



MINUTES OF
SPECIAL COUNCIL MEETING, MARCH 23, 2021
CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 5:05 p.m. and in open session at 7:12 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 (5:06 p.m. - 5:52 p.m. and again at 6:18 p.m.), A. Moote, G. Speck, 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
Deputy City Clerk, L. Bubanko
Fire Chief & Community Emergency Management Coordinator, A. Eckhart (until 7:00 p.m.)
Interim Director of Engineering and Public Works, SM. Millar
Interim Director of Development and Building Services, G. Munday
Manager of Human Resources, A. Daisley (until 7:00 p.m. and again at 7:53 p.m. - 9:30 p.m.)
Manager of Public Works, V. Beaudoin (7:12 p.m. - 10:12 p.m.)

2021 - 112**21-25**

Moved by Larouche and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 5:05 p.m. to consider:

- proposed or pending acquisition or disposition of land by the municipality or local board;
 - *Lease - Market Square.*
- personal matters about an identifiable individual, including municipal or local board employees;
 - *CUPE Negotiations.*
 - *Human Resources update.*
 - *Corporate Restructuring.*

CARRIED**2021 - 113****21-25**

Moved by Van Vliet and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:00 p.m. without report.

CARRIED**DELEGATIONS**

- 04-91** Greg D'Amico, Welland Historical Museum Board of Management and Penny Morningstar, Welland Museum Manager/Curator, Welland Museum address Council regarding partial funding opportunity of humidity control units (3) for the museum.

LEGISLATED PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Councillor Van Vliet presided as Chair of the Public Hearing:

17-78 A Complete Application has been made by NPG SOLUTIONS INC. on behalf of TURRIS HOLDINGS for Draft Plan of Subdivision Approval for lands located on the east side of Southworth Street, south of Laugher Ave, and north of Ontario Road, legally described as Lots 1009, 1010, 1011, and 1012, Plan 951, and Part of Lot 22, Concession 6, former Township of Crowland, City of Welland, municipally known as 175 Southworth Street. The subject lands are designated Urban Area in the Regional Official Plan, as Low Density Residential in the City of Welland Official Plan, and zoned Residential Low Density 2 – RL2 by By-law 2017-117.

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.

Rhea Davis, Planner, NPG Planning Solutions, 4999 Victoria Ave, Niagara Falls, ON L2E 4C9 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:

- No one spoke.

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

21-65 Complete Applications have been made by UPPER CANADA CONSULTANTS on behalf of 2597168 ONTARIO LIMITED to redesignated and to rezone lands legally described as Part Lot 29, Concession 6, Part 1 on Plan 59R-3159, City of Welland for lands at 215 Riverside Drive from the existing Residential Low Density 1 - RL1 to Residential Multiple - RM in Zoning By-law 2017-117. The purpose of the Amendment is to permit the construction of a four-storey apartment building with 31 residential units. The Official Plan designation is Low Density Residential. Application for Official Plan Amendment (File No. OPA 34) has also been submitted for this property.

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.

Craig Rohe, Senior Planner, Upper Canada Consultants, 30 Hannover Dr, St. Catharines, ON L2W 1A3 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:

- Claude Boudreau, 238 Windsor Street, Welland, ON L3C 7A3
- Mandi Corb-Knight, 197 Riverside Drive, Welland, ON L3C 5E3
- Donna Lister, 185 Riverside Drive, Welland, ON L3C 5E3
- Nick Conte, 213 Riverside Drive, Welland, ON L3C 5E3

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

2021 - 114

02-160 Moved by Speck and Mootie

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information staff Report CLK-2021-09: Publishing Council Agendas on City of Welland Website; and
THAT Welland City Council approves publishing council agendas on the City of Welland website for public viewing on the Friday prior to the meeting; and further
THAT this practice commence in April 2021.

CARRIED

2021 - 115

02-160 Moved by Green and Richard

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information staff Report CLK-2021-10: Code of Conduct Informal Complaint Protocol for Members of Council; and further
THAT Welland City Council approves the Code of Conduct Informal Complaint Protocol for Members of Council as outlined in "Appendix I" of this report.

.....

02-160 Moved by Fokkens and McLeod

THAT Welland City Council refers back to staff Report CLK-2021-10: Code of Conduct Informal Complaint Protocol for Members of Council.

CARRIED

2021 - 116**02-160**

Moved by Green and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CLK-2021-11: Ward 3 Vacancy Appointment Process; and further

THAT Welland City Council approves the appointment process as outlined in "Appendix I" of this report.

.....

02-160

Moved by Van Vliet and Larouche

THAT Welland City Council refers back to staff Report CLK-2021-11: Ward 3 Vacancy Appointment Process.

CARRIED**2021 - 117****04-91**

Moved by Chiocchio and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Greg D'Amico, Welland Historical Museum Board of Management and Penny Morningstar, Welland Museum Manager/Curator, Welland Museum regarding Partial Funding Opportunity for three (3) Humidity Control Units for the Welland Museum; and

THAT Welland City Council approves the Welland Museum request for funding for the three (3) Humidity Control Units; and further

THAT the Chief Financial Officer be directed to prepare a report for Council consideration at the April 13, 2021 meeting regarding a funding source.

