Chair  
  
Human Resources & Legislative Services Division  
  
1 - 2      CLK-2019-03      General Manager, Human Resources & Legislative Services, R. Mantesso  
   – Update Webcasting for the City of Welland. Ref. No.17-76  
  
INFRASTRUCTURE & DEVELOPMENT SERVICES – L. Van Vliet, Chair  
  
Planning & Building Division  
  
3 - 7      P&B-2019-23      Manager of Development Approvals, G. Munday – Tree By-Law  
   Considerations. Ref. No.17-19
  
3. NEW BUSINESS - Nil

**GENERAL COMMITTEE**  
**LEGISLATIVE SERVICES – CLERKS DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
GAO	

REPORT CLK-2019-03 17-76  
JUNE 25, 2019

**SUBJECT: UPDATE WEBCASTING FOR THE CITY OF WELLAND**

**AUTHOR: TARA STEPHENS, CITY CLERK**

**APPROVING G.M.: ROSANNE MANTESO, GENERAL MANAGER  
HUMAN RESOURCES AND LEGISLATIVE SERVICES**

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CLK-2019-03: Update Webcasting for the City of Welland; and THAT Welland City Council approves a one (1) year agreement with iSi Live for webcasting services; and further THAT Welland City Council directs the Clerk to prepare all necessary by-laws to enter into an agreement with iSi Live for municipal webcasting.

**ORIGIN AND BACKGROUND:**

On June 6, 2017 Council passed a resolution approving a one (1) year agreement with iSi Live for webcasting services and for staff to provide an update on the service.

At the September 25, 2018 Council Meeting, staff were directed to obtain updated information regarding live streaming services by iSi Live and Wee Stream.

**COMMENTS AND ANALYSIS:**

The introduction of live streaming has effectively assisted in increasing transparency to Council, Special Council and General Committee. Since the introduction of the livestreaming component, live streaming of the meetings has been moderately utilized. Indicating the public's preference in viewing meetings live on their computers anywhere has increased public engagement and transparency.

With the audio improvements to the Council Chambers, the closed captioning on recordings has improved substantially.

**FINANCIAL CONSIDERATION:**

The cost for the iSi Live Webcasting platform for one (1) year is \$12,420.00 including HST.

The yearly cost includes unlimited live access, archive abilities, support and encoding hardware.

**OTHER DEPARTMENT IMPLICATIONS:**

Assistance from the Information Services Division will be required to incorporate the system with our current Council Chambers system, and uploading meetings to the City of Welland website.

The Legal Division will be required to prepare the necessary by-law(s).




**SUMMARY AND CONCLUSION:**

Staff is seeking Council approval to sign a one (1) year agreement with iSi Live for webcasting services. Live streaming the meetings has assisted in increasing public engagement and transparency of processes and decisions.

**ATTACHMENTS:**

N/A



APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

**GENERAL COMMITTEE**  
**INFRASTRUCTURE AND DEVELOPMENT SERVICES**

17-19  
REPORT P&B-2019-23  
JUNE 25, 2019

**SUBJECT: TREE BY-LAW CONSIDERATIONS**

**AUTHOR: ROSE DI FELICE, M.PI., M.Sc., MCIP, RPP  
MANAGER OF POLICY PLANNING**

**APPROVING G.M.: GRANT MUNDAY, B.A.A., MCIP, RPP  
MANAGER OF DEVELOPMENT APPROVALS**

**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report P&B-2018-23 regarding Tree By-law considerations; and further,

That Welland City Council directs Staff too consult with the public, agencies and other stakeholders prior to reporting back to Council regarding tree preservation on properties that are subject to Planning Act Applications.

**ORIGIN AND BACKGROUND:**

On January 16, 2018 Council approved a motion for Staff "to investigate a Tree By-law under the Municipal Act 2001 or the Planning Act".

Staff has reviewed the preservation and promotion of Trees, the Urban Canopy and Woodlands for two distinct categories: 1) public trees in the right-of-way and on City property such as parks and canal lands; and, 2) private trees located on privately owned land. This Report outlines current policies with respect to both of these categories.

