



MINUTES OF
COUNCIL MEETING, OCTOBER 20, 2020
CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:11 p.m. and in open session at 7:05 p.m. on the above date.

His Worship Mayor Frank Campion in the Chair.

Members Present Electronically:

Councillors J. Chiochio, T. DiMarco (in person), B. Fokkens, B. Green, M.A. Grimaldi, J. Larouche, D. McLeod, A. Moote, G. Speck, L. Spinosa, C. Richard and L. Van Vliet.

Members of Staff and Others Present:

Interim CAO/General Manager, Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas
City Clerk, T. Stephens
General Manager, Infrastructure and Development Services, T. Fitzpatrick
General Manager, Economic Development & Recreation & Culture, D. Degazio
Manager of Development Approvals, G. Munday (6:42 p.m. - 10:20 p.m.)

2020 - 267**20-25**

Moved by Larouche and Grimaldi

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:11 p.m. to consider:

- A trade secret or scientific, technical, commercial financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - *Update on Empire.*
- Personal matters about an identifiable individual, including municipal or local board employees; and
 - *Citizen appointment to the City of Welland Heritage Advisory Committee.*
 - *Human Resources Matters update.*
 -

CARRIED**2020 - 268****20-25**

Moved by Larouche and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:04 p.m. with report.

CARRIED**AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORTS**

09-104 Councillor McLeod, Chair, Audit Review Committee provided a verbal report on the Audit Review Committee meeting of October 6, 2020.

20-04 Councillor McLeod, Chair, Budget Review Committee provided a verbal report on the Budget Review Committee meeting of October 6 and 13, 2020.

2020 - 269**99-90****99-99**

Moved by DiMarco and

THAT THE COUNCIL OF THE CITY OF WELLAND removes Report CAO-2020-03: Welland Downtown 2020 Summer Concert Series from the agenda.

NOT PUT**2020 - 270****20-1**

Moved by Spinosa and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of October 6, 2020 and Special Council Meeting of October 13, 2020, as circulated.

CARRIED**2020 - 271****99-90****99-99**

Moved by Van Vliet and Speck

THAT THE COUNCIL OF THE CITY OF WELLAND receives staff report regarding revenue sources for the Downtown Welland 2020 Summer Concert Series event.

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99-90

99-99 Moved by Green and Van Vliet

THAT Welland City Council request to call the question regarding Report CAO-2020-03: Downtown Welland 2020 Summer Concert Series event.

YEAS: Councillors Larouche, Green, Chiocchio, Grimaldi, Fokkens, Moote, Van Vliet and Mayor Campion.

NAYS: Councillors Speck, McLeod, DiMarco and Richard.

CARRIED

FOLLOWING THE VOTE TO CALL THE QUESTION, THE MAIN MOTION WAS PUT IN ITS ORIGINAL FORM AND

CARRIED

2020 - 272

99-90 Moved by McLeod and Larouche (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND approves the slate of Officers and Directors for term of 2020-2024 being: Amanda Christoff and Jesse D'Hulster.

(Councillor Spinosa disclosed an interest in this matter, and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he pays levy to the Welland Downtown Business Improvement Area (WDBIA)).

(Councillor McLeod disclosed an interest in this matter, and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he pays levy to the Welland Downtown Business Improvement Area (WDBIA)).

CARRIED

2020 - 273

02-160 Moved by Fokkens and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves that effective in 2022 with the newly elected Council, elected Council Members will serve an equal share as Council representatives on City Sub Committees and Committees of Council.

LOST

2020 - 274

04-47 Moved by McLeod and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Councillor _____ to the Welland Public Library Board for the term October 20, 2020 to November 14, 2022 or until another successor has been appointed.

NOT PUT

2020 - 275

06-84 Moved by Grimaldi and Spinosa

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the correspondence from the Town of Fort Erie dated October 6, 2020 regarding the request for the Province of Ontario to Investigate the Level of On-Site Licensed Nursing Care - Private Sector Retirement Homes.

