



MINUTES OF
SPECIAL COUNCIL MEETING, SEPTEMBER 8, 2020
CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 5:04 p.m. and in open session at 5:53 p.m. on the above date.

His Worship Mayor Frank Campion in the Chair.

Members Present:

Councillors J. Chiochio, T. DiMarco, B. Fokkens, B. Green, M.A. Grimaldi (5:13 p.m.),
J. Larouche, D. McLeod (5:17 p.m.), A. Moote, G. Speck, L. Spinosa, C. Richard and L. Van Vliet.

Members of Staff and Others Present:

City Clerk, T. Stephens
Deputy Clerk, M. Corbett
Interim Chief Administrative Officer, S. Zorbas
Deputy Fire Chief, A. Eckhart
General Manager, Infrastructure and Development Services, T. Fitzpatrick
General Manager, Economic Development & Recreation & Culture, D. Degazio

2020 - 192

20-25

Moved by Moote and Green

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 5:04 p.m. to consider:

- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - *Update on TO2015 and Elite legal proceedings.*
- The security of the property of the municipality or local board;
- 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:
 - *Central Fire Hall Lease.*
- Proposed or pending acquisition or disposition of land by the municipality or local board;
 - Land sales.

CARRIED

2020 - 193

20-25 Moved by Spinosa and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 5:52 p.m. without report.

CARRIED

2020 - 194

09-75 Moved by Larouche and Spinosa (in block)

1. THAT THE COUNCIL OF THE CITY OF WELLAND accepts the tender of Anthony's Excavating Central Inc. in the amount of \$165,343.00 (plus HST) being the lowest of five (5) tenders received for the WIFC Drainage Improvements tender; and
2. THAT Welland City Council directs staff to prepare the necessary By-law and documents to execute the project; and further
3. THAT Welland City Council authorizes the Mayor and Clerk to execute all necessary documents to execute the project.

CARRIED

2020 - 195

20-14 Moved by Speck and DiMarco

THAT THE COUNCIL OF THE CITY OF WELLAND suspends the rules to reconsider staff Report CLK-2020-16: Remuneration of Council.

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

NAYS: Councillors Larouche, Green, Chiocchio, Richard, Grimaldi, Fokkens and Van Vliet.

LOST

2020 - 196

20-15 Moved by Chiocchio and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND suspends the rules to discuss the Central Fire Hall Lease agreement.

YEAS: Councillors Larouche, Green, Speck, Chiocchio, DiMarco, Richard, Fokkens, Moote and Van Vliet.

NAYS: Councillors McLeod, Grimaldi, Spinosa and Mayor Campion.

CARRIED

20-15

Moved by Chiocchio and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND amends 6.1 of the lease agreement with the Central Station Education Initiative, for property at 33 Hellems Avenue, Welland, Ontario, to reflect the following: THAT Welland City Council direct staff to provide a letter of intent to Canadian Heritage for the application of this years legacy grant supporting the application by the Central Station Education Initiative and that a \$50,000 commitment in 2021 and 2022 budget (total \$100,000) be allocated in support of their application only. The Funds to be only be dispersed it their application is approved.

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20-15

Moved by McLeod and Spinosa

THAT THE COUNCIL OF THE CITY OF WELLAND further add "that the funding be extended upon agreement on capital improvements between the City of Welland and the Central Station Education Initiative group".

YEAS: Councillors Speck, McLeod, Grimaldi, Spinosa, Moote and Mayor Campion.

NAYS: Councillors Larouche, Green, Chiocchio, DiMarco, Richard, Fokkens and Van Vliet.

LOST

FOLLOWING THE LOST VOTE ON THE AMENDMENT, THE MAIN MOTION PUT IN ITS ORIGINAL FORM AND

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

NAYS: None.

CARRIED

2020 - 197

20-24 Moved by DiMarco and Chiochio

THAT THE COUNCIL OF THE CITY OF WELLAND suspends the rules to reconsider By-law #7 from the September 1, 2020 Council meeting agenda: Appoint Steve Zorbas as Interim Chief Administrative Officer.

YEAS: Councillors Speck, Chiochio, DiMarco, Richard and Fokkens.