**COMMENTS AND ANALYSIS:**

**Public Trees**

The management of trees planted in the right-of-way and on City-maintained property is conducted in accordance with accepted good forestry practices by the City's skilled forestry department.

Public trees are removed at the discretion of qualified forestry individuals for a number of reasons such as (but not limited to): disease, risk of injury and liability, road widenings, infrastructure improvements, and development applications.

The replanting of trees, and the planting of new trees is performed annually by City forestry crews subject to budgetary limitations. City crews also plant boulevard trees in

The replanting of trees, and the planting of new trees is performed annually by City forestry crews subject to budgetary limitations. City crews also plant boulevard trees in new subdivisions per the requirements of the City's Land Development Policy (1 tree per lot).

By-law 2007-173, *The Highway Damage and Obstruction Control By-law* provides the following language with respect to the protection and preservation of trees:

- 4.3.1 No person shall plant a tree on a highway without City Parks approval.
- 4.3.2 No person shall remove, cut down, or injure a tree located on a highway, or alter any protection system installed for the purpose of protecting a tree.
- 4.3.3 Every person, who is the owner of a property upon which stands a tree, shall forthwith remove any portion of the tree, dead, diseased or decayed, that may fall on a highway.
- 4.3.4 Every person, who is the owner of property which stands a tree, shall forthwith remove any portion of the tree, which interferes with highway street lights.
- 4.3.5 No person shall fasten anything to a tree located on a highway, except when such thing is designed to enhance the survival or growth of the tree.

Based on the practices, policies, and By-laws currently in place, Staff recommends maintaining the status quo for public trees.

#### Private Trees

Trees located on private property are considered the property of the landowner. The City of Welland regulates trees located on private property that pose a hazard to health and safety on highways through By-law 2007-173 (noted above). In addition, the *Property Standards By-law 2009-108* provides for the following:

#### Section 6 Regulations For All Properties

##### 6.1. Yards

##### 6.1.1. Every yard, including vacant lots shall be kept clean and free from:

- (a) dead, decayed or damaged trees or other natural growth;
- (b) unsafe trees, trees in danger of falling

At the Provincial level there exists Regulation (Endangered Species Act, Species at Risk in Ontario List - O. Reg. 230/08) to protect individual endangered tree species and tree species at risk. Unless a species is identified in this Regulation, there are no local regulations protecting tree removals on private property unless they are part of a Woodland, or have been identified in a Tree Saving Plan.

#### *Woodlands*

Niagara Region has in place its *Regional Tree and Forest Conservation By-law No. 30-2008* that applies to Woodlands that are 1.0 hectare or larger in size in Welland. Per Section 1.38 of the By-law, Woodlands are defined as one or more properties with a density of at least:

- 1.38.a 1,000 trees, of any size per hectare;
- 1.38.b 750 trees, measuring five (5) centimetres in diameter at DBH, per hectare;
- 1.38.c 500 trees, measuring over twelve (12) centimetres in diameter at DBH, per hectare; or
- 1.38.d 250 trees, measuring over twenty (20) centimetres in diameter at DBH, per hectare;

But does not include:

- 1.38.f a cultivated fruit or nut orchard;
- 1.38.g a plantation established for the purpose of producing Christmas trees and which is being actively managed and harvested for the purposes for which it was planted, except that this does not refer to plantations that have ceased being managed or harvested for their intended purpose for a period of 15 years or more; or
- 1.38.h a bona fide tree nursery that is being actively managed and harvested for the purposes for which it was planted.