CARRIED

2020 - 276

06-150

20-22 Moved by Green and Moote

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves Report TRAF-2020-07: Use of Administrative Penalties for the Enforcement of the Noise By-law ; and further
2. THAT Welland City Council directs the City Clerk to amend By-law 2015-23, a By-law to Regulate and Control Noise in the City of Welland, as follows:
 ADD the following to Section 4.0 – ENFORCEMENT
 4.3 Administrative Penalty By-law 2019-134 applies to each administrative penalty issued pursuant to this By-law.
 4.4 Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty by-law 2019-134, be liable to pay to the City an administrative penalty in accordance with the penalties as set out in Schedule “3” attached.
 ADD Appendix II to By-law 2015-23, SET FINE SCHEDULE (APS) - Schedule “3”
3. THAT Welland City Council directs the City Clerk to amend By-law 2019-134, the Administrative Penalty By-law for Non-parking Related Offences, as follows:
 ADD the following to Schedule “A” – DESIGNATED BY-LAWS

DESIGNATED BY-LAW	BY-LAW NUMBER
Noise By-law	2015-23, as amended

ADD the following to Schedule “C” – SET FINE SCHEDULES

SET FINE SCHEDULE	PAGE NO.:
Noise By-law 2015-23	13

ADD Appendix I to Schedule “C” as page number 13.

CARRIED

2020 - 277

09-104 Moved by McLeod and Spinosa

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the verbal report by Councillor McLeod, Chair, Audit Review Committee, regarding its meeting of October 6, 2020.

CARRIED

2020 - 278

16-109 Moved by Speck and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the City of St. Catharines dated October 7, 2020 regarding Development Approval Requirements for Landfills - (Bill 197).

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16-109 Moved by McLeod and Green

THAT THE COUNCIL OF THE CITY OF WELLAND refers back to staff the correspondence from the City of St. Catharines dated October 7, 2020 regarding Development Approval Requirements for Landfills - (Bill 197).

YEAS: Councillors Green, McLeod, Grimaldi, Fokkens and Moote.

NAYS: Councillors Larouche, Speck, Chiocchio, DiMarco, Richard, Spinosa, Van Vliet and Mayor Campion.

LOST

**FOLLOWING THE LOST VOTE TO THE REFERRAL MOTION, THE MAIN
WAS PUT IN ITS ORIGINAL FORM AND CARRIED**

2020 - 279

16-109

Moved by McLeod and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the City of Thorold dated October 8, 2020 regarding Bill 197.

CARRIED

2020 - 280

18-87

Moved by Green and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Town of Pelham dated October 9, 2020 regarding Motions and Notice of Motions re: Cannabis Related Legal Fees.

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18-87

Moved by Grimaldi and DiMarco

THAT THE COUNCIL OF THE CITY OF WELLAND refers to the Budget Review committee the correspondence from the Town of Pelham dated October 9, 2020 regarding Motions and Notice of Motions re: Cannabis Related Legal Fees.

(Councillor Moote disclosed an interest in this matter, and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he has a financial interest in one of the named organizations).

CARRIED

2020 - 281

20-04

Moved by McLeod and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the verbal report by Councillor McLeod, Chair, Budget Review Committee, regarding its meeting of October 6 and 13, 2020.

CARRIED

2020 - 282

20-04

Moved by Speck and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to present options to increase the City's self-imposed debt limits to include incremental Capital spending on

- a) Road Resurfacing
- b) Sidewalk Replacement
- c) Road Reconstruction
- d) Watermain Replacement
- e) Sewer Main Replacement

to support Council's strategic initiatives to accelerate Infrastructure Renewal; and further

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to target an overall 2021 tax increase (City, Region, and Education taxes combined) while minimizing the impact to the taxpayer as a key priority; and further

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to present Decision Units as part of the 2021 Tax Supported Budget to support corporate strategic initiatives that could not be accommodated within the Tax Supported Budget as recommended by the Budget Review Committee at its meeting of October 6, 2020.

CARRIED

2020 - 283

20-04 Moved by Speck and McLeod

THE COUNCIL OF THE CITY OF WELLAND receives for information the memorandum dated October 6, 2020, regarding the 2021 Tax Supported Budget, 2021-2030 Capital Budget, and 2021 Rate Supported Budget; and further

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare a Tax Supported Budget for 2021; and further

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare a Capital Budget and forecast for 2021-2030; and further

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to present the Capital Budget by Asset Category and aligned with the Asset Management Plan; and further

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to fully fund all ten years of the Capital forecast; and further

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare a 2021 Rate Supported Budget; and further

THE COUNCIL OF THE CITY OF WELLAND approves the 2021 Budget Timetable, attached as Appendix I to the 2021 Budget Call Information Report memorandum dated October 6, 2020, as recommended by the Budget Review Committee at its meeting of October 13, 2020.