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

LOST

2020 - 198

20-19 Moved by Speck and McLeod

1. THAT THE COUNCIL OF THE CITY OF WELLAND accepts the tender of Nadelec Contracting Inc. in the amount of \$356,200.50 (plus HST) being the lowest of five (5) tender submissions received for the Memorial Park Sports Field Lighting Replacement project; and
2. THAT Welland City Council directs staff to prepare the necessary By-laws and documents to execute the project; and further
3. THAT Welland City Council authorizes the Mayor and Clerk to execute all necessary documents to execute the project.

CARRIED

2020 - 199

20-19 Moved by Green and DiMarco

1. THAT THE COUNCIL OF THE CITY OF WELLAND accepts the tender of Nadelec Contracting Inc. in the amount of \$164,000.00 (plus HST) being the lowest of five (5) tender submissions received for the Plymouth Park Sports Field Lighting Replacement project; and
2. THAT Welland City Council directs staff to prepare the necessary By-laws and documents to execute the project; and further
3. THAT Welland Council authorizes the Mayor and Clerk to execute all necessary documents to execute the project.

CARRIED

2020 - 200

20-78 Moved by Speck and Green

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CLK-2020-19, regarding council composition and ward boundaries; and further THAT Welland City Council provide direction to staff on next steps regarding council composition and the number of wards.

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20-78 Moved by McLeod and Larouche

THAT Welland City Council directs staff to commence a public engagement process to determine the optimal number of Councillors and wards for the City of Welland.

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20-78 Moved by Van Vliet and Green

THAT THE COUNCIL OF THE CITY OF WELLAND call the question on the amendment.

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

NAYS: None.

FOLLOWING THE VOTE TO CALL THE QUESTION, THE AMENDMENT WAS PUT AND

CARRIED

20-78 Moved by DiMarco and Fokkens

THAT Welland City Council directs city staff to complete the public engagement process.

YEAS: Councillors Green, Speck, Chiochio, DiMarco, Richard, Fokkens and Van Vliet.

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

CARRIED

20-78 Moved by Van Viet and Green

THAT Welland City Council call the question on the main motion as amended regarding council composition and ward boundaries.

YEAS: Councillors Larouche, Green, Speck, Chiochio, DiMarco, Richard, Grimaldi, Fokkens, and Van Vliet.

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

CARRIED

**FOLLOWING THE VOTES ON THE AMENDMENTS, THE MAIN MOTION
WAS PUT AS AMENDED AND**

YEAS: Councillors Larouche, Green, Speck, Chiocchio, McLeod, DiMarco, Richard, Grimaldi, Fokkens, and Mayor Campion.

NAYS: Councillors Spinosa, Moote and Van Vliet.

CARRIED

2020 - 201

20-86 Moved by Van Vliet and McLeod

1. THAT THE COUNCIL OF THE CITY OF WELLAND adopts Official Plan Amendment No. 27 to designate a portion of the lands on the east side of Patricia Avenue, north of Thorold Road, and west of Aqueduct Street, more specifically described as Lots 17 and 18 Plan 649, City of Welland, municipally known as 12 Patricia Avenue from Low Density Residential to site specific Community Commercial Corridor; and further
2. THAT Welland City Council approves Zoning By-law Amendment to Zoning By-law 2017-117 for the lands on the east side of Patricia Avenue, north of Thorold Road, and west of Aqueduct Street, more specifically described as Lots 17 and 18 Plan 649, City of Welland, municipally known as 12 Patricia Avenue from Residential Low Density 1 – RL1 to Site Specific Community Commercial Corridor - CC2.

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20-86 Moved by Green and DiMarco

THAT Welland City Council refers back to staff Report P&B-2020-38: Application for Official Plan Amendment OPA NO. 27) and Zoning By-law Amendment (File No. 2020-04) submitted by Joseph Tomaino on behalf of 2694686 Ontario Inc. for lands on the east side of Patricia Avenue, north of Thorold Road and west of Aqueduct Street, municipally known as 12 Patricia Avenue to the next council meeting.

