



MINUTES OF
COUNCIL MEETING, MAY 4, 2021
CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:33 p.m. and in open session at 7:08 p.m. and again in Committee-of-the-Whole at 10:06 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, J. Larouche, D. McLeod, A. Moote, G. Speck, C. Richard and L. Van Vliet.

Members of Staff and Others Present:

Interim CAO/Director Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas
City Clerk, T. Stephens
Deputy City Clerk, L. Bubanko
Director of Infrastructure Services, SM. Millar
Director of Planning and Development Services, G. Munday
Manager of Budgets & Financial Reporting/Deputy Treasurer, E. Pankoff (8:45 p.m. - 9:30 p.m.)

2021 - 172**21-25**

Moved by McLeod 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 6:33 p.m. to consider:

- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - *Welland/Advantage Cannabis.*
 - *349 Ridge Road.*

CARRIED**2021 - 173****21-25**

Moved by Richard and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:07 p.m. without report.

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

Councillor Van Vliet presided as Chair of the Public Hearings:

21-79 A Complete Application for Zoning By-law Amendment has been submitted by JOSEPH TOMAINO on behalf of LUCAS LUCCHETTA and LUCCHETTA BUILDERS INC. to rezone lands legally described as Part of Lot 239, former Township of Thorold, shown as Part 2 on Plan 59R-7365, Part 2 on Plan 59R-13040, and Parts 1 and 2 on Plan 59R-16468 for lands at 368 Aqueduct Street and 155 Gadsby Avenue from the existing RESIDENTIAL LOW DENSITY 1 – RL1 and NEIGHBOURHOOD OPEN SPACE -O1 to SITE SPECIFIC RESIDENTIAL LOW DENSITY 2 - RL2 and ENVIRONMENTAL CONSERVATION OVERLAY in Zoning By-law 2017-117. The purpose of the Amendment is to allow for a rear yard setback of 5 metres for the lot proposed at 155 Gadsby Avenue, and to permit a lot frontage of 4 metres whereas 6 metres is required for each semi-detached dwelling unit. The application for Zoning By-law Amendment has been made to allow for the future development of an eight (8) unit Draft Plan of Vacant Land Condominium off of Aqueduct Street and the development of a single lot fronting onto Gadsby Avenue. The Official Plan designation is LOW DENSITY RESIDENTIAL and PARKS, RECREATION AND OPEN SPACE. Applications for Official Plan Amendment (OPA No. 33) and Draft Plan of Vacant Land Condominium (File No. 26CD-14-20009) were submitted in conjunction with the application for Zoning By-law Amendment.

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

Joseph M. Tomaino, 42 Carlton Ave, Welland, ON L3C 1P9 and Anne Yagi, 8Trees Incorporated, 11 Berkwood Place, Fonthill, ON, L0S 1E2 on behalf of the applicant.

In support of the application:

- No one spoke.

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:

- Susan Baldwin Sommerville, P.O Box 163, Fonthill, Ontario, L0S 1E0
- Gabrielle Parent-Doliner, 153 Gadsby Avenue, L3C 1B1
- Tom Richardson, Sullivan Mahoney LLP, 40 Queen Street, P.O. Box 1360, St. Catharines ON L2R 6Z2
- Ted Clark, 334 Aqueduct Street, Welland, ON L3C 1E1

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

2021 - 174**21-1**

Moved by Richard and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of April 20, 2021, as circulated.

CARRIED**2021 - 175****99-90****21-4**

Moved by McLeod and Grimaldi (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND approves the 2021 budget from the Welland Downtown Business Improvement Area Board as recommended by their board in the amount of \$114,820.00; and further

THAT Welland City Council authorizes the Director of Corporate Services, Chief Financial Officer/Treasurer to make arrangements to levy an amount of \$114,820.00 against the business operations within the defined area on condition that the required financial statements are submitted to the satisfaction of the City Treasurer.

(Councillor McLeod did not take part in the consideration and discussion of same, and refrained from voting thereon, as he owns property and pays a downtown bia levy.)