CARRIED

2020 - 284

20-14 Moved by Speck and

THAT THE COUNCIL OF THE CITY OF WELLAND reconsiders the approved motion of council regarding Council Remuneration as outlined in staff Report CLK-2020-16: Remuneration of Council.

NOT PUT

20-14 Moved by Grimaldi and Van Vliet

THAT Welland City Council “challenges the Chair” regarding the ruling of the Notice of Motion from Councillor Speck regarding Council Remuneration, being in order.

YEAS: Councillors Green, Speck, McLeod, DiMarco, Spinosa and Mayor Campion.

NAYS: Councillors Larouche, Chiochio, Richard, Grimaldi, Fokkens, Moote and Van Vliet.

LOST

2020 - 285

20-19 Moved by Moote and Grimaldi

THAT THE COUNCIL OF THE CITY OF WELLAND redesignates this area as Open Space, and proceed with an RFP to have a park with playground equipment be installed at this location.

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20-19 Moved by McLeod and Speck

THAT THE COUNCIL OF THE CITY OF WELLAND refers to staff for report the notice of motion WHEREAS in 1994 the original developer had intended the property municipally known as 113 Michael Drive in the Michael Estate to be dedicated to the City of fulfill their provincially legislated parkland dedication requirements; and

WHEREAS, the land is still designated as Residential in the City’s Official Plan and zoned Residential Low Density 1 in the City of Welland’s Zoning By-law and

WHEREAS this land has never been redesignated and rezoned as parkland as originally intended; and further

WHEREAS this neighbourhood is underserved in parkland as identified in 2019 Parks and Recreation Master Plan commissioned by the City of Welland.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND redesignates this area as Open Space, and proceed with an RFP to have a park with playground equipment be installed at this location.

CARRIED

2020 - 286

20-24

Moved by Speck and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to start the Request for Quote (RFQ) to retain an executive search firm to find a suitable replacement for the Chief Administrative Officer; and further

THAT the process is to begin immediately.

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20-24

Moved by Fokkens and Richard

THAT Welland City Council amends the recommendation to direct Human Resources to start the Request for Quote (RFQ) process.

YEAS: Councillors Green, Speck, Chiocchio, DiMarco Richard and Fokkens.

NAYS: Councillors Larouche, McLeod, Grimaldi, Spinosa, Moote, Van Vliet and Mayor Campion.

LOST

FOLLOWING THE LOST VOTE TO THE AMENDING MOTION, THE MAIN MOTION WAS PUT IN ITS ORIGINAL FORM AND

YEAS: Councillors Green, Speck, Chiocchio, DiMarco, Richard and Fokkens.

NAYS: Councillors Larouche, McLeod, Grimaldi, Spinosa, Moote, Van Vliet, and Mayor Campion.

LOST

2020 - 287

20-26

Moved by Van Vliet and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and forward to staff for review the signed petition from the residents of Weller Avenue regarding sidewalks be placed only on the north side of Weller Avenue.

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20-26

Moved by McLeod and Van Vliet

THAT Welland City Council refers the signed petition from residents of Weller Avenue regarding sidewalks be placed only on the north side of Weller Avenue back to staff to obtain clarification.

CARRIED

2020 - 288

20-64

Moved by Green and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report FIN-2020-18, COVID-19 Financial Impact Report #4, Q2-2020 Year-to-Date Budget Variance by Cost Centre report, from the Interim CAO / General Manager, Corporate Services /Chief Financial Officer/Treasurer dated October 6, 2020; and further

THAT Welland City Council directs the Interim CAO/General Manager, Corporate Services/Chief Financial Officer / Treasurer to apply for Phase 2 funding regarding the negative impact of COVID-19 on the City as recommended by the Audit Review Committee at its meeting of October 6, 2020.

