



MINUTES OF
COUNCIL MEETING, FEBRUARY 5, 2019
CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 5:30 p.m. and in open session at 7:03 p.m. and again in Committee-of-the-Whole 7:21 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, J. Larouche (5:45 p.m.), D. McLeod, A. Moote, G. Speck, L. Spinosa, and C. Richard.

Members of Staff and Others Present:

Chief Administrative Officer, G. Long

City Clerk, T. Stephens

Deputy Clerk, C. Radice (7:03 p.m.)

Chief, Fire & Emergency Services, B. Kennedy

General Manager, Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas (until 9:28 p.m.)

General Manager, Human Resources and Legislative Services, R. Mantesso (5:35 p.m.)

General Manager, Infrastructure and Development Services/City Engineer, E. Nickel

Planning Supervisor, R. Larocque (until 7:46 p.m.)

Manager, Engineering Services, C. Anders

Supervisor Drainage, S. Pierce (7:03 p.m. - 10:34 p.m.)

Infrastructure Planning & Development Supervisor, M. Ingebrigtsen (7:03 p.m. - 10:34 p.m.)

(Tom Hanrahan, Solicitor was present during Committee-of-the-Whole discussion on advice that is subject to solicitor-client privilege, including communications necessary for that purpose).

19-25 Moved by Speck and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 5:30 p.m. to consider:

- the security of the property of the municipality or local board;
- 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
- a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value.

CARRIED

19-25 Moved by Richard and DiMarco

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:35 p.m. with report.

CARRIED

THE FOLLOWING ITEM WAS ADDED:

19-4 Councillor McLeod, Chair, Budget Review Committee added meetings of January 28 and 29, 2019.

05-114 Gen. Mgr., Infrastructure and Development Services/City Engineer, E. Nickel - Hunters Pointe Booster Station.

05-114 A By-law to authorize entering into contract with 2220742 Ontario Ltd. O/A Bronte Construction for the Hunters Pointe Booster Station.

18-96 A By-law to amend City of Welland Zoning By-law 2017-117 (File 2018-06) 201 Primeway Drive and 790 River Road.

18-96 A By-law to amend City of Welland Zoning By-law 2667 (File 2018-06) 158 Primeway Drive.

19-41 Notice of Motion from Councillor Spinosa.

AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORTS

99-90 Representatives, Welland Downtown Business Improvement Area addressed Council regarding its 2019 Budget and Levy.

19-4 Councillor McLeod, Chair, Budget Review Committee provided a verbal report on the Budget Review Committee meetings of meeting of January 14, 21, 28 and 29, 2019.

16-61 Councillor DiMarco, Chair, Human Resources Committee provided a verbal report on the Human Resources Committee meeting of meeting of January 17, 2019.

LEGISLATED PUBLIC HEARINGS PURSUANT TO THE DRAINAGE ACT R.S.O 1990.

Mayor Campion presided as Chair of the Public Hearing:

11-100 Browns Tap Drain.

Persons to speak to the petition:

- Jeff Ward, 797 Forks Road, Wainfleet, ON L0S 1V0
- Sarah Scott, 869 Forks Road, Wainfleet, ON L0S 1V0

- Stanley Davis, 500 Kleiner Road, Wainfleet, ON L0S 1V0
- Rob Davis, 395 Kleiner Road, Wainfleet, ON L0S 1V0
- Rick Davis, 911 Forks Road, Wainfleet, ON L0S 1V0
- Joanne Davis, 891 Forks Road, Wainfleet, ON L0S 1V0
- Carolyn Davis, 148 Colborne Street, Welland, ON L3B 3P1
- Wendy Davis, 309 Carter Street, Port Colborne, ON L3K 3J6

Sherri Vittie, 971 Forks Road, Wainfleet, ON L0S 1V0 added her name to the petition.

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

18-1

19-1 Moved by Richard and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Council Meeting of December 18, 2018 and January 15, 2019 and Special Council Meeting of January 22, 2019 as circulated.

CARRIED

2019 – 28

99-90

18-4 Moved by Chiocchio and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND approves the 2019 budget from the Welland Downtown Business Improvement Area Board as recommended by their board in the amount of \$108,000.00; and further

THAT Welland City Council authorizes the General Manager, Corporate Services, Chief Financial Officer/Treasurer to make arrangements to levy an amount of \$108,000.00 against the business operations within the defined area on condition that the required financial statements are submitted to the satisfaction of the City Treasurer.

(Mayor Campion and Councillors McLeod and Spinosa disclosed an interest in this matter, and did not take part in the consideration and discussion of same, and refrained from voting thereon, as they own property in the catchment area).

CARRIED

2019 – 29

99-90 Moved by Richard and Green

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by the representatives of the Welland Downtown Business Improvement Area (WDBIA) regarding its 2019 Budget and Levy.

CARRIED

2019 – 30

99-99 Moved by Larouche and

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report ENG-2019-03 Canal Redevelopment Strategy Phase II – Welland Community Boathouse Update: and further

THAT Welland City Council directs staff to proceed with completion of architectural plans and specifications, and subsequently issue a tender for construction of a shipping container facility to serve as a canoe/kayak rental facility at the Lincoln St Docks location at the soonest opportunity.

