



REVISED

MINUTES OF

COUNCIL MEETING, APRIL 18, 2017

**CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET**

Council met in Committee-of-the-Whole closed to the public at 5:57 p.m. and in open session at 7:11 p.m. on the above date.

His Worship Mayor Frank Campion in the Chair.

Members Present:

Councillors M. Carl (6:23 p.m.), J. Chiocchio, P. Chiocchio, B. Fokkens, M.A. Grimaldi, J. Larouche, R. Letourneau (until 8:27 p.m.), J. Mastroianni, D. McLeod, M. Petrachenko and L. Van Vliet.

Members of Staff and Others Present:

Chief Administrative Officer, G. Long

City Clerk, T. Stephens

Deputy Clerk, C. Radice (7:11 p.m.)

Chief, Fire & Emergency Services, B. Kennedy (7:11 p.m.)

General Manager, Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas (until 8:28 p.m.)

General Manager, Human Resources and Legislative Services, R. Mantesso

General Manager, Infrastructure and Development Services/City Engineer, S. Iannello

Project Manager, Facilities, J. O'Neill (7:11 p.m.)

17-25 Moved by Mastroianni and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 5:57 p.m.to consider:

- personal matters about an identifiable individual, including municipal or local board employees;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
- the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

17-25 Moved by Grimaldi and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:01 p.m. without report

CARRIED

THE FOLLOWING ITEMS WERE DELETED:

05-87

06-132

07-126 Report ENG-2017-09 from Gen. Mgr., Infrastructure and Development Services/City Engineer, S. Iannello - Assumption of Webber Estates, Clare Estates Phase 1 and Blue River Estates Phase 1 Subdivision Development.

05-87

06-132

07-126 A By-law to assume Webber Estates Plan 59M-359, Clare Estates (Phase 1) Plan 59M-371 and Blue River Estates (Phase 1) Plan 59M-369 Subdivisions.

17-62 Report ENG-2017-11 from Gen. Mgr., Infrastructure and Development Services/City Engineer, S. Iannello - Richmond Street and Springfield Street Watermain Replacement.

17-62 A By-law to authorize entering into contract with Catalina Excavating for watermain replacement on Richmond Street and Springfield Street.

PRESENTATION:

Plaque presentation by Councillor Petrachenko to Tony Valerio.

AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORTS

17-28 Shirley Cordiner, Safe Communities Welland addressed Council regarding Safety Day.

PUBLIC MEETING PURSUANT TO SECTIONS 357/358 OF THE MUNICIPAL ACT, 2001 - TAX WRITE-OFFS

- Mike DiFelice, 37 Crowland Avenue, Welland, Ontario L3B 1W8

There being no other speakers, the public meeting was concluded.

17-1 Moved by Grimaldi and Letourneau
 THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of April 4, 2017, as circulated.

CARRIED

98-82 Moved by P. Chiocchio and J. Chiocchio
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the development of a concept plan for the revitalization of the public area in front of Civic Square.

CARRIED

99-99 Moved by P. Chiocchio and Grimaldi
 THAT THE COUNCIL OF THE CITY OF WELLAND adopts the recommendation of the Interim Welland Recreational Canal Corporation (WRCC) Board of Directors to consolidate the WRCC with City of Welland operations; and
 THAT Welland City Council adopts the recommendation of the Interim WRCC Board of Directors to terminate the license agreement between the City and WRCC dated November 6, 2001; and
 THAT a separate charitable Canal Foundation be established to raise funds from the public and apply for government grants; and
 THAT a Canal Advisory Board be established to provide advice and recommendations to Council; and further
 THAT that staff be directed to undertake a process and develop timelines to dissolve the WRCC as outlined by legal counsel.

YEAS: Councillors Letourneau, P. Chiocchio, Grimaldi, Fokkens, Mastroianni, Van Vliet, Mayor Campion, and J. Chiocchio.

NAYS: Councillors Larouche, Petrachenko, Carl and McLeod.