CARRIED**2021 - 176****11-108**

Moved by Chiocchio and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report P&B-2021-19 being a quarterly summary Report of approved Community Improvement Plan Incentive Applications between January 1, 2021 and March 31, 2021.

CARRIED**2021 - 177****18-36**

Moved by Chiocchio and Green

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the offer to purchase 3.5 acres of land on Downs Drive in our new River Road and Downs Drive Industrial Park; and

THAT Welland City Council directs staff to prepare all the necessary documentation and by-laws relative to the transfer; and further

THAT the Mayor and City Clerk be authorized to execute all the necessary documents relative to the transfer; and further

THAT Welland City Council directs staff to deposit the revenues from the sale of these lands into the Economic Development Reserve Fund.

CARRIED**2021 - 178****20-97**

Moved by Larouche and Grimaldi

THAT THE COUNCIL OF THE CITY OF WELLAND adopts Official Plan Amendment No. 30 to redesignate lands described as Part of Lots 21, 22, 23, Concession 5, former Township of Humberstone, Part of the road allowance between Lots 22 and 23, Concession 5 (closed), Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 on 59R-15225, City of Welland from General Industrial, Special Policy Area #4, and Core Natural Heritage to Low Density Residential with a special exception to permit a minimum density of 15 units per hectare and a maximum density of 54 units per hectare; Community Commercial Corridor; Parks, Open Space, and Recreation; and Core Natural Heritage; and further

THAT Welland City Council directs Staff to circulate a copy of Report P&B-2021-23 to Niagara Region advising of its adoption of Official Plan Amendment No. 30; and further,

THAT Welland City Council requests that Niagara Region Council approve Official Plan Amendment No. 30 for the City of Welland; and further

THAT Welland City Council approves Zoning By-law Amendment 2020-09 to Zoning By-law 2017-117 for lands on the east side of Canal Bank Street, north of Forks Road, and south of the Townline Tunnel, more specifically described as Part of Lots 21, 22, 23, Concession 5, former Township of Humberstone, Part of

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the road allowance between Lots 22 and 23, Concession 5 (closed), Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 on 59R-15225, City of Welland, municipally known as 475, 555, 635 Canal Bank Street from Temporary Site Specific Low Density Residential 2 – T-RL2-100 and the underlying General Industrial – G1 and Environmental Conservation Overlay – ECA to Site Specific Residential Low Density 2 – RL2; Site Specific Community Commercial Corridor – CC2; Parks, Open Space, and Recreation; Neighbourhood Open Space – O1; and Holding Site Specific Institutional – INS1; and further

THAT Welland City Council consents the request apply a Class 4 designation and sound level criteria on the first row of lots adjacent to the CN Rail (operated by GIO Rail Holding Inc.) which includes Block 43 and part of Block 41, 44, 45, 59, 60, and 61

THAT Welland City Council approves Draft Plan of Subdivision for lands described as Part of Lots 21, 22, 23, Concession 5, former Township of Humberstone, Part of the road allowance between Lots 22 and 23, Concession 5 (closed), Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 on 59R-15225, City of Welland, municipally known as 475, 555, 635 Canal Bank Street, for the creation of 62 blocks for residential dwellings, one (1) block for mixed use commercial; one (1) school block; four (4) blocks for parks and walkway purposes; four (4) blocks for open space purposes; and one (1) block for stormwater management purposes, subject to the following conditions:

1. That the Owner enter into a Subdivision Agreement with the City of Welland.
2. That the Official Plan Amendment (OPA No. 30) receives final approval from the Region of Niagara.
3. That the Zoning By-law Amendment (File No. 2020-09) receives final approval.
4. That no grading or on-site works commence prior to the registration of a subdivision agreement on the property unless the Owner obtains a Site Alteration Permit from the City.
5. That all necessary easements required for utility purposes be granted to the appropriate Authority free and clear of all encumbrances.
6. That the Owner dedicates to the City, Blocks 67 and 70 free and clear of all encumbrances for parkland purposes.
7. That the Owner dedicates to the City, Blocks 68 and 69 free and clear of all encumbrances for walkway purposes.
8. That the Owner dedicates to the City, Blocks 66, 71, 72, and 73 free and clear of all encumbrances for open space and environmental protection purposes.
9. That the Owner dedicates to the City, Block 65 for Stormwater Management purposes.
10. That the Owner pay a tree planting fee of \$300 per lot at the time of subdivision agreement.
11. The Developer shall do a master servicing study of the area which will include a future proposed watermain connection to Humberstone Road and the impact it will have on the area. This will take into consideration the proposal for another watermain connection to ensure the safety of supply for the Dain City residents, past and future. A proposal shall be submitted for the alignment and design of the extension.
12. The Developer shall be responsible for the full relocation and realignment of Canal Bank Street fronting the property at their cost and any associated costs in removing the existing roadway to provide for a waterfront park.

