



# CITY OF Welland

MINUTES OF THE  
NOVEMBER 21, 2023 COUNCIL MEETING  
CIVIC SQUARE, COUNCIL CHAMBERS  
60 EAST MAIN STREET

**AMENDED\***

\* Council met 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 (until 9:00 p.m.), B. Fokkens, B. Green, M.A. Grimaldi (virtual), D. McLeod, A. Moote, C. Richard, S. Setaram, G. Speck, and L. Van Vliet.

**Members of Staff and Others Present:**

Acting Chief Administrative Officer/Director of Planning and Development Services, G. Munday  
Deputy City Clerk, L. Bubanko  
Interim Director of Finance/Chief Finance Officer/Treasurer, E. Pankoff  
Fire Chief & Community Emergency Management Coordinator, A. Eckhart  
Director of Infrastructure Services, SM. Millar  
City Solicitor, C. Woodsford  
Policy Planning Supervisor, N. Aiello  
Manager of Economic Development, L. DeChellis (until 8:40 p.m.)  
Interim Director of Community Services, A. Degazio  
Manager, Traffic/Parking/By-laws, A. Khan

## **PRESENTATION**

Mayor Champion presented a plaque to Lieutenant-Colonel Philip Dyson in recognition of assuming command of the Lincoln and Welland Regiment.

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

Councillor Speck presided as Chair of the Public Hearing:

**23-22** The City of Welland is proposing to amend both the Official Plan and Zoning By-law 2017-117 with respect to the provisions for Cash-in-Lieu of Parking. The purpose of the Official Plan Amendment is to expand the City's policy of cash-in-lieu of parking to beyond the Downtown into the Health and Wellness Cluster. The purpose of Zoning By-law Amendment is to allow other types of uses, including residential uses, to be eligible for cash-in-lieu of parking. Application for Official Plan Amendment (OPA No. 47) is to be processed concurrently with the application for Zoning By-law Amendment (File No. 2023- 07).

Nick Aiello, Policy Planning Supervisor presented to Council as the applicant for Cash in Lieu of Parking amendments, followed by input from those in support and opposed to the recommended amendment.

### **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.

### **2023 - 495**

**23-1** Moved by Richard and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Special Council Meetings of November 13 and 15, 2023 as circulated and Regular Council Meeting of November 7, 2023, as amended as circulated.

**CARRIED**

### **2023 - 496**

**21-121** Moved by Chiocchio and Setaram

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare a report for Council's consideration to increase the funding grant for SWAP program to soften costs to the homeowner and the City of Welland.

**CARRIED**

### **2023 - 497**

**21-142** Moved by Fokkens and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND approves extension to Draft Plan Approval for the Fusion Homes Plan of Subdivision Phase 3 (File: 26T-14-10002) for an additional two (2) years to January 15, 2026; and further

THAT Welland City Council approves a policy amendment to allow for the Fusion Homes Plan of Subdivision Phase 3 to be provided with an Extension to Draft Plan of Subdivision Approval for two (2) years which exceeds the one (1) year extension provided through Policy SER-012-0014.

**CARRIED**

**2023 - 498**

**23-3** Moved by Moote and Fokkens (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND approves Community Crew's request to hold lotteries in the City of Welland.

**CARRIED**

**2023 - 499**

**23-22** Moved by Chiocchio and Setaram

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report P&B 2023-54 regarding a combined application for Zoning By-law Amendment (File No. 2023-07) and Official Plan Amendment (OPA#47) in relation to proposed Cash in Lieu of Parking Policy in Welland for the Downtown and Health and Wellness Cluster.

**(Councillor McLeod disclosed an interest in a matter and did not take part in the consideration and discussion of same, as he has an interest in a property within the subject area it relates to).**

**CARRIED**

**2023 - 500**

**23-22** Moved McLeod and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report TRAF-2023-45: Speed Hump on Quaker Road; and further THAT Welland City Council deny request for installation of speed hump on Quaker Road.

.....

**23-22** Moved Moote and Green

THAT Welland City Council refers Report TRAF-2023-45: Speed Hump on Quaker Road back to staff.

**CARRIED**

**Action Items/Direction to Staff:**

- Review option of a temporary rubber speed hump.
- Include a speed study.
- Include comments from Fire Chief & Community Emergency Management Coordinator, Adam Eckhart regarding Fire and Emergency Services travel over speed humps.
- Include alternate traffic calming measures.
- Review costing.