CARRIED

16-58Z Moved by Larouche and Petrachenko
 THAT THE COUNCIL OF THE CITY OF WELLAND approves an Amendment to Zoning By-law 2667, as amended, for the lands on the west side of Prince Charles Drive North, north of Fitch Street, more specifically described as Part Township Lots 250 and 251, former Township of Thorold, being Parts 2, 5 and 8 on Plan 59R-14614, in the City of Welland, known municipally as 485 Prince Charles Drive North, from the existing Site Specific Mixed Use Reinvestment Zone (MXR-X3, MXR-X4, and MXR-X5) to a Site Specific Multiple Dwelling – Third Density Zone (RM3) to allow for the construction of a 65 unit condominium development on the property, and further
 THAT Welland City Council approves a Plan of Vacant Land Condominium, for the lands on the west side of Prince Charles Drive, north of Fitch Street, more specifically described as Part Township Lots 250 and 251, former Township of Thorold, being Parts 2, 5 and 8 on Plan 59R-14614, in the City of Welland, known municipally as 485 Prince Charles Drive North subject to the following conditions:

1. That the Owner enter into a Condominium Agreement with the City of Welland that is to be registered on Title.
2. That the Owner enter into a Site Plan Agreement with the City of Welland that is to be registered on Title.
3. That no grading or construction work shall commence on site until such time as the Site Plan Agreement has been entered into, financial securities are in place.
4. That all development must conform to the City of Welland's 'Municipal Standards', as amended.
5. That all necessary easements required for utility and servicing purposes be granted to the appropriate Authority free and clear of all encumbrances.
6. That the Owner agrees to pay Cash-in-Lieu of Parkland Dedication of 5%, subject to the City's Parkland Dedication and Cash-in-Lieu of Parkland Dedication Policy.
7. That the following warning clause(s) be included in the Condominium Agreement and inserted in all Agreements of Purchase and Sale or Lease for dwelling units 1-15:
 - i. *"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the Municipality's and the Ministry of the Environment and Climate Change's noise criteria."*

...continued...

16-58Z...cont'd

- ii. *"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment and Climate Change."*
 - iii. *"Purchasers/tenants are advised that due to the proximity of the adjacent to the surrounding existing commercial, medical and electrical substation facilities, sound levels from the facilities may at times be audible."*
8. That the following warning clause(s) be included in the Condominium Agreement and inserted in all Agreements of Purchase and Sale or Lease for dwelling units 16-65:
- i. *"Purchasers/tenants are advised that due to the proximity of the adjacent to the surrounding existing commercial, medical and electrical substation facilities, sound levels from the facilities may at times be audible."*
9. That the Condominium Agreement between the Owner and the City contain a provision whereby the Owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.
10. That prior to final approval for registration of this plan of condominium, 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 and Climate Change Compliance Approval under the Transfer of Review Program.
11. That prior to Approval of the Final Plan or any on-site grading, the Owner shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment and Climate Change 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 Peninsula Conservation Authority for review and approval, with a copy provided to the Niagara Region Planning and Development Services Department:
- i. *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;*
 - ii. *Detailed erosion and sedimentation control plans;*
 - iii. *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,*
 - iv. *Detailed costs to construct the stormwater management facility with benefitting area costs breakdown.*
- NOTE:** The Regional Municipality of Niagara may request the Niagara Peninsula Conservation Authority to review the detailed lot grading and drainage plan as well as the detailed sediment and erosion control plan on the Region's behalf and to submit comments to the Niagara Region Planning and Development Services Department regarding the approval of these plans and the subsequent clearance of related conditions by the Development Services Division. Please also note that NPCA's fee for review of stormwater management plans is in addition to the Regional Municipality of Niagara's final clearance fee.
12. That the Condominium Agreement between the Owner and the City contain provisions whereby the Owner agrees to implement the approved plan(s) required in accordance with Condition 11.
13. That the Owner is required to modify the plan to conform with Niagara Region Waste Collection Policy and the Owner enter into an Indemnity Agreement with Niagara Region for service. Should the Owner fail to conform with this policy, the Owner shall provide a written undertaking to the Niagara Region Planning and Development Services Department acknowledging that because the site design does not meet Regional Waste Collection Policy, garbage/recycling pick-up for the development will not be provided by the Region. A similar clause shall be inserted in the Condominium Agreement between the Owner and the Municipality. In addition, the following warning clause shall be included in the Condominium Agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit to survive closing:
- i. *"Purchasers/Tenants are advised that due to the site layout, garbage/recycling pick-up for the development will be provided by the Condominium Corporation through a private contractor and not the Region."*

...continued...

16-58Z...cont'd.