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13. The Developer shall construct all municipal infrastructure in accordance with the City of Welland Municipal Standards, Ontario Provincial Standards and any other applicable standards that may apply.
14. The Developer shall be responsible for any abandonments of infrastructure that is replaced by new installations where the old infrastructure is not required or abandoned.
15. Any peer reviews or modelling required for the development shall be at the developers cost, if required, at the City's discretion.
16. The Developer shall be responsible for any applications and costs to other governing agencies, i.e. the Niagara Peninsula Conservation Authority, the St. Lawrence Seaway Authority etc. for permits required for works on their lands.
17. Applicable securities shall be submitted to the City in accordance with the Subdivision Agreement.
18. The Developer shall submit a comprehensive Storm Water Management Report for review and approval by the City of Welland.
19. That the Owner obtain a Record of Site Condition (RSC) for the property from the Ministry of Environment, Conservation and Parks.
20. That the Owner submit a Geotechnical Investigation which must be implemented at the time of Building Permit.
21. That the Subdivision Agreement between the owner and the City contain appropriate provisions whereby the mixed-use employment block designated as community commercial corridor ("Employment Block") shall have no less than 280,000 sq. ft. of space for employment uses to remain accommodated on site, in accordance with the *Revised Final Report-Employment Area Market Review and Lands Needs Study 475, 555 and 675 Canal Bank Street, Welland* (dated February 24, 2021) prepared by IBI Group.
22. That the Subdivision Agreement between the owner and the City contain appropriate provisions stating that the Employment Block is of City and Regional interest since it represents the space retained in accordance with Growth Plan (2020) policy. The Employment Block must be comprehensively planned to achieve the minimum required space. The minimum space area will be calculated on future *Planning Act* applications within the mixed-use employment block, in which the Region will comment through circulation.
23. That the Subdivision Agreement between the owner and the City contain appropriate provisions stating that the future development proposed within the Employment Block shall be considered with regard to the *Mixed-Use Block & Dain City Economic Cluster* report (dated August 28, 2020) and the *Urban & Architectural Design Guidelines* (revised March 26, 2021) prepared by Armstrong Planning and Project Management, or other documents deemed acceptable by City and Regional staff.
24. That the Subdivision Agreement between the owner and the City contain appropriate provisions whereby the owner agrees to implement the approved *Urban & Architectural Design Guidelines* (revised March 26, 2021) prepared by Armstrong Planning and Project Management to the satisfaction of the City of Welland.