CARRIED**2021 - 118****04-124**

Moved by Speck and McLeod

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves the issuance of a change order to the existing 2019 Water Meter Replacement/Upgrade contract between the Corporation of the City of Welland and Neptune Technology Group (Canada) Ltd. To extend the existing contract through 2021 at a total price of \$688,148.05; and

2. THAT Welland City Council directs the City Clerk to prepare the necessary documents to enter into this change order with Neptune Technologies Group; and further

3. THAT Welland City Council authorizes the Mayor and clerk to execute the necessary By-laws and agreements.

CARRIED**2021 - 119****17-78**

Moved by McLeod and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND approves Draft Plan of Subdivision Approval for lands located on the east side of Southworth Street, south side of Laugher Avenue, west side of Classic Avenue, and north of Ontario Road, legally described as Lots 1009, 1010, 1011, and 1012, Plan 952, and Part of Lot 22, Concession 6, former Township of Crowland, now in the City of Welland, municipally known as 175 Southworth Street, for the creation of 20 residential lots, one future residential block, and one utility block, subject to the following conditions:

1. That the Owner enter into a Subdivision Agreement with the City of Welland.
2. That no on-site grading or construction works are commenced prior to the owner entering into a Subdivision Agreement with the City of Welland.
3. That the owner agrees to gratuitously provide any permanent easement(s) required by other agencies or utilities, free and clear of all encumbrances.

...continued...

2021 - 119
17-78...cont'd.

4. The Developer shall be responsible for the extension of the sewer along Laugher Avenue, to facilitate the servicing of the proposed lots from the municipal right-of-way. The design shall be completed by a Certified Engineer, including ECA, and submitted to the Engineering Division for review and approval.
5. The Developer shall submit with the subdivision design drawings, a functional servicing and storm water management report to the Engineering Division for review and approval.
6. The developer shall be responsible for a future services reserve payment for half the cost of upgrading the section of Laugher Avenue fronting the development property.
7. The Developer shall be responsible for a future reserve payment for the full cost of a sidewalk from Southworth Street to Classic Avenue to current municipal standards.
8. The Developer shall complete applicable home condition surveys in the area prior to the commencement of construction.
9. 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.
10. The Developer shall be responsible for all cost associated with the development, including reinstatements to existing condition or better.
11. Applicable securities shall be submitted to the City in accordance with the Subdivision Agreement.
12. The Engineering Division reserves the right to include additional requirements following the review of the engineered design.
13. Prior to Hydro One Networks Inc. providing its final approval, the developer must make arrangements satisfactory to Hydro One Networks Inc. for lot grading and drainage. digital PDF copies of the lot grading and drainage plans (true scale), showing existing and proposed final grades, must be submitted to Hydro One Networks Inc. for review and approval. the drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor. Drainage must be controlled and directed away from the transmission corridor.
14. Any development in conjunction with the subdivision must not block vehicular access to any Hydro One Networks Inc. facility located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor.
15. At the developer's expense, temporary fencing must be placed along the transmission corridor prior to construction, and permanent fencing must be erected along the common property line after construction is completed.
16. The costs of any relocations or revisions to Hydro One Networks Inc. facilities which are necessary to accommodate this subdivision will be borne by the developer. The developer will be responsible for restoration of any damage to the transmission corridor or Hydro One Networks Inc. facilities thereon resulting from construction of the subdivision.

...continued...

2021 - 119
17-78...cont'd.

17. The Hydro One Networks Inc. letter and the conditions requested should in no way be construed as permission or an endorsement of proposed location(s) for any road crossing(s) contemplated for the proposed development. This permission may be specifically granted by Ontario Infrastructure & Lands Corporation under separate agreement(s). proposals for any secondary land use including road crossings on the transmission corridor are processed through the Provincial Secondary Land Use Program (PSLUP). Hydro One Networks Inc., as Ontario Infrastructure & Lands Corporation's service provider, will review detailed engineering plans for such proposals separately, in order to obtain final approval.

Should approval for any road crossing be granted, the developer shall then make arrangements satisfactory to Ontario Infrastructure & Lands Corporation and Hydro One Networks Inc. for the dedication and transfer of the proposed road allowance directly to the City of Welland.

Access to, and road construction on the transmission corridor is not to occur until the legal transfer(s) of lands or interests are completed.

18. The transmission lines abutting the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the *Occupational Health and Safety Act*, require that no object be brought closer than 6 metres (20 feet) to an energized 500kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the *Act*. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.
19. That the owner/developer shall comply with Niagara Region's Corporate Policy for Waste Collection.
20. That the owner provides a written acknowledgement to Niagara Region's 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.
21. That the owner provides a written undertaking to Niagara Region's 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.
22. The owner provides a written undertaking to Niagara Region's Planning and Developments 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 of 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 the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment Compliance Approval under the Transfer of Review Program.

...continued...