**2023 - 501**

**23-32** Moved by Setaram and Richard

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information an update on the Access to Menstrual Health Product Pilot Project; and further THAT Welland City Council directs staff to expand the program permanently to the remaining public washrooms in 2024.

.....

**23-32** Moved by Setaram and Richard

THAT the motion regarding access to Menstrual Health Product Pilot Project be amended to add "that Welland City Council directs staff to send a letter to municipalities in the Niagara Region encouraging the adoption of a similar program where one does not exist in order to help alleviated period poverty throughout the Region.

**CARRIED**

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

**CARRIED**

**2023 - 502****23-74**

Moved By Van Vliet and Green

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Family Physician Incentive Agreement between the Corporation of the City of Welland and Dr. Sameh Zayed; and

THAT Welland City Council gives staff delegated authority to enter into any future Family Physician Incentive Agreements on a go forward basis for the remaining \$800,000 allotted under the incentive program; and further

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

THAT the Mayor and City Clerk be authorized to execute all the necessary documents.

**YEAS:** Green, Speck, Chiochio, McLeod, DiMarco, Richard, Grimaldi, Setaram, Fokkens, Moote and Mayor Campion.

**NAYS:** Van Vliet

**CARRIED****2023 - 503****23-129**

Moved by McLeod and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND approves Official Plan Amendment No. 46 to redesignate the lands on the south side of Quaker Road, east of Niagara Street, west of St. Lawrence Drive, more specifically described as Part Township Lot 230 Thorold, Part 5 59R766, Part Township Lot 230 Thorold as in RO715332, Part Township Lot 230 Thorold as in RO231054, City of Welland, municipally known as 91, 103, and 109 Quaker Road from Low Density Residential to Special Policy Medium Density Residential; and

THAT Welland City Council approves Zoning By-law Amendment to Zoning By-law 2017-117 for the lands on the south side of Quaker Road, east of Niagara Street, west of St. Lawrence Drive, more specifically described as Part Township Lot 230 Thorold, Part 5 59R766, Part Township Lot 230 Thorold as in RO715332, Part Township Lot 230 Thorold as in RO231054, City of Welland, municipally known as 91, 103, and 109 Quaker Road from Residential Low Density 1 – RL1 to Site-Specific Residential Low Density 2 – RL2-124; and further

THAT Welland City Council approves Draft Plan of Vacant Land Condominium for lands on the south side of Quaker Road, east of Niagara Street and west of St. Lawrence Drive, more specifically described as more specifically described as Part Township Lot 230 Thorold, Part 5 59R766, Part Township Lot 230 Thorold as in RO715332, Part Township Lot 230 Thorold as in RO231054, City of Welland, municipally known as 91, 103, and 109 Quaker Road for the development of the site into 52 townhouse dwelling units, subject to the following conditions:

1. That the Owner enter into a Site Plan Agreement or Condominium with the City of Welland;
2. That no grading or construction work commence until such time as the Site Plan Agreement or Condominium Agreement has been entered into and financial securities are in place;
3. The Owner shall submit full engineering design drawings to the City of Welland's Engineering Division for review and approval, including Site Servicing, Site Grading, General Notes and Details, Sediment and Erosion Control, Storm Drainage Area, Sanitary Drainage Area, Photometric, and Landscaping Plans;
4. The owner shall submit a Functional Servicing Report to the City of Welland's Engineering Division for review and approval. This report shall show that the receiving storm sewers and sanitary sewers have sufficient capacity, and that adequate fire flows, as per the City's requirements, are provided. The Functional Servicing Report, or a separate Stormwater Management Brief, shall also demonstrate that post development storm flows do not exceed pre-development storm flows, and that an Enhanced level of water quality control is provided;
5. The Owner shall construct all 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;