CARRIED

2020 - 289**20-92**

Moved by McLeod and Larouche

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves application for Draft Plan of Vacant Land Condominium for lands described as Part of Block 4, Plan 59M-473, City of Welland, municipally known as 69 Denistoun Street, for the creation of 43 vacant land condominium units and a private condominium road, subject to the following conditions:
 1. That the Owner enter into a Site Plan Agreement and Condominium Assumption Agreement with the City of Welland.
 2. That no grading or on-site works commence prior to the registration of the Site Plan Agreement.
 3. That all necessary easements required for utility purposes be granted to the appropriate Authority free and clear of all encumbrances.
 4. That the Site Plan Agreement between the owners and the City of Welland contain provisions whereby the owner agrees to implement the approved noise mitigation measures as outlined in the *Noise Feasibility Study* prepared by HGC Engineering (dated January 30, 2020).
 5. That the following clauses shall be included in the Site Plan Agreement between the owners and the City of Welland:

“Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”
6. That the following clauses shall be included in the Site Plan Agreement between the owners and the City of Welland
 - a. That the Owner agrees to implement the Restoration Plan, prepared by Natural Resource Solutions Inc. (Project No. 2355A, dated February 21, 2020);
 - b. That the Owner agree to implement the Erosion & Sediment Control Plan (prepared by Masongson Associates, dated April 2020, Drawing No. ES-1);
 - c. That asphalt be removed from within the buffer area, as identified on the Restoration Plan, under the supervision of a Certified Arborist prior to the creation of the proposed trail system or planting or seeding work within the buffer;
 - d. That invasive species be removed from within the Significant Woodland and adjacent meadow using Garlon RTU herbicide, applied by a Licensed Pesticide sprayer under the direct direction of a biologist or ecologist;
 - e. That course woody debris generated from selective tree removals be left within the buffer or Significant Woodland as wildlife habitat. Fine woody debris should be chipped and also left on-site;
 - f. That construction of the proposed trail, as shown on the Restoration Plan, be constructed prior to any planting or seeding work;
 - g. That plants identified on the Planting Plan be installed in spring or fall to promote root system establishment;

...continued...

2020 - 289

20-92...cont'd.

- h. That the Restoration Area be monitored 2 years following the installation of the Restoration Plan. The monitoring should follow the recommendations included in the letter prepared by Natural Resource Solutions Inc. that accompanied the Restoration Plan. A summary report shall be prepared to the satisfaction of the Region and document the findings, outline any issues and make recommendations for remediation, as necessary;
 - i. That any required tree removals be completed between September 1st and March 15th, outside of the breeding bird nesting season and in accordance with the federal *Migratory Bird Convention Act*. If removals are proposed outside of this timing window, a survey for active bird nests shall be conducted by a qualified biologist no more than 48 hours prior to removal activities;
 - j. That permanent rear-lot fencing be installed as shown on the Site Plan Phase 2 prepared by Quartek, dated April 17, 2020).
7. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of Environment and Climate Change documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region Planning and Development Services Department for review and approval:
 - a. Detailed lot grading, servicing, and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b. Detailed erosion and sedimentation control plans.
8. That the Site Plan Agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with Condition above.
9. That the following clauses shall be included in the Site Plan Agreement between the owners and the City of Welland:
 - a. The Owner is advised that if the development does not comply with Niagara Region's Corporate Policy for Waste Collection that garbage collection will be the responsibility of the owner through a private contractor and not the Niagara Region.
 - b. That 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.
 - c. That prior to any construction taking place within the Regional road allowances, the owner shall obtain a Regional Construction Encroachment, Entrance and Sign Permit from the Permits section of the Niagara Region Transportation Services Division.
 - d. That there shall be no connection nor shall the line be disturbed during construction to the Regional 350mm Diameter Concrete Sewer and associate maintenance holes traversing the north end of the subject property.
 - e. That any future construction work within the Regional Easement may generate noise and odour which may occasionally interfere with some activities of the dwelling occupants.
10. That the owner include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - a. that the home/business mail delivery will be from a designated Centralized Mailbox.
 - b. that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mailbox locations prior to the closing of any home sales.