2021 - 119**17-78...cont'd.**

24. That prior to final approval for registration of this Plan of Subdivision, the owner shall submit the design drawings and notes required in relation to the crossing of the Regional Trunk watermain.
25. That the owner shall submit a written undertaking to Niagara Region that the future development block of this Plan of Subdivision shall provide detailed Stormwater Management Report and Plans for review and approval at the time of future Planning Act Application (i.e. Draft Plan of Condominium or Site Plan).
26. That the Subdivision Agreement will require that the future development block of this Plan of Subdivision will require a detailed Stormwater Management Report and Plans be submitted for review and approval by Niagara Region at the time of future Planning Act Application (i.e. Draft Plan of Condominium or Site Plan).
27. 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.
28. 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.
29. 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: 19, 20, 21, 22, 23, 24, 25, 26
- Hydro One Networks Inc.: 13, 14, 15, 16, 17, 18
- Canada Post Conditions: 27, 28

...continued...

2021 - 119
17-78...cont'd.

30. 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 - 120
18-39 Moved by Larouche and Grimaldi (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND approves extension to Draft Plan Approval for the Murdock Road Plan of Subdivision (File: 26T-14-17006) for an additional one (1) year to April 6, 2022.

CARRIED

2021 - 121
20-24 Moved by Moote and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information staff Report CLK-2021-12: CAO Hiring Committee Appointment; and further THAT Welland City Council appoints the following members of council to the CAO Hiring Committee, from the list of interested members, outlined on page 2 of this report:

1. Councillor Fokkens
2. Councillor Larouche
3. Councillor McLeod
4. Councillors Richard

CARRIED
2/3 MAJORITY

2021 - 122
20-64 Moved by McLeod and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated March 4, 2021 regarding Schedule 6, Bill 197, COVID 19 Economic Recovery Act, 2020.

CARRIED

2021 - 123
21-6 Moved by Larouche and Grimaldi (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND declares March 24, 2021 as "Education and Sharing Day" in the City of Welland.

CARRIED

2021 - 124
21-14 Moved by Larouche and Grimaldi (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report FIN-2021-09 with respect to 2020 Remuneration and Expenditures covering Members of Council.

CARRIED

2021 - 125
21-15 Moved by Larouche and Grimaldi (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives this report and authorizes the Fire Chief to proceed with the Ontario Fire Marshal's Fire Safety Grant in support of modernizing training resources for the Welland Fire Department.

CARRIED

2021 - 126**21-22**

Moved by Chiocchio and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to report back to Council regarding the request from the Holy Trinity Welland regarding the city donating eight parking spaces in the south east area of the Market Square parking lot to Fed Ex.

CARRIED**2021 - 127****21-26**

Moved by Green and DiMarco

1. THAT THE COUNCIL OF THE CITY OF WELLAND accepts the tender of CTC Contracting in the amount of \$371,740.00 (plus HST) being the lowest of three (3) tenders received for the 2021 Sidewalk Missing Link Construction 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**2021 - 128****21-50**

Moved by Larouche and Grimaldi (in block)

1. THAT THE COUNCIL OF THE CITY OF WELLAND accepts the tender of Rankin Construction Inc. in the amount of \$447,215.00 (plus HST) being the lowest of three (3) tenders received for the 2021 Road Resurfacing - Top Lift Asphalt 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**2021 - 129****21-64**

Moved by Larouche and Grimaldi (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated March 5, 2021 regarding motion respecting support for the Wine Sector.

CARRIED**2021 - 130****21-65**

Moved by McLeod and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report P&B-2021-15 regarding application for Official Plan Amendment (OPA No. 34) and Zoning By-law Amendment (File No. 2021-02) for lands on the east side of Riverside Drive, south of Lincoln Street, west of Justina Court, and north of Windsor Street, legally described as Part Lot 29, Concession 6, Part 1 on Plan 59R-3159, City of Welland, and municipally known as 215 Riverside Drive.

CARRIED**BY-LAWS**

Moved by Larouche 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.

21-13

BYL 2021 - 38

A By-law to authorize the execution of the transfer payment agreement for the Investing in Canada Infrastructure Program (CIP): Public Transit Stream between Her Majesty the Queen in right of the Province of Ontario represented by the Minister of Transportation for the Province of Ontario and the Corporation of the City of Welland.

21-62

BYL 2021 - 39

A By-law to authorize entering into a software license and support agreement with Cityview, and unincorporated division of N. Harris Computer Corporation.

99-99

BYL 2021 - 40

A By-law to authorize entering into contract with SWP Canada Group Ltd. for the Cycling, Walking and City Recreational Trails 20 Year Master Plan.

CARRIED

Moved by Larouche 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.

21-12

BYL 2021 - 41

A By-law to amend By-law 2019-138 being a By-law to appoint certain Members of Council as Vice Mayor for the period from December 1, 2019 to November 14, 2022.

CARRIED

Moved by Larouche 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.

21-1

BYL 2021 - 42

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 23rd day of March, 2021.

CARRIED

Council adjourned at 10:44 p.m.

These Minutes to be approved and adopted by Motion of Council this 20th day of April, 2021.

MAYOR

CITY CLERK