NOT PUT

2019 – 31

03-133

11-108 Moved by McLeod and Spinosa

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report P&B-2019-05 being a quarterly summary Report of approved 2018 Community Improvement Plan Incentive Applications between October 1, 2018 and December 31, 2018.

CARRIED

2019 – 32**05-114** Moved by Green and DiMarco

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of 2220742 Ontario Ltd o/a Bronte Construction as detailed in Report ENG-2019-04 for the Hunters Pointe Booster Station, subject to receipt of signed cost contribution agreements from 2090572 Ontario Inc. and 2599587 Ontario Ltd.; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to enter into contract with 2220742 Ontario Ltd o/a Bronte Construction and execute the construction, subject to receipt of signed cost contribution agreements from 2090572 Ontario Inc. and 2599587 Ontario Ltd.; and further

THAT Welland City Council authorizes the Clerk prepare all necessary and appropriate By-laws to execute the cost contribution agreements with 2090572 Ontario Inc. and 2599587 Ontario Ltd., the two developers; and further

THAT Welland City Council pre-approves the \$1,217,545.87 in funding (as amended in the proposed 2019 Capital Budget). These costs are to be 100% recovered through contributions from others.

CARRIED**2019 – 33****06-156** Moved by Green and Spinosa

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report TRAF-2019-01: Animal at Large By-law; and further

That Welland City Council approves the Animal At Large By-law attached with report as Appendix I.

.....

2019 – 33**06-156** Moved by DiMarco and Green

THAT THE COUNCIL OF THE CITY OF WELLAND defers Report TRAF-2019-01: Animals at Large By-law to the February 19, 2019 Council Meeting.

CARRIED**2019 – 34****08-36** Moved by McLeod and Spinosa (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND consents to amend By-law 112-2013 being a By-law to protect children and vulnerable persons from exposure to outdoor second-hand smoke.

CARRIED**2019 – 35****09-83** Moved by McLeod and Spinosa (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Red-line Draft Plan for the Welland High Garden Plan of Subdivision (File No. 26T-14-17005) developed by 1969578 Ontario Inc., more specifically described as Lots 42, 44, 45 and Part of Lot 43, Plan 556, Lot J.L. and Part of Block H.A.R., Plan 564, Lots 19, 20, 21 & 22, Part of the Raceway Reserve and Part of the unnamed road allowance between Lot 22 and the Raceway Reserve, Plan 569, in the City of Welland, known municipally as 200 West Main Street, based on a plan prepared by Quartek Group and dated January 24, 2019, subject to the following:

1. That the existing Condition 8 be removed, and the following new conditions be added:

1. The developer shall replace the old cast iron watermain on Denistoun Street with a new 200mm PVC watermain as per the approved engineering drawings, at the City of Welland's cost.
2. The developer shall be responsible for a future services reserve payment of half of the road fronting onto the development in accordance with the approved cost estimate provided by their consulting engineering firm.
3. The developer shall be responsible for all costs associated with the installation of all services to support the Development on the west side of Denistoun Street as well as the internal condominium development in the future.

CARRIED

2019 – 36**10-130** Moved by McLeod and Spinosa (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from Niagara Regional Housing (NRH) dated November 16, 2018 regarding the NRH 2018 3rd Quarter Report.

CARRIED**2019 – 37****16-61** Moved by DiMarco and Richard

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the verbal report by Councillor DiMarco, Chair, Human Resources Committee, regarding its meeting of January 17, 2019.

CARRIED**2019 – 38****16-109** Moved by McLeod and Spinosa (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Catherine Habermehl, Acting Commissioner, Public Works and Brad Whitelaw, Program Manager, Policy & Planning, Waste Management Services both from the Niagara Region regarding Waste Collection Service Level Options and Stakeholder Consultation Results.

CARRIED**2019 – 38****16-109** Moved by Speck and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves Report ENG-2019-02 regarding Region of Niagara 2020 Waste Collection Contract - Proposed Changes and Welland Enhanced Collection Services; and further

THAT Welland City Council approve of recommendations as follows:

1. That every-other-week (EOW) garbage collection be implemented for all residential properties and for those IC&I and MU properties located outside DBAs as a base service. Current garbage container limits would double for all properties, on an EOW basis. The recycling and organic bin collection for all properties shall remain weekly collection. Those IC&I and MU properties located inside the DBAs would continue to receive weekly garbage, recycling and organics collection as a base service.
2. That the establishment of a four (4) item limit per residential unit, per collection, for large item collection at LDR properties be approved as a base service.
3. That the appliance and scrap metal pick-up be discontinued at LDR properties.
4. That the number of garbage bags/containers for IC&I and MU properties inside DBAs be reduced from seven (7) to four (4) per week, as a base service.
5. That the number of garbage bags/containers for MU properties outside DBAs be reduced from six (6) to four (4) per week, or eight (8) containers per week under EOW garbage collection, as a base service.
6. That the City's enhanced service and extra payment for front-end garbage collection at multi-residential properties (currently a total of 12 containers) continue.
7. That the provision of a new enhanced service for large item collection (parallel to the service approved for LDR properties) to those households in MR buildings with seven (7) or more residential units and MU properties with one (1) or more residential unit, that receive the Region's base curbside or enhanced front-end garbage collection service, be approved; and further

THAT Welland City Council directs the Clerk to inform the Region of the City's position on the proposed waste collection service changes.