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2020 - 289**20-92...cont'd.**

11. The owner further agrees to:

- a. work with Canada Post to determine and provide temporary suitable Centralized Mailbox locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
- b. install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mailboxes
- c. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
- d. determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

12. That prior to granting approval for the Final Plan of Subdivision, City of Welland Planning Division will require written notice from the following upon their respective Conditions of Draft Plan Approval have been met satisfactorily:

Region of Niagara Conditions: 4, 5, 6, 7, 8, 9

Canada Post Conditions: 10, 11

13. That if Final Approval is not given to this Plan within three (3) years of the approval date, and no extensions have been granted, Draft Approval shall lapse. If the Owner wishes to request extension of Draft Plan Approval, a written request with reasons why the extension is required and the applicable application fee, must be received by the City prior to the lapsing date; and

THAT Welland City Council authorizes the Mayor and Clerk to sign the Draft Approval and Final Approval Plans and agreements once all conditions have been satisfied.

CARRIED

2020 - 290**20-94**

Moved by Fokkens and Larouche

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves the Application for Brownfield Incentive Programs for the property known municipally as 401 Canal Bank Street for the Brownfield Tax Assistance Program (BTAP) in the estimated amount of \$262,860 (City and Region) and the Brownfield Tax Increment Grant Program (BTAP) in the amount of \$18,000,000 (\$10,000,000 City and \$8,000,000 Region);
2. THAT Welland City Council supports in principle a By-law to cancel City property taxes for a maximum of 3 years and directs staff to provide for this funding in the 2021,2022 and 2023 Tax supported budgets;
3. THAT the said By-law and this Report be circulated to the Niagara Region to request the Region's participation in the Tax Assistance Program for cancellation of the increase in the Regional portion of property taxes and in the Tax Increment Grant Program;
4. THAT Welland City Council directs staff to prepare the required By-law(s) and Agreement(s); and
5. THAT Welland City Council authorizes the Mayor and City Clerk to execute any documentation required to satisfy conditions related to participation in the Brownfield Incentive Programs for this property.

YEAS: Councillors Larouche, Green, Speck, Chiocchio, McLeod, Richard, Grimaldi, Spinosa, Fokkens, Moote, Van Vliet and Mayor Campion.

NAYS: Councillors DiMarco.

CARRIED

2020 - 291**20-96**

Moved by Van Vliet and Spinosa

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves application for Draft Plan of Subdivision for lands legally described as Lots 30-38 (inclusive) Plan 54, former Township of Humberstone, now Plan 813, City of Welland, municipally known as 180 Kingsway, for the development of 21 single detached dwellings, one block for multiple residential dwellings, and one environmental block, subject to the following conditions:

1. That the Owner enter into a Subdivision Agreement with the City of Welland.
2. That no grading or onsite works be commenced prior to the registration of a subdivision agreement on the property.
3. All construction must be in accordance with the City of Welland Municipal Standards.
4. That the owner agrees to gratuitously provide any permanent easement(s) required by other agencies or utilities, free and clear of all encumbrances.
5. That the owner dedicates Block 23 to the City of Welland for environmental conservation purposes, free and clear of all encumbrances.
6. A comprehensive stormwater management plan shall be submitted to the Engineering Department for review and approval.
7. The outlet for this storm run-off shall be reviewed and determined to be adequate for the amount of run-off designed. If any upgrades to the outlet storm channel from the development to the recreational waterway, these costs shall be borne by the developer.
8. A comprehensive civil engineering design shall be submitted to the City for review and approval.
9. All re-instatements to existing roadways shall be to as good or better condition.
10. A pre-construction survey of all existing housing units shall be undertaken to protect the City, the contractor, and the residents for insurance purposes.
11. That the owner implements any and all construction measures identified in the Geotechnical Report prepared by Landtek Limited at the time of Building Permit.
12. That the applicant will pay Cash-in-Lieu of Parkland Dedication at the time of Building Permit, in accordance with the City of Welland policies.
13. A grading plan prepared by a qualified professional to the satisfaction of the City and NPCA showing the total limit of development and site alteration.
14. An Erosion and Sediment Control Plan be prepared by a qualified professional to the satisfaction of the NPCA.
15. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work within the 30-metre wetland buffer. In support of the Work Permit application, the following information will be required:
 - a. A buffer planting plan.
 - b. A grading plan prepared by a qualified professional to the satisfaction of the NPCA showing the total limit of development and site alteration.
 - c. Confirmation from a qualified professional that there will be no negative impact of the stormwater being discharged into the Provincially Significant Wetland.
 - d. A tree preservation and savings plan.

