



**MINUTES OF THE
APRIL 4, 2023 COUNCIL MEETING
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 7:00 p.m. on the above date.

His Worship Mayor Frank Campion in the Chair.

Members Present:

Councillors J. Chiochio, T. DiMarco (virtual at 7:09 p.m.), B. Fokkens, B. Green (virtual at 7:12 p.m.), M.A. Grimaldi (virtual), J. Lee, D. McLeod (7:00 p.m.), A. Moote (6:36 p.m.), S. Setaram, G. Speck (6:35 p.m.), and L. Van Vliet (virtual).

Members of Staff and Others Present:

Acting Chief Administrative Officer/Director of Community Services, R. Axiak
City Clerk, T. Stephens
Director of Finance/CFO/Treasurer, S. Fairweather
Fire Chief & Community Emergency Management Coordinator, A. Eckhart
Director of Infrastructure Services, SM. Millar
Director of Planning and Development Services, G. Munday
Manager of Economic Development, L. DeChellis (until 7:10 p.m.)
Economic Development Officer, L. Allen (until 7:05 p.m.)
Manager of Facility Operations & Development, F. Pearson (until 7:10 p.m.)
Deputy Fire Chief, M. Richardson (7:00 p.m. - 7:10 p.m.)

2023 - 221**23-25**

Moved by Lee and Fokkens

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:

- proposed or pending acquisition or disposition of land by the municipality or local board;
 - Cambridge Road south of Woodlawn Road, west of Brown Road.

CARRIED**2023 - 222****23-25**

Moved by Grimaldi and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:43 p.m. with report.

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

Councillor Speck presided as Chair of the Public Hearing:

23-70 A complete application has been made by QUARTERK GROUP INC. on behalf of IDRAKOTH LTD. to rezone PT TWP Lots 229 and 230 Thorold being Part 5, 59R1742, except Part 6, 59R-4976; S/T R0357511, R0743059, Welland for lands at 16 Seaway Drive from the existing RESIDENTIAL HIGH DENSITY ZONE - RH to SITE SPECIFIC RESIDENTIAL MEDIUM DENSITY – RM AND HAZARD OVERLAY - HA in Zoning By-law 2017-117. The purpose of the Amendment is to permit semi-detached dwellings, multiple dwellings and block townhouse units with site specific provisions related to the lot frontage, setbacks, building height, lot coverage and landscape area. The Official Plan designation is HIGH DENSITY RESIDENTIAL. Application for Zoning By-law Amendment has been submitted in conjunction with an application for Official Plan Amendment (OPA. No. 42).

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.

Drew Toth, Applicant and Susan Smyth, Quartek Group Inc., 91 St. Paul Street, St. Catharines, ON L2R 3M3 on behalf of the applicant.

In support of the application:

- No one spoke to the application.

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 to the application.

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

PRESENTATION

23-65 Christian Wulf, Niagara Centre (Welland) YMCA addressed Council regarding the Operating Contribution Partnership Proposal.

2023 - 223

23-1 Moved by Chiocchio and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of March 21, 2023 and Special Council Meetings of December 13, 2022 (as amended) and March 27 and 28, 2023, as circulated.

CARRIED

2023 - 224

02-85 Moved by Van Vliet and Setaram

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Councillor Fokkens to the Accessibility Advisory Committee for the term of April 4, 2023 to November 14, 2026.

CARRIED

2023 - 225

02-160 Moved by Grimaldi and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CLK- 2023-11: Continuation of Procedural By-law Review; and THAT Welland City Council approves item(s) to be incorporated in the updates to the Procedural By-law; and further THAT the updated Procedural By-law be presented at the April 18, 2023 Council meeting.

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02-160 Moved by Grimaldi and Moote

THAT Welland City Council defers Report CLK-2023-11: Continuation of Procedural By-law Review to a Workshop meeting to solely discuss the report.

CARRIED

2023 - 226

02-160 Moved by Green and Lee

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare a procedure on council seating arrangements for Council review and approval.

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02-160 Moved by Speck and Lee

THAT Welland City Council replace procedure with report.