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25. That the following clauses shall be included in the Subdivision Agreement between the owners and the City of Welland:
- a. "Should previously undocumented archaeological resources be discovered on the property during construction activities, construction and alteration of the site shall immediately cease and the owner shall notify the Ministry of Heritage, Sport, Culture and Tourism Industries in London (519-675-6898) and engage a licensed consulting archaeologist to carry out archaeological fieldwork in compliance with Section 48 (1) of the Ontario Heritage Act".
 - b. "As on virtually any property in southern Ontario, it is possible that Aboriginal or Euro-Canadian burials could be present within the development area. In the event that human remains are encountered during construction activities, construction shall immediately cease and the proponent shall notify the Niagara Regional Police, the local coroner, the Ministry of Heritage, Sport, Culture and Tourism Industries (London office), and the Registrar, Cemeteries Regulation Unit of the Ontario Ministry of Consumer Services in Toronto (416-326-8392)".
26. 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's written acknowledgement of the filing of the RSC.
27. That the Subdivision Agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved mitigation measures as outlined in *Land Use Compatibility-Air Quality Assessment* prepared by SLR Consulting Canada Ltd. (dated July 2020).
28. That the following warning clause be included in the Subdivision Agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:
- a. "The lands in the plan of Subdivision may be exposed to reduced air quality and/or odour, dust or vibration impacts from nearby industrial operations that may interfere with some activities of the owners/tenants who occupy these lands".
29. That the Subdivision Agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved noise mitigation measures as outlined in the *Noise and Vibration Feasibility Study* prepared by HGC Engineering (dated August 31, 2020).
30. That the owner submit a detailed noise study prior to final registration of the western and northern portions of the Subdivision adjacent to Highway #58A/CN Rail corridor and Canal Bank Street to determine noise impact based on road and rail traffic information, grading information and lotting and phasing information available at that time.
31. That the Subdivision Agreement between the owner and the City contain provisions whereby the owner agrees to construct an acoustic barrier (earth berm and noise barrier) with minimum heights, as shown in Figure 8 in the *Noise and Vibration Feasibility Study* prepared by HGC Engineering (dated August 31, 2020).

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32. That the City of Welland formally consent to apply a Class 4 designation and sound level criteria on the first row of lots adjacent to the CN Rail (operated by GIO Rail Holding Inc.) which includes Block 43 and part of Block 41, 44, 45, 59, 60, and 61.
33. That the following warning clause be included in the Subdivision Agreement and inserted in all Agreements of Purchase and Sale or Lease for the properties with a Class 4 designation:
 - a. "Purchasers/tenants are advised that sound levels due to the adjacent industry and rail operations are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a ventilation/air conditioning system which will allow windows and exterior doors to remain closed."
34. That the adjacent landowners be notified that the proposed development (a new noise-sensitive use) will be subject to the Class 4 Noise Criteria outlined in the Provincial NPC-300 Environmental Noise Guidelines.
35. That the Subdivision Agreement contain wording wherein the owner agrees to implement the mitigation measures and recommendations found in Section 5.0 of the *Environmental Impact Study* (EIS) prepared by Terrastory Environmental Consulting Inc. (dated September 2020) and on pages 6 & 7 of the *EIS Addendum* prepared by Terrastory Environmental Consulting Inc. (dated April 6, 2021), including but not limited to:
 - a. That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window. Further, should tree removal be required between May 1 and September 31, a qualified Ecologist shall complete an exit survey of suitable maternal roosting sites identified for removal a maximum of 24 hours before removal. The exit survey must make use of a bat detector and shall occur for no less than the time period between sunset and 60 minutes after sunset.
 - b. That construction activity occurring during the active bat season (i.e., between May 1 and September 31) be restricted to daylight hours only and that the use of artificial lighting be avoided in order to reduce disturbance to rare bat species.
 - c. That any security lighting to be installed on buildings should be downward facing and directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.
 - d. That Block 66 remain in natural, self-sustaining vegetation, with the exception of a public trail and railway acoustic berm.
 - e. That the identified terrestrial crayfish chimney location and adjacent suitable habitats within the Designated Watercourse be surveyed for the presence of crayfish chimneys prior to fill placement or other disturbances. Should any chimneys be identified at that time, efforts to capture terrestrial crayfish individuals shall occur which may involve physical excavation of burrows or use of an alternative methodology determined by a qualified Ecologist. Should

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individuals be found they shall be relocated in accordance with a Relocation and Monitoring Plan, prepared to the satisfaction of the Niagara Region.