CARRIED

2020 - 202

20-89 Moved by McLeod and Van Vliet

1. THAT WELLAND CITY COUNCIL approves Application for Zoning By-law Amendment to Zoning By-law 2017-117 for lands on the east side of South Pelham Road, west side of Clare Avenue, north of Webber Road, and south of Fitch Street, more specifically described as Part Lot 258, Former Township of Thorold, Part 1 on Plan 59R-16195, Part 1 on Plan 59R-7834, and Part 1 on Plan 59R-472, in the City of Welland, municipally known as 320 South Pelham Road from Residential Low Density 2 – RL2 and Environmental Protection Overlay to Site Specific Residential Low Density 2 – RL2 and Environmental Conservation Overlay; and further
2. THAT no additional meetings under the Planning Act are required as the amendments to the original application are minor, in accordance with Section 34(17) of the Planning Act; and further,
3. THAT Welland City Council approves Draft Plan of Subdivision for lands described as Part Lot 258, Former Township of Thorold, Part 1 on Plan 59R-16195, Part 1 on Plan 59R-7834, and Part 1 on Plan 59R-472, in the City of Welland, municipally known as 320 South Pelham Road, for the creation of 54 lots for single detached dwellings, ten (10) blocks for multiple attached dwellings, and three (3) blocks for environmental conservation purpose, subject to the following conditions:
 1. That the Owner enter into a Subdivision Agreement with the City of Welland.
 2. That no grading or on-site works commence prior to the registration of a subdivision agreement on the property.
 3. That all necessary easements required for utility purposes be granted to the appropriate Authority free and clear of all encumbrances.
 4. That the Owner dedicate to the City of Welland, free and clear of all encumbrances, Blocks 65, 72, and 73 for environmental conservation purposes.
 5. That the developer pay Cash in Lieu of Parkland Dedication, as per City By-law, at the time of Building Permit.
 6. That the Owner install speed humps along Westcott Road, at their cost, in accordance with TAC guidelines.
 7. That the Owner pay to the City a tree planting fee of \$300 per lot, or minimum fee at time of registration.
 8. That prior to final registration of the plan, the applicant shall submit a conceptual site plan with building elevations and a streetscape/landscape plan for the section along the Regional Road indicating any proposed entry features, fencing or landscape elements along this frontage to the satisfaction of the Niagara Region.
 9. That the Subdivision Agreement between the owner and the City contain appropriate provisions whereby the owner agrees to implement the approved building elevations and streetscape/landscape plan for the section along the Regional Road to the satisfaction of the Niagara Region.

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2020 - 202
20-89...cont'd

10. That following completion of any site remediation, the owners shall file a Record of Site Condition (RSC) on the Ministry of the 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 and the City with copies of the Environmental Site Assessment and site remediation reports as well as a copy of the Ministry of the Environment, Conservation and Park's written acknowledgement of the filing of the RSC.
11. That the owner submit the required archaeological assessments prepared by a licensed archaeologist to the Ministry of Heritage, Sport, Tourism, Culture Industries for review and approval with a copy provided to the Niagara Region. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry, through the Niagara Region, confirming that all archaeological resource concerns have been met.
12. That the following clauses shall be included in the Subdivision 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 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."
13. That the Subdivision Agreement between the owners and the City of Welland contain wording wherein the owner agrees to implement the mitigation measures and recommendations found in Sections 6.1 and 6.2 of the EIS (prepared by Beacon Environmental, dated December 2019), including but not limited to:
 - a. Along the perimeter of the EPA lands (Block 65, 72 and 73) a 1.5 metre high chain link fence will be constructed. The location of the fence should be detailed in final plans for subdivision. In addition, a "no gate" bylaw should be implemented to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
 - b. To the extent possible, all proposed outdoor lighting be downward facing and shielded to prevent light spillage into the surrounding natural area.
 - c. That prior to site alteration and construction, filter fabric and paige wire fencing be installed at the buffers of the EPA lands (Block 65, 71 and 72).
 - d. That detailed sedimentation and erosion control plans be prepared for review and approval by the Region. All sediment and erosion control measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
 - e. No construction materials or equipment is to be located, even on a temporary basis, within the buffers of the PSW and fish habitat.
 - f. Any required vegetation removal should be conducted in a manner to avoid impacts to nesting birds that may be utilizing habitats on the property. The breeding bird period for this area is generally March 15 to August 31. That Blocks 65, 71 and 72 be zoned Environmental Protection Area (EPA) or similar zoning which achieves the same level of protection.
14. That a Buffer/Edge Planting Plan be provided to the satisfaction of Niagara Region, to identify and illustrate the location of additional native trees, shrubs, and/or groundcover to be planted within the Provincially Significant Wetland buffer, as appropriate.
15. That a Restoration Planting Plan be provided to the satisfaction of Niagara Region, to identify and illustrate the location of additional native trees, shrubs and/or groundcover to be planted within the realigned portion of the West Branch of Draper's Creek buffer, as appropriate.
16. That documentation showing the approval of the creek alignment be obtained from DFO and provided to Regional Staff.
17. That proof of compliance with the ESA with respect to the removal of the Barn Swallow habitat be obtained from MECP and provided to Regional staff.