CARRIED

THE FOLLOWING THE VOTE ON THE AMENDING MOTION, THE MAIN MOTION WAS PUT AS AMENDED AND

CARRIED

2023 - 227

05-65 Moved by Speck and Grimaldi

THAT THE COUNCIL OF THE CITY OF WELLAND assumes Valley Way Estate Subdivision.

CARRIED

2023 - 228

07-126 Moved by Chiocchio and Setaram

THAT THE COUNCIL OF THE CITY OF WELLAND assumes Clare Estates (Phases 1 & 2) Subdivision.

CARRIED

2023 - 229

11-108 Moved by Chiocchio and Grimaldi

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report P&B-2023-10 being a quarterly summary Report of approved Community Improvement Plan Incentive Applications between October 1, 2022 and December 31, 2022.

CARRIED

2023 - 230**22-60**

Moved by Setaram and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND approves Report P&B 2023-09 regarding application for approval of a Draft Plan of Subdivision for lands located on the west side of Clare Avenue, north of Woodlawn Road and east of South Pelham Road, more specifically described as Part of Lot 237, Geographic Township of Thorold, in the City of Welland, municipally known as 905 Clare Avenue, subject to the following conditions:

1. That the Owner enter into a Subdivision Agreement with the City of Welland.
2. That no grading or construction work shall commence until such time as the Subdivision Agreement has been entered into and the financial securities are in place, or a pre-servicing agreement has been entered into.
3. That Parkland Dedication shall be established in accordance with the By-law 2022-149, or successor thereto.
4. That Construction fencing is required in accordance with the City of Welland Building By-law 2020-140.
5. That a subsurface Geotechnical Report is to be prepared and submitted at the time of building permit application submission.
6. That the Developer shall submit full engineering design drawings to the City of Welland Engineering Division for review and approval, including but not limited to, Site Servicing, Site Grading, General Notes and Details, Plan and Profile, Sediment Erosion and Control Plan, Storm Drainage Area, Sanitary Drainage Area and Landscaping Plans.
7. That a Servicing Study Report indicating that the receiving storm sewers and sanitary sewers can accommodate the additional flows, and that adequate fire flows can be provided to the development be submitted to the City of Welland for review to the satisfaction of the Director of Infrastructure Services/City Engineer.
8. That the Developer submit to the City of Welland for review and approval by the Director of Infrastructure Services/City Engineer, a detailed stormwater management plan for the subdivision.
9. That prior to any site alteration, approval from the Director of Infrastructure Services/City Engineer is required. The Developer shall submit all supporting materials and engineering design, prepared by a qualified professional, as required by the City or any applicable authority, and shall agree to implement the recommendations of the reports, studies and plans.
10. That prior to registration of this plan, the Developer must obtain Environmental Compliance Approval from the Ministry of Environment, Conservation and Parks (MECP) for sewer and stormwater management works needed to service the proposed development. Prior to installing the watermain to service the proposed development, the Developer must submit Ministry of Environment 'Form 1' Record of Watermain.
11. That the Owner shall construct municipal infrastructure in accordance with the City of Welland Municipal Standards, Ontario Provincial Standards, the Issued for Construction Engineering drawing set, and any other standards that may apply.

12. That the Developer shall be responsible for the construction of all primary and secondary services, including sidewalks, boulevard plantings and sodding/hydroseeding in accordance with the approved engineering design drawings.
13. That the Developer agrees to install sidewalk, and grade/sod boulevards in accordance with the requirements of the Subdivision Agreement and Schedule 'B1'.
14. That at the end of the project, the design engineer shall certify that all grading, storm sewers and stormwater management controls have been constructed in conformity with the approved plans. Copies of the certification shall be circulated to the City of Welland and the Regional Municipality of Niagara.
15. Foundation drains will not be connected to sanitary sewer systems.
16. That roof water drainage from any structure or building shall be directed via downspouts discharging via splash pads (concrete or other suitable material) to grass surfaces. These splash pads shall extend a distance of 1.2 metres away from the structure and must direct the flow away from the building, not onto sidewalks or driveways, and not toward adjacent properties.
17. That all necessary easements required for utility and services purposes be granted to the appropriate Authority free and clear of encumbrances.
18. That the Owner agrees to dedicate to the City of Welland Block 16, free and clear of all encumbrances, for the purposes of a future road widening.
19. That the Owner provides a written acknowledgement to the Niagara Region Planning and Development Services Department 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.
20. That the Owner provides a written undertaking to the 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.
21. 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, or confirmation from the Region regarding the capacity/impacts to Regional infrastructure through the pending Consolidated Linear Environmental Compliance Approval process.
22. 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.
23. 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 Environment, Conservation and Parks' documents entitled Stormwater Management Planning and Design Manual March