14. That the Owner submit to the Niagara Peninsula Conservation Authority for review and approval, grading, storm servicing, stormwater management and construction sediment control drawings.
15. The Owner shall provide two Community Mail Boxes to serve the development, located across from Unit 29 and to face south.
16. That the following clause shall be included in the Condominium Agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:
- i. *"Purchasers/Tenants are advised that mail will be delivered via a Community Mail Box."*
17. That the Owner is responsible for officially notifying the purchasers of the Centralized Mail Box location(s) prior to the closing of any sale.
18. That the Owner provide easements to Canada Post to provide permanent access to the Community Mail Box.
19. That the Owner shall provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations.
20. That the Owner agrees to install the Community Mail Boxes to Canada Post Standards and show the specifications on the appropriate servicing plans.
21. That the Owner provide at least one pedestrian access to the Steve Bauer Trail along the frontage of the development.
22. That the Owner install dust control fencing along the westerly property line during the construction period.
23. That prior to granting Approval for the Final Plan, the City of Welland will require written notice from the following upon their respective Conditions having been met satisfactorily:
 Region of Niagara for Conditions: 7, 8, 9, 10, 11, 12, 13
 Niagara Peninsula Conservation Authority Condition: 14
 Canada Post Conditions: 15, 16, 17, 18, 19, 20
24. 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 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**17-4** Moved by Mastroianni and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND approves the write-off of taxes in the amount of \$949.18 as contained in Report FIN-2017-07 for the reduction or cancellation of taxes, pursuant to Sections 357 and 358 of the *Municipal Act, 2001*, save and except application 1450 in amended Appendix 1.

CARRIED**17-4** Moved by Larouche and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND approves the following:

The delinquent tax accounts (3 years in arrears) listed in Schedule 'A' to Report FIN-2017-08 be placed under tax registration;

The delinquent tax accounts (3 years in arrears) listed in Schedule 'B' to Report FIN-2017-08, having entered into repayment agreements, not be placed under tax registration at this time; and further

THAT any accounts listed in Schedule 'B' be placed under tax registration upon default of their repayment agreement.

CARRIED**17-19** Moved by McLeod and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND approves financing for the construction of a new Parking Lot within Memorial Park from the outstanding remaining funds within the 2015 St. George Pool Access Capital Project Surplus.

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17-19 Moved by Fokkens and Mastroianni
 THAT Welland Council deletes the wording “outstanding remaining funds with the 2015 St. George Pool Access Capital Project Surplus” from the motion.

CARRIED

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

17-22 Moved by Larouche and Petrachenko
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report TRAF-2017-03: Update to Traffic and Parking By-law 89-2000; and further
 THAT Welland City Council directs the City Clerk to amend Traffic and Parking By-law 89-2000 as follows:

ADD the following to Schedule “I” – Municipal/Private Property:

SKETCH No.	LOCATION	COMMON NAME
No Sketch	815-845 Ontario Road	Rose City Plaza
No Sketch	589-595 South Pelham Rd.	South Pelham Market Plaza
No Sketch	609 South Pelham Road	South Pelham Market Plaza
No Sketch	118 Division Street	Mr. Xuan Van Duong

ADD the following to Schedule “V” – Parking Prohibitions (Specified Places with Signs)

COLUMN 1 HIGHWAY	COLUMN 2 SIDE	COLUMN 3		COLUMN 4 PERIOD (TIMES/DAYS)
		FROM	TO	
Wiltshire Boulevard	South Side	Champlain Avenue	Sorel Crescent	8:00 am to 5:00 pm Monday to Friday
Trent Avenue	North Side	First Avenue	Green Pointe Drive	At No Time

ADD the following to Schedule “XXXIV” – Residential Parking Permit Only

COLUMN 1 HIGHWAY	COLUMN 2 SIDE	COLUMN 3		COLUMN 4 PERIOD (TIMES/DAYS)
		FROM	TO	
Trent Avenue	South Side	First Avenue	Green Pointe Drive	Any Time
Kingswood Crescent	Both Sides	McGill Street	Northerly limits of the roadway	8:30am – 4:30pm Monday – Friday

CARRIED

17-24 Moved by Larouche and Petrachenko
 THAT THE COUNCIL OF THE CITY OF WELLAND appoints Michael Kowalczyk, C.E.T. as Drainage Superintendent as per Section 93(1) of the Drainage Act R.S.O. 1990 as outlined in Report ENG-2017-12: Appointment of a Drainage Superintendent; and further
 THAT Welland City Council unappoints James O’Neill, C.E.T. as Drainage Superintendent.