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2020 - 202**20-89...cont'd**

18. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that existing overland flow patterns are maintained and that no grading within the PSW, Fish Habitat and/or their buffers will occur, with the exception of the realigned portion of the Wet Branch of Draper's Creek and its buffer.
19. 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.
20. 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.
21. That the owner provides a written acknowledgement to the Niagara Region stating that draft approval of this subdivision does not include a commitment of servicing allocation by the 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.
22. That the Owner provides a written undertaking to the Niagara Region 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.
23. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings (with calculations) for any proposed municipal sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks, Environment Compliance Approval under the Transfer of Review Program.
24. 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.
25. That the applicant dedicates a 4.5 metre by 4.5 metre daylight triangle at the corner of Regional Road 36 (South Pelham Road) and Westcott Road to the Regional Municipality of Niagara.
26. That the owner agrees, through the subdivision agreement with the City, to pay for the required road upgrades for Regional Road 36 (South Pelham Road) such as curbing, drainage, bike lanes, sidewalk, and lighting to the satisfaction of the Niagara Region.
27. The Niagara Region will require detailed engineering plans be submitted for review and approval for the proposed urbanization of Regional Road 36 (South Pelham Road).
28. Prior to any construction taking place within the Regional Road Allowance, the owner shall obtain a Regional Construction Encroachment and Entrance Permit. Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division).
29. 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.
30. That the Draft Plan be modified such that Lots 33, 34, 36, 37, and 38 do not encroach into the 15 metre buffer, to the satisfaction of the NPCA.
31. That Blocks 65, 72, and 73 be zoned Environmental Protection or an equivalent category that provides an appropriate level of protection, to the satisfaction of the NPCA.

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2020 - 202
20-89...cont'd

32. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans.
33. That limit of work fencing be shown on the grading plan along all portions of Blocks 65, 72, and 73 that abut a residential lot and that no grading occur beyond this point, to the NPCA's satisfaction. Limit of work fencing must be maintained during the development process and all silt fencing shall be removed once work is completed and all exposed soils are revegetated or otherwise stabilized.
34. That the Developer provide a 1.5 metre high chain link fence along all portions of Blocks 65, 72, and 73 that abut a residential lot, to the satisfaction of the Niagara Peninsula Conservation Authority.
35. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for the proposed wetland buffer restoration/enhancement work. In support of the Work Permit application, the following information will be required:
- a. A planting plan providing details about species, planting densities and locations.
 - b. Any other information as may be determined at the time a Work Permit application is submitted to the Niagara Peninsula Conservation Authority.
36. 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.
37. 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.
38. 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: 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29
- Canada Post Conditions: 35, 36, 37
- Niagara Peninsula Conservation Authority: 30, 31, 32, 33, 34, 35
39. 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 further

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

BY-LAWS

Moved by McLeod and Van Vliet

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.

20-89

BYL 2020 - 96

A By-law to amend City of Welland Zoning By-law 2017-117 (File 2020-03) 320 South Pelham Road.

09-75

BYL 2020 - 97

A By-law to enter into contract with Anthony's Excavating Central Inc. for the WIFC Drainage Improvements.

20-19

BYL 2020 - 98

A By-law to enter into contract with Nadelec Contracting Inc. for the Memorial Park Sports Field Lighting Replacement Project.

20-19

BYL 2020 - 99

A By-law to enter into contract with Nadelec Contracting Inc. for the Plymouth Park Sports Field Lighting Replacement Project.

CARRIED

Moved by Moote and McLeod

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 - 100

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 8th day of September, 2020.

CARRIED

Council adjourned at 8:50 p.m.

These Minutes to be approved and adopted by Motion of Council this 15th day of September, 2020.

MAYOR

CITY CLERK