2023 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region Planning and Development Services 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.
24. 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.
25. That the Owner ensures that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara policy and by-laws relating to 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.
26. That the Owner shall complete to the satisfaction of the Director of Engineering of the City of Welland and Canada Post:
- a. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i. That the home/business mail delivery will be from a designated Centralized Mailbox.
 - ii. That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any homes sales.
 - b. The Owner further agrees to:
 - i. 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.
 - ii. 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.
 - iii. Identify the pads above the engineering servicing drawings. Said pads are to be poured at the time of sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv. 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 board and plans. Map are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
 - c. 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.

27. 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: 19-25
Canada Post: 26

28. That if Final Approval is not given to this Plan within three (3) years of the approval date and no extensions have been given, Draft Plan Approval shall lapse. If the Owner wishes to request extension to Draft Plan Approval, a written request with reasons why the extension is required, 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 once all Conditions have been satisfied.

CARRIED

2023 - 231

23-6 Moved by Setaram and Fokkens (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND proclaims May as Jewish Heritage Month in the City of Welland.

CARRIED

2023 - 232

23-6 Moved by Setaram and Fokkens (in block)

THAT THE COUNCIL OF THE CITY OF Welland proclaims May 1, 2023 as Doctor's Day in the City of Welland.

CARRIED

2023 - 233

23-15 Moved by Setaram and Fokkens (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the Fire Chief to sole-source purchase Hurst™ auto extrication equipment of various models to the total of \$168,158.40 from Code 4 Fire and Rescue; and further

THAT Council directs staff to prepare the necessary By-law and documents to execute the project; and further

THAT Council authorizes the Mayor and Clerk to execute all necessary documents to execute the project.

CARRIED

2023 - 234

23-44 Moved by Chiocchio and Fokkens

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of Niagara Crack Sealing in the amount of \$24,000.00 (plus HST) being the lowest received bid for the 2023 Crack Sealing Program tender; and

2. THAT Council directs staff to prepare the necessary By-law and documents to execute the contract; and further

3. THAT Council authorizes the Mayor and Clerk to execute all necessary documents to execute the contract.

CARRIED

2023 - 235

23-52 Moved by Fokkens and Setaram

1. THAT THE COUNCIL OF THE CITY OF WELLAND accepts the tender of Bob Robinson & Son Construction Ltd. in the amount of \$226,276.00 (plus HST) being the lowest of three (3) bid submissions received for the 2023 CCTV Program - Wastewater & Stormwater Gravity Sewers project; and

2. THAT Council directs staff to prepare the necessary By-law and documents to execute the project; and further

3. THAT Council authorizes the Mayor and Clerk to execute all necessary documents to execute the project.

CARRIED

2023 - 236**23-65**

Moved by Moote and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND rescinds Resolution No: 2023-199 to enter into a Tri-Party Contribution Agreement between the City of Welland, Town of Pelham, and the Niagara Centre YMCA as previously outlined in Report CS-2023-10, and as attached in Appendix A.

YEAS: Lee, Green, Speck, Chiocchio, McLeod, DiMarco, Grimaldi, Setaram, Fokkens, Moote, Van Vliet and Mayor Campion.

NAYS: None.

CARRIED**23-65**

Moved by Moote and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND approves entering into a Contribution Agreement between the City of Welland and the Niagara Centre YMCA (Welland location) as outlined in Report CS-2023-18; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to enter into a Contribution Agreement to be signed by the Mayor and City Clerk.

YEAS: Lee, Green, McLeod, DiMarco, Grimaldi, Setaram, Moote, Van Vliet and Mayor Campion.

NAYS: Speck, Chiocchio and Fokkens.