CARRIED

17-28 Moved by Mastroianni and Carl
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Shirley Cordiner, Safe Communities Welland regarding Safety Day.

CARRIED

17-41 Moved by Larouche and Petrachenko
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the Exemption of Part Lot Control for Lots 108 and 109, Plan 618, being part of Part 1 on Plan 59R-9842 and Part 1 and 2 on Plan 59R-15816 to realize the development of two (2) semi-detached dwellings (four (4) semi-detached dwelling units) on these lands; and further
 THAT Welland City Council authorizes staff to prepare the necessary By-laws.

CARRIED

17-43 Moved by Larouche and Petrachenko
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CLK-2017-04: Ranked Ballot Voting; and further
 THAT Welland City Council approves the continuation of the first past the post electoral system for municipal elections in the City of Welland.

CARRIED

17-43 Moved by Van Vliet and Mastroianni
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CLK-2017-05: Online Voting; and further
 THAT Welland City Council approves the traditional paper ballot voting method for the 2018 Municipal Election.

CARRIED

17-69Z Moved by Larouche and Petrachenko
 THAT THE COUNCIL OF THE CITY OF WELLAND approves an Amendment to Zoning By-law 2667, as amended, for lands on the west side of Louise Street, north of Sauer Avenue, more specifically described as Lots 152 and 153, Plan 946, currently with no municipal address, from the existing Single-Detached Dwelling - Second Density Zone (R2) to a Site Specific RM2 Zone to permit the lot frontage for each lot to be 7.6 metres; to allow for a side yard setback of 0.9 metres; and to allow a lot area of 225 square metres and to permit the construction of one semi-detached dwelling (two semi-detached units).

CARRIED

17-71 Moved by Larouche and Fokkens
 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff in the Building Division to investigate the potential of introducing a fortification By-law and report back to Council.

CARRIED

17-73 Moved by Larouche and Petrachenko
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation on Trees and Climate Change: A Municipal Initiative.

CARRIED

17-74 Moved by Larouche and Petrachenko
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated March 31, 2017 regarding PDS 9-2017: Niagara Region 2016 Growth Report.

CARRIED

17-75 Moved by Larouche and Petrachenko
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated March 31, 2017 regarding PDS 13-2017: 2016 Year End Development Planning Applications Monitoring Report.

CARRIED

BY-LAWS

Moved by Larouche and Petrachenko

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.

17-24

BYL 2017 - 32

A By-law to authorize the appointment of Michael Kowalczyk as Drainage Superintendent; and to repeal By-law 2011-101.

17-22

BYL 2017 - 33

A By-law to amend By-law 89-2000, being a By-law Regulating Traffic and Parking within the City of Welland (Schedules I, V and XXXIV).

17-69Z

BYL 2017 - 34

A By-law to amend City of Welland Zoning By-law 2667 (Antoinette Salvatori - File 2017-05) west side of Louise Street, north of Sauer Avenue.

16-58Z

BYL 2017 - 35

A By-law to amend City of Welland Zoning By-law 2667 (Schout Communities (Welland) Inc. - File 2017-04) 485 Prince Charles Drive North.

17-41

BYL 2017 - 36

A By-law to exempt certain lands from Part-Lot Control - Lots 108 and 109, Plan 618, part of Part 1 on Plan 59R-9842 and Part 1 and 2 on Plan 59R-15816, City of Welland.

CARRIED

Moved by Larouche and Petrachenko

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.

02-160

BYL 2017 - 37

A By-law to appoint an Integrity Commissioner.

15-100

BYL 2017 - 38

A By-law to amend Zoning By-law 2667 upon the application of 544063 Ontario Inc. to remove the Holding Symbol "H" from certain lands on the west side of Clare Avenue, south of Fitch Street known municipally as 381 Clare Avenue (Vanier Estates Subdivision - Phase 1) (File 2015-06).

CARRIED

Moved by Mastroianni and Fokkens

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.

17-1

BYL 2017 - 39

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 18th day of April, 2017.

CARRIED

Council adjourned at 8:44 p.m.

These Minutes approved and adopted by Motion of Council this 2nd day of May, 2017.

MAYOR

CITY CLERK