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2020 - 291**20-96...cont'd.**

- e. An erosion and sediment control plan prepared by a qualified professional to the satisfaction of the NPCA.
16. That the Developer provide 1.5 metre high chain link fencing along the rear lot line of Lots 1 to 10 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority.
17. That the Developer provide limit of work fencing along the rear lot line of Lots 1 to 10 inclusive and to the satisfaction of the Niagara Peninsula Conservation Authority.
18. That prior to approval of the final plan, the owner shall submit a copy of a Phase 2 Environmental Site Assessment (ESA) prepared by a qualified person in accordance with Ontario Regulation 153/04, as amended, to the Niagara Region Planning and Development Services Department to address the change in use of the previously commercial lands at 180 Kingsway.
19. That the subdivision agreement between the owner and the City of Welland contain provisions whereby the owner agrees to implement the recommendations, if any, of the Phase 2 Environmental Site Assessment (ESA).
20. That the owner shall file a Record of Site Condition (RSC) on the Ministry of Environment, Conservation and Parks' [Brownfields] Environmental Site Registry in accordance with Ontario Regulation 153/04, as amended, and that the owner provide the Niagara Region Planning and Development Services Department and the City with copies of the Environmental Site Assessment(s) and site remediation reports as well as a copy of the Ministry of Environment, Conservation and Parks' written acknowledgement of the filing of the RSC.
21. That the owner submit an air quality (odour) and noise assessment to determine potential impacts from the nearby Dain City Sewage Pumping Station (135 Talbot Avenue) to the satisfaction of Regional Planning and Development Services. Note: the air quality assessment for odour and/or noise assessment may be subject to peer review, at the expense of the owner/developer.
22. That the subdivision agreement between the owner and the City of Welland contain provisions whereby the owner agrees to implement the recommendations, if any, of the air quality and noise assessments required.
23. That the subdivision agreement between the owner and the City of Welland, and any Agreements of Purchase and Sale or Lease for each dwelling unit, include any warning clauses required, and the following clause:

“Due to the proximity of the subdivision lands to the Dain City Sewage Pumping Station, Purchasers/Tenants are advised that, despite the inclusion of noise/odour control features in the development and within the building units, periodic emissions of unpleasant odours and noise from the normal or emergency operations of this facility, for an unspecified duration, may occur and may adversely affect the residents of this development.”
24. That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season.

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2020 - 291**20-96...cont'd.**

25. That standard best management construction practices shall be used to mitigate construction dust, noise and/or exhaust fumes and prevent spills.
26. That a Buffer Planting Plan be prepared for Regional staff approval, preferably by a full member of the Ontario Association of Landscape Architects (OALA), to identify and illustrate the location of additional native trees, shrubs and groundcover to be planted.
27. A Grading Plan is to be developed and provided to Regional staff for approval in order to ensure the surface water flows associated with rear of Lots 1 through 7, and Lots 10 through 15 are directed to the wetland area.
28. That permanent rear-lot fencing be provided for all lots bordering on the retained Environmental Protection Areas. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
29. That the Erosion and Sediment Control (ESC) Plan be provided for Regional staff approval. The ESC Plan shall include details for, but not be limited to, ESC fencing and other ESC measures, dust suppression and topsoil storage. ESC measures must be monitored regularly to ensure they are functioning properly and promptly fixed if issues are identified.
30. That the Tree Saving Plan prepared in accordance with the Region of Niagara Tree and Forest Conservation By-law (By-law 30-2008) Section 1.36 be provided for Regional staff approval.
31. That the subdivision agreement between the owner and the City of Welland contain wording wherein the owner agrees to implement the recommendations of the approved Grading Plan, ESC Plan, Buffer Planting Plan, and Tree Saving Plan.
32. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region for review and approval:
 - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b. Detailed erosion and sedimentation control plans;
 - c. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility.
33. That the subdivision agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.

...continued...