CARRIED**2023 - 237****23-66**

Moved by Setaram and Fokkens (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND approves the award to Van Pelt Construction Inc. for the provision of the design/build services for the sand/salt storage dome, as detailed in RFP23-01; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to enter into a contract with Van Pelt Construction Inc.

CARRIED**2023 - 238****23-67**

Moved by Setaram and Fokkens (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from Arterra Wines Canada dated March 27, 2023 regarding selling wine and beer to convenience stores.

CARRIED**2023 - 239****23-70**

Moved by Moote and Green

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report P&B 2023-11 regarding applications for Official Plan Amendment (OPA No. 42) and Zoning By-law Amendment (2023-01) for lands on the north side of Woodlawn Road, east of Niagara Street, south of Lancaster Drive and west of the Welland Recreational Waterway, municipally known as 16 Seaway Drive.

CARRIED**2023 - 240****23-72**

Moved by Fokkens and Lee

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Robert LeRoux to sit on the Court of Revision on behalf of the City of Welland.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

2023 - 241

23-61 Moved by Setaram and Fokkens (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the stopping up and closing of a portion of Cambridge Road south of Woodlawn Road, west of Brown Road; and further

THAT Welland City Council declares surplus Cambridge Road south of Woodlawn Road, west of Brown Road; and further

That Welland City Council authorizes entering into an Agreement of Purchase and Sale of a portion of Cambridge Road South of Woodlawn Road, West of Brown Road to Alpa Properties Inc. ("Alpa"); 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 transfer the proceeds of the sale into the Economic Development Reserve Fund.

CARRIED

BY LAWS ARISING FROM COMMITTEE-OF-THE-WHOLE

Moved by Setaram and Fokkens (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.

23-61

BYL 2023 - 49

A By-law to authorize the Stopping-Up and Closing of a portion of Cambridge Road south of Woodlawn Road, west of Brown Road.

23-61

BYL 2023 - 50

A By-law authorizing acceptance of an offer to purchase from Alpa Properties Inc. for a portion of Cambridge Road, south of Woodlawn Road, west of Brown Road.

CARRIED

BY-LAWS

Moved by Van Vliet and Grimaldi

THAT THE COUNCIL OF THE CITY OF WELLAND having given due consideration to the following By-laws, as reproduced in this evening's Council Agenda, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

23-44

BYL 2023 - 51

A By-law to authorize entering into contract with 788893 Ontario Limited O/A Niagara Crack Sealing for the 2023 Crack Sealing Program.

23-52

BYL 2023 - 52

A By-law to authorize entering into contract with 284612 Ontario Limited O/A Bob Robinson & Son Construction for the 2023 CCTV Program - Wastewater & Stormwater Gravity Sewers Project.

23-72

BYL 2023 -53

A By-law to authorize appointment of Robert Leroux to sit on the Court of Revision under the Drainage Act on behalf of the City of Welland for the Biederman Municipal Drain Matter.

07-126

BYL 2023 - 54

A By-law to assume Clare Estates 3 (Phases 1 & 2) Subdivision, Plan 59M-392.

05-65

BYL 2023 - 55

A By-law to assume Valley Way Estates Subdivision, Plan 59M-444.

CARRIED

Moved by Setaram and Fokkens (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.

23-66

BYL 2023 - 56

A By-law to authorize entering contract with Aron Van Pelt for the design/build services for the sand/salt storage dome.

23-68

BYL 2023 - 57

A By-law to exempt certain lands from Part-Lot Control - Parts 1 and 2 on Plan 59R-17633, Part of Lot 224, all of Lot 225, Plan 936 (665 Deere Street) City of Welland.

23-69

BYL 2023 - 58

A By-law to exempt certain lands from Part-Lot Control - Parts 1 and 2 on Plan 59R-17644, Lot 2, Plan 50M-152 (668 & 670 Quaker Road) City of Welland.

CARRIED

Moved by Moote and Lee

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.

23-1

BYL 2023 - 59

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 April, 2023.

CARRIED

Council adjourned at 9:30 p.m.

These Minutes to be approved and adopted by Motion of Council this 18th day of April, 2023.

MAYOR

CITY CLERK