6. The Owner shall grant, in the Condominium Agreement or Site Plan Agreement, the City, its servants, agents and assigns permission to enter upon the lands for the purpose of the inspection and maintenance of all water meter chambers and ensure that the area in and around the water meter chamber is made free and clear of all encumbrances, at all times, which may interfere with such tasks;
7. The Owner shall, in the Condominium Agreement or Site Plan Agreement, ensure that no storm, surface water, roof water, or weeping tiles, is discharged into the sanitary sewer system;
8. The Owner shall, prior to any construction taking place within the Municipal road allowance, obtain a Site Servicing Road Occupancy Permit. Application must be made through the Engineering Division of the City of Welland;
9. The Owner shall complete and fully commission all internal and external servicing works, as specified by the Site Plan Agreement, prior to the construction of any structures within the condominium;
10. The Owner shall be responsible for all costs associated with servicing the development, including restoration. Restoration is to be as per City standards to existing conditions or better;
11. That the owner agrees to submit a traffic impact brief to analyze the need for a westbound left turn lane and an eastbound right turn lane into the development;
12. That prior to final approval of the plan of subdivision for registration, approval for the storm and sanitary sewers shall be obtained from the City's Engineering Department through the Consolidated Linear Infrastructure Environmental Compliance Approval process or directly from the Ministry of Environment, Conservation and Parks as required. Where necessary and prior to final approval for registration of this plan of subdivision, the owner shall confirm capacity in the Regional system prior to approval through the Consolidated Linear ECA program. In addition, the Developer will provide all required post construction monitoring and sampling documentation as required to satisfy the conditions of approval.
13. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada;
14. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost;
15. That the owner shall submit a written acknowledgement to the Niagara Region Growth Strategy and Economic Development Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner;
16. That the owner shall submit a written undertaking to the Growth Strategy and Economic Development Department stating that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this condominium shall contain a clause indicating that servicing allocation for this 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 of Welland;
17. That the owner comply with the requirements of Niagara Region's Corporate Waste Collection Policy and complete the required Indemnity Agreement and commencement of collection form prior to Regional waste collection services commencing on-site;
18. That the Condominium/Site Plan Agreement between the Owner and the City contain a provision whereby the owner agrees to include the following warning clauses within future Purchase and Sale or Lease Agreement:
  - a. Purchasers are advised that a properly executed Indemnity Agreement must be submitted from the private property owner(s) or property management company with signing authority to Niagara Region in order to maintain waste collection services on private roadway(s) and/or property(ies);

19. In order to be eligible for internal Regional curbside collection a revised Site Plan must be submitted showing the appropriate number of waste collection pads, labelled with the required unit numbers and pad dimensions;

20. That the following clause be included in the Condominium Agreement and inserted into all offers and agreements of Purchase and Sale or Lease for each of the affected dwelling units:

- a. Purchasers/Tenants of townhouse units 18-22, inclusive, are advised that in order to accommodate Regional Waste Collection Services, waste and
- b. recycling containers will need to be brought to the designated waste collection pads on the required collection day;

21. That the owner is advised that if the site opts for Private collection, the collection will be the requirement of the owner through a private contractor;

22. That the Condominium/Site Plan Agreement between the Owner and the City contain a provision whereby the owner agrees to include the following warning clauses within future Purchase and Sale or Lease Agreement:

- a. Purchases/Tenants are advised that if the owner has opted for private collection in accordance with Condition 6 condominium site plan agreement waste/recycling collection of this service will be provided through a private contractor;

23. 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 Mail Box.
  - 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 home 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 Mail Boxes
  - iii. 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.
  - iv. determine the location of all centralized mail receiving facilities in cooperation 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.
- 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;

24. That prior to granting the approval for the Final Plan, the City of Welland will require written notice from the following upon their respective conditions having been met satisfactorily:

- Bell Canada: 13, 14
- Region of Niagara: 15 – 22
- Canada Post Corporation: 23

25. 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 Approval shall lapse. If the owner wishes to request extension to 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.

**(Councillor Moote disclosed an interest in a matter and did not take part in the consideration and discussion of same, as his employer is a contractor to the applicant).**

**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-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.

**23-74**

BYL 2023 - 158

A By-law to authorize entering into a Family Physician Incentive Agreement with Family Physicians.

**(Councillor Van Vliet asked to be recorded as opposed to the By-law).**

**CARRIED**

Moved by McLeod 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.

**23-129**

BYL 2023 - 159

A By-law to amend City of Welland Zoning By-law 2017-117 (File No. 2023-06) 109 Quaker Road.

**(Councillor Moote disclosed an interest in a matter and did not take part in the consideration and discussion of same, as his employer is a contractor to the applicant).**

**23-129**

BYL 2023 - 160

A By-law to authorize the adoption of Official Plan Amendment No. 46.

**YEAS:** Green, McLeod, Grimaldi, Setaram, Van Vliet and Mayor Champion.

**NAYS:** Speck, Chiochio, Richard and Fokkens.

**(Councillor Moote disclosed an interest in a matter and did not take part in the consideration and discussion of same, as his employer is a contractor to the applicant).**

**CARRIED**

Moved by Richard and Grimaldi

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 - 161

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 21<sup>st</sup> day of November, 2023.

**CARRIED**

Council adjourned at 9:50 p.m.

These Minutes to be approved and adopted by Motion of Council this 9<sup>th</sup> day of January, 2024.