#### *Tree Saving Plan*

The City's Official Plan identifies those instances when a Tree Saving Plan is required. For example, the Official Plan requires that a developer/applicant submit a Tree Saving Plan where development or site alteration is approved within or adjacent to lands designated Core Natural Heritage System. The Plan must be prepared by a professional forester in accordance with the Region's Tree and Forest Conservation By-law (30-2008) and its implementation monitored by a member of the Ontario Professional Forestry Association. The Official Plan further outlines the requirements of a Tree Saving Plan itself. Such requirements of said Plan include:

- (i) Inventory and assess the health and significance of the trees in the woodland;
- (ii) Identify the trees to be removed, the reasons for removal and the methods to be used;
- (iii) Identify the trees to be retained and the measures required to prevent detrimental impacts on those trees; and,
- (iv) Recommend a program to monitor the health of the trees to be retained and implement measures to ensure that trees and shrubs found through the monitoring to be dead or in poor health shall be replaced.

Early in the development process, during the pre-consultation phase, a potential developer is advised that a Tree Saving Plan is required to support an application for development or site alteration so as to protect and preserve the trees on lands where development or disturbance impacts a wooded area. Typically Regional and/or Niagara Peninsula Conservation Authority Staff request Tree Saving Plans be prepared to support a development proposal.

If it is determined that a Tree Saving Plan must be submitted then this requirement is typically implemented through appropriate planning mechanisms such as conditions imposed on the approval of site plans and draft approval of plans of subdivision.

### Areas not currently covered in Welland

The current By-laws and policies outlined in this Report adequately cover a majority of areas relating to forestry and trees. Currently, the following areas are not regulated in Welland.

#### *Heritage Trees & Significant Community Trees*

Heritage Trees and Significant Community Trees refer to a tree designated by City Council as having some significance. Some municipalities have established a process for their Heritage Council to become involved in identifying trees of significance, and thereby have enacted By-laws, which include special provisions to protect these trees whether located on public or private property.

#### *Tree Cutting Permit*

Some municipalities have enacted By-laws that require a permit to be obtained prior to any cutting of private trees, with exceptions.

#### *Tree Canopy and Forest Cover Goal*

Niagara Region has identified, through their Forestry By-law, a goal of 30% forest cover in the Region. A Canopy Cover Goal also of 30% has been identified in the City of St. Catharines Urban Forestry Management Plan. Some municipalities have taken the approach to first identify their Tree Canopy and Forest Cover Goals, and then put into place an action plan to achieve the set goals overtime.

#### *Protection of Trees During Development Phase of Private Lands*

Trees have a value to the community by providing shade and shelter, acting as barriers to wind and erosion and improving the overall aesthetic appeal of a community. At times, on privately owned lands subject to Planning Act approvals (such as draft plans of subdivision/condominium, site plan approvals and consent applications) the removal of trees takes place. Although, Tree Saving Plans are required by the Official Plan there are instances where trees are removed prior to the completion of the Planning approvals process. Currently, as there are no standard requirements for Tree Saving Plans and the quality of plans may vary greatly, opportunities may arise regarding the enhancement of tree preservation/protection on development sites where development is imminent, so as to ensure a healthy, sustainable urban forest and a green, livable City. To this end, Staff suggest that a review be undertaken on how tree preservation on development sites can be enhanced through a formal process.

It is suggested, should Council wish for Staff to review opportunities for tree protection for properties that are subject to Planning Act Applications, that a public consultation process with the public, agencies and other stakeholders be carried out prior to Staff reporting back to Council.

### **FINANCIAL CONSIDERATION:**

Any changes to the level of service with respect to the City's current forestry practices will have an impact on the City's current financial position.

Further regulation of trees on private property would also require additional financial considerations with respect to resources required to administer inspections and permits.

**OTHER DEPARTMENT IMPLICATIONS:**

There are no other Department implications, at this time, resulting from this information Report.

**SUMMARY AND CONCLUSION:**

This Report details current practices, policies and By-laws that deal with the protection and preservation of trees in the City and outlines considerations to be contemplated regarding the need for, and value of, a Tree By-law being enacted in the City. Should it be determined that such a By-law should be considered an extensive public consultation and engagement process should be carried out prior to any such By-law being considered by Council.

Staff recommend that Council receive this Report for information purposes.

**ATTACHMENTS:**

N/A