- f. That all locations of Tapered Rush proposed for development be surveyed for the presence of individuals of this species during the growing season and prior to fill placement or other disturbances. Any individuals required to be relocated shall be relocated in accordance with a Relocation and Monitoring Plan, prepared to the satisfaction of the Niagara Region.
 - g. That no construction materials or equipment be located, even on a temporary basis, within Blocks 66, 72 and 73, or their buffers.
 - h. That all municipal street trees planted within 120 m of Open Space Blocks 66, 72 and 73 be restricted to the species recommended in the EIS Addendum.
36. That permanent rear-lot fencing be provided adjacent to the natural heritage features (i.e. Blocks 66, 72 and 73), to the satisfaction of the Niagara Region. The fencing shall include a permanent wildlife exclusion barrier that extends below grade to contain wildlife movement to the natural heritage features and restrict access to the adjacent rear yards. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
37. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. The plan should incorporate the recommendations found in section 5.3.1 of the EIS prepared by Terrastory Environmental Consulting Inc. dated September 2020. All ESC 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.
38. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers.
39. That a Tree Saving Plan (TSP) be provided to the satisfaction of the Niagara Region as required under Policy 7.B.1.19 of the Regional Official Plan. The TSP shall be prepared by a qualified professional, preferably by a Certified Arborist or qualified member of the Ontario Professional Foresters Association, in accordance with Region's Woodland Conservation By-law.
40. That a Wetland and Woodland Restoration and Enhancement Plan be prepared to the satisfaction of the Niagara Region. The plan should incorporate the recommendations found in Sections 5.3.6 and 5.4 of the EIS prepared by Terrastory Environmental Consulting Inc. dated September 2020. The Plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities. The removal of invasive species should also be incorporated, as appropriate. The Landscape/Restoration Plan should be completed by a full member of the Ontario Association of Landscape Architects (OALA).
41. That a Comprehensive Trails Plan be prepared to the satisfaction of the Niagara Region (should a trail system be proposed). The plan should incorporate the recommendations found in section 5.3.1 and 5.3.4.2 of the EIS prepared by Terrastory Environmental Consulting Inc., dated September 2020.

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42. That the developer provide securities to the City of Welland in the form of a Letter of Credit in the amount of the estimated cost as approved by the Region for the restorative plantings required in accordance with the above conditions and that the Subdivision Agreement include provisions whereby the developer agrees that the City may draw on the Letter of Credit, if required, to ensure installation of the plantings/restoration works.
43. That a Relocation and Monitoring Plan be prepared to the satisfaction of the Niagara Region that identifies a suitable relocation site for any terrestrial crayfish and/or Tapered Rush individuals required to be relocated and assess the success of the relocation efforts (should any individuals be captured and relocated). Monitoring shall include a two-year period post-relocation. These requirements can be incorporated in the Ecological Monitoring Plan.
44. That a fish/wildlife collection authorization be secured from the Ministry of Natural Resources and Forestry (MNRF) to facilitate elimination of the Stormwater Pond.
45. That an Ecological Monitoring Plan be prepared to the satisfaction of Niagara Region. At a minimum the plan should assess the effectiveness of the wildlife exclusion barrier fencing and monitor the success of the restorative plantings and invasive species removals. The Report should be addressed to the Region's Senior Environmental Planner through devtplanningapplications@niagararegion.ca by September 1st of years 1 through 5. The Report should also include photographs and advise actions necessary to address any deficiencies.

Note: At a minimum, the plan should assess the effectiveness of the wildlife exclusion barrier fencing and monitor the success of the restorative plantings and invasive species removals. The monitoring should take place upon the initiation of any development and/or site alteration and continue up to and including 5 years from full build out.

46. That the Dain East Subdivision draft plan conditions/Subdivision Agreement be updated in order to ensure that the proposed restoration works north of the subject lands are installed to the satisfaction of the Niagara Region.
47. That a Photometric Plan be provided to the satisfaction of the Niagara Region that illustrates all proposed street lighting be downward facing and shielded to prevent light spillage into the surrounding natural area. The Plan should be Dark Sky Association (IDA) compliant.
48. That the Subdivision Agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan, Tree Saving Plan, Wetland and Woodland Restoration and Enhancement Plan, Comprehensive Trails Plan, Relocation and Monitoring Plan, Ecological Monitoring Plan and Photometric Plan.
49. 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.
50. 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.