2020 - 291**20-96...cont'd.**

34. That the owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
35. That the owner provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the City.
36. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment, Conservation and Parks Compliance Approval under the Transfer of Review Program.
37. That the owner/developer ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
38. That the owner/developer shall comply with Niagara Region's Corporate Policy for Waste Collection.
39. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - a. that the home/business mail delivery will be from a designated Centralized Mail Box.
 - b. that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
40. The owner further agrees to:
 - a. work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
 - b. install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
 - c. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - d. determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

...continued...

2020 - 291**20-96...cont'd.**

41. That prior to granting approval for the Final Plan of Subdivision, City of Welland Planning Division will require written notice from the following upon their respective Conditions of Draft Plan Approval have been met satisfactorily:

Niagara Peninsula Conservation Authority: 13, 14, 15, 16, 17

Region of Niagara Conditions: 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38

Canada Post Conditions: 39, 40

42. That if Final Approval is not given to this Plan within three (3) years of the approval date, and no extensions have been granted, Draft Approval shall lapse. If the Owner wishes to request extension of Draft Plan Approval, a written request with reasons why the extension is required and the applicable application fee, must be received by the City prior to the lapsing date; and

THAT Welland City Council authorizes the Mayor and Clerk to sign the Draft Approval and Final Approval Plans and agreements once all conditions have been satisfied.

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20-96

Moved by Green and Fokkens

THAT Welland City Council refers Report P&B-2020-58: Application for Draft Plan of Subdivision (File No. 26T-14-20004) submitted by Upper Canada Consultants for lands on the east side of the Kingsway, south of Talbot Avenue, west of the Welland Shipping Canal, specifically described as lots 30-38 (inclusive), plan 54, former Township of Humberstone, now plan 813, City of Welland, municipally known as 180 Kingsway back to staff.

YEAS: Councillors Larouche, Green, Speck, Chiocchio, DiMarco, Richard, Grimaldi, And Fokkens.

NAYS: Councillors McLeod, Spinosa, Moote, Van Vliet and Mayor Campion.

CARRIED

2020 - 292**20-110**

Moved by McLeod and Larouche (in block)

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves the Exemption of Part Lot Control for Lots 1, 2, 3, Plan 936, shown as Part 1, 2, 3, 4 on a Reference Plan to be registered to realize the sale of these lands for future residential development purposes; and further

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

CARRIED

2020 - 293**20-111**

Moved by McLeod and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to prepare the necessary By-law(s) to lay out, establish and name the 0.3 metre Reserve described as Block 18, Plan 59M-321 (Stoneybrook Subdivision) as Stoneybrook Crescent.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

2020- 294

20-114

Moved by Fokkens and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to proceed with the Memorandum of Understanding between the Corporation of the City of Welland and 555 Canal Bank Developments GP Inc.; and further

THAT Welland City Council authorizes the Mayor and Clerk to sign documentation related to this Memorandum of Understanding.

CARRIED

BY-LAWS

Moved by Larouche and Grimaldi

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.

06-150

BYL 2020 - 120

A By-law to amend By-law 2015-23, being a By-law to regulate and control noise in the City of Welland.

20-22

BYL 2020 - 121

A By-law to amend By-law 2019-134 being a By-law to establish an administrative penalty system for non-parking related offences.

20-94

BYL 2020 - 122

A By-law to authorize execution of agreements for Brownfields Tax Assistance Program and Brownfields Tax Increment Grant Program (Community Improvement Plan) for 401 Canal Bank Street (File No. Brown 2019-04)

CARRIED

Moved by McLeod and Larouche (in block)

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.

20-110

BYL 2020 - 123

A By-law to exempt certain lands from Part-Lot Control – Parts 1-4 (inclusive) on Plan 59R-___ (718 Ontario Road), City of Welland.

20-111

BYL 2020 - 124

A By-law to Lay Out, Establish and name Bock 18 on Plan 59M-321, being a 0.3 metre reserve for the City of Welland as part of Stoneybrook Crescent.

CARRIED

Moved by Spinosa and Van Vliet

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.

20-1

BYL 2020 - 125

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 20th day of October, 2020.

CARRIED

Council adjourned at 10:42 p.m.

These Minutes to be approved and adopted by Motion of Council this 3rd day of November, 2020.

MAYOR

CITY CLERK