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51. 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 Compliance Approval under the Transfer of Review Program.
52. That verification of the available capacity in the Dain City Sewage Pumping Station and Ontario Street Sewage Pumping Station sewershed be completed prior to final registration of each phase of the development to the satisfaction of Niagara Region.
53. 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; and
 - d. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the stormwater management facility required to service this development and obtain the necessary Ministry of the Environment Compliance Approval.
54. That the owner submit a stormwater management outlet profile to Niagara Region Planning and Development Services for review and approval. The plan shall ensure that the outlet does not negatively impact upon the proposed Regional forcemain.
55. 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 condition above.
56. That the owner ensure that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara policy and by-laws relating to the curb side collection of waste and recycling throughout all phases of development. If developed in phases, where a through street is not maintained, the owner shall provide a revised draft plan to reflect a proposed temporary turnaround/cul-de-sac with a minimum curb radius of 12.8 metres.
57. That the Developer provide detailed grading, construction sediment and erosion control drawings to the Niagara Peninsula Conservation Authority for review and approval.
58. That a Limit of Work Fence be shown on the Grading Plan, 15 m where forest/woodland or thicket vegetation communities form the greatest limit of the Slough Forests and 30 m where wetland communities form the greatest extent of the Slough Forests to the satisfaction of the NPCA.
59. That the Draft Plan be revised to include the delineated boundaries of the natural heritage features on site and the required buffers associated with those features as recommended within the EIS.

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60. That Blocks 66, 72, and 73 be zoned Environmental Protection or an equivalent category that provides an appropriate level of protection, to the satisfaction of the NPCA.
61. That the Developer provide a Wetland Restoration and Enhancement Plan to indicate how the loss of the 0.312 ha of unevaluated wetlands are to be compensated for to the satisfaction of the Niagara Peninsula Conservation Authority. This plan must show that the wetlands are being compensated at a minimum 1:1 ratio in terms of wetland form and function. Scoping of the Restoration and Enhancement Plan is to be obtained from the Niagara Peninsula Conservation Authority and implementation of the Wetland Restoration/Enhancement Plan is to be done through an NPCA Work Permit.
62. That the Developer obtain Work Permits from the Niagara Peninsula Conservation Authority prior to removal of the existing wetlands on the subject lands and prior to construction of the proposed new wetlands within the NPCA regulated buffer areas. In support of the Work Permit applications, the following will be required:
 - a. A detailed compensation plan that indicates the design of the proposed wetland, construction methodology, material details, etc. (the Developer is to scope this requirement with the Niagara Peninsula Conservation Authority staff prior to submitting a Work Permit application);
 - b. A detailed monitoring plan; and
 - c. Any other information as may be determined at the time a Work Permit application is submitted to the Niagara Peninsula Conservation Authority.
63. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work within the 30-metre wetland buffer, or regulated watercourse (the Welland Recreational Canal) including but not limited to any proposed comprehensive trail system and Stormwater outfall. In support of the Work Permit applications, the following information may 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 Locally Significant Wetland.
 - d. A tree preservation and savings plan.
 - e. An erosion and sediment control plan prepared by a qualified professional to the satisfaction of the NPCA.
64. That the Developer provide 1.5-metre-high chain link fencing along the boundaries of Block 72 and 73. Fencing should also be established along the boundary of Block 66 to the satisfaction of the Niagara Peninsula Conservation Authority.
65. 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.

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- 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.

66. 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.

67. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

68. 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: 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56

Niagara Peninsula Conservation Authority: 57, 58, 59, 60, 61, 62, 63, 64

Canada Post Conditions: 65, 66, 67

69. 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

2021 - 179

21-4 Moved by Green and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the Year-End report up to and including December 31, 2020 (FIN-2021-15); and further

THAT Welland City Council approves that the 2020 Tax Supported Budget forecasted surplus (to be \$3,017,822 drafted and unaudited) be allocated to the Capital Surplus Reserve Fund: and further

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21-4...cont'd.

THAT Welland City Council approves that the 2020 Rate Supported Budget forecasted surplus (to be \$1,107,224 unaudited and estimated) be allocated to the Water/Wastewater Reserve Fund.

CARRIED**2021 - 180****21-79**

Moved by Green and Grimaldi

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report No. P&B-2021-20 regarding applications for Official Plan Amendment (OPA No. 33), Zoning By-law Amendment (2020-14), and Draft Plan of Vacant Land Condominium (26CD-14-20009) for lands on the east side of Aqueduct Street, north side of Gadsby Avenue, north of Thorold Road, and south of Hilda Street, municipally known as 368 Aqueduct Street and 155 Gadsby Avenue.

CARRIED**2021 - 181****21-80**

Moved by Green and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND Red-line Draft Plan for the Fusion Homes Phase 3 Plan of Subdivision (File No. 26T-14-10002) developed by 2676903 Ontario Inc., more specifically described as Part of Lots 141 to 143, 204 to 206, 215 to 222, 236 to 238, 241 to 245, 247 and 256 to 258; Lots 207 to 214, 223 to 234 and 248 to 250; Part of Blocks E, G and H; University Crescent; Part of Glenwood Parkway, Inway Drive and Woodland Drive; Lane between Lots 247 and 248; and Part of Lot 25, Concession 4 being Part of Part 1, 59R-12696, former Township of Humberstone, now in the City of Welland, based on a plan prepared by Cassidy and Company and dated April 14, 2021, subject to the following additional condition of approval:

1. That the Owner dedicate Block 22 to the City of Welland free and clear of all encumbrances for parkland purposes.

CARRIED**2021 - 182****21-81**

Moved by McLeod and Grimaldi (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Niagara Peninsula Conservation Authority dated April 22, 2021 to explore partnership opportunities with municipalities to map, build and enhance trail connections.

CARRIED**2021 - 183****21-82**

Moved by McLeod and Grimaldi (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Niagara Peninsula Conservation Authority dated April 22, 2021 regarding Report No. FA-25-21: Expanding the Greenbelt Proposal - NPCA Comments.

CARRIED**2021 - 184****21-83**

Moved by Fokkens and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated April 26, 2021 regarding Report PDS 19-2021: Combined Sewer Overflow (CSO) Control and Wet Weather Management (WWM) Program - 2021 Funding Recommendations.

CARRIED

2021 - 185**21-25**

Moved by Van Vliet and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 10:06 p.m. to consider:

- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - *349 Ridge Road.*
 - *Innio Update.*

CARRIED**2021 - 186****21-25**

Moved by Fokkens and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 10:42 p.m. without report.

CARRIED**BY-LAWS**

Moved by DiMarco 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.

21-15

BYL 2021 - 70

A By-law to authorize the appointment of Burt Lamoureux as Deputy Fire Chief for the Welland Fire and Emergency Department; and to Repeal By-law 2016-134.

CARRIED

Moved by DiMarco and Mootie

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.

21-50

BYL 2021 - 71

A By-law to enter into contract with Rankin Construction Inc. for the 2021 Road Resurfacing - Top Lift Asphalt Tender.

CARRIED

Moved by Grimaldi and Larouche

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.

18-36

BYL 2021 - 72

A By-law to authorize acceptance of an offer from 603697 Ontario Limited for sale of 3.5 acres of vacant city-owned land on Downs Drive (River Road and Downs Drive Industrial Park).

20-97

BYL 2021 - 73

A By-law to amend City of Welland City of Welland Zoning By-law 2017-117 (555 Canal Bank Development GP Inc. - File No. 2020-09) 475, 555, 635 Canal Bank Street.

20-97

BYL 2021 - 74

A By-law to authorize the adoption of official plan amendment No. 30.

CARRIED

Moved by McLeod and Grimaldi (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.

99-99

BYL 2021 - 75

A By-law to authorize 439 King Street Welland Inc. to construct a wood deck for public ownership along east side of Welland Recreational Canal, south of Lincoln Street.

04-124

BYL 2021 - 76

A By-law to authorize a change order to the existing contract with Neptune Technology Group (Canada) Limited to extend the water meter replacement/upgrades through year 2021; and to amend By-law 2019-84.

CARRIED

Moved by Van Vliet and Moot

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.

21-1

BYL 2021 - 77

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 4th day of May, 2021.

CARRIED

Council adjourned at 10:43 p.m.

These Minutes to be approved and adopted by Motion of Council this 18th day of May, 2021.

MAYOR

CITY CLERK