CARRIED**2019 – 39****18-29** Moved by McLeod and Spinosa (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CLK-2019-04 regarding the Amended 2019 Meeting Calendar for Council and amends the October Council/General Committee meeting dates for 2019 as set out in Appendix 1.

CARRIED

2019 – 40**18-38** Moved by Green and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND approves to suspend the rules to move Councillor Speck's notice of motion regarding Annual Review of the Fees and Charges Report and By-law.

CARRIED**2019 – 40****18-38** Moved by Speck and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND reconsiders Report LEG-2018-01: Annual Review of Fees and Charges for various services and use of municipal facilities/amendment to By-law 2006-193; and further

THAT this item be placed on the February 19, 2019 Council Meeting agenda.

CARRIED**2019 – 41****18-96** Moved by McLeod and Spinosa (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND adopts Official Plan Amendment No. 19 to designate the lands on the east side of Primeway Drive, south side of River Road, north of Woodlawn Road and west of Highway 406, more specifically described as Lot 3, Plan 59M-391, Subject to an Easement as in SN241892, Subject to an Easement as in SN241893; and Lot 4, Plan 59M-391, Subject to an Easement as in SN241892, Subject to an Easement as in SN241893; City of Welland, municipally known as 210 Primeway Drive and 790 River Road from Gateway Economic Centre to Special Policy Gateway Economic Centre; and further

THAT, Welland City Council approves Zoning By-law Amendment to Zoning By-law 2667 for lands on the east side of Primeway Drive, south side of River Road, north of Woodlawn Road, and west of Highway 406, more specifically described as Lot 2, Plan 59M377, Welland; S/T Easement in gross as in SN240644; S/T easement in gross as in SN240645; subject to an easement of LT 2PL 59M377 in favour of LT 1PL 59M377 as in SN264720 (easement SN264720 released as to PT LT 1 PL 59M377, PTS 6-11, 59R14084 as in SN292812); together with an easement over LT 1PL 59M377 as in SN264720 (easement SN264720 released as to PTS 6-11, 59R14084 as in SN292811), City of Welland, municipally known as 158 Primeway Drive from Site Specific Highway Commercial C4-X13 to Site Specific C4-X13; and further

THAT Welland City Council approves Zoning By-law Amendment to Zoning By-law 2017-117 for lands on the east side of Primeway Drive, south side of River Road, north of Woodlawn Road and west of Highway 406, more specifically described as Lot 3, Plan 59M391; Subject to an Easement as in SN241892; Subject to an easement as in SN241893; City of Welland. Lot 4, Plan 59M391; Subject to an Easement as in SN241892; Subject to an easement as in SN241893; City of Welland, municipally known as 210 Primeway Drive and 790 River Road from Gateway Economic Centre to Site Specific Gateway Economic Centre.

CARRIED**19-4** Moved by McLeod and Spinosa (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the verbal report by Councillor McLeod, Chair, Budget Review Committee, regarding its meetings of January 14, 21, 28 and 29, 2019.

(Councillor Chiocchio asked to be recorded as opposed to this Resolution).

CARRIED**2019 – 42****19-4** Moved by McLeod and Spinosa (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated January 21, 2019 regarding Report CSD 6-2019: Approval of Interim Levy Dates and Amounts.

CARRIED**2019 – 43****19-6** Moved by Larouche and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND declares the week of June 19-24, 2019 as "Air Race Week" in the City of Welland.

CARRIED

2019 – 44

19-19

Moved by Green and Spinosa

THAT THE COUNCIL OF THE CITY OF WELLAND selects Monteith Brown Planning Consultants as the winning proponent of RFT 18-15; and further

THAT Welland City Council approves staff to enter a formal agreement with Monteith Brown to create of a 10-year Parks, Recreation & Culture Master Plan for the City of Welland; and further

THAT Welland City Council approves \$50,000 in funding from the Development Charges Reserve to finance the creation of a 10-year Parks, Recreation & Culture Master Plan and the prior approved Capital Funding allocation for this project in the amount of \$50,000 be closed and these funds be transferred to the Capital Closure account.

.....

2019 – 44

19-19

Moved by Fokkens and Larouche

THAT Welland City Council amends to add "That the final report be submitted to Council for approval".

CARRIED

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

CARRIED

2019 – 44

19-19

THAT THE COUNCIL OF THE CITY OF WELLAND selects Monteith Brown Planning Consultants as the winning proponent of RFT 18-15; and further

THAT Welland City Council approves staff to enter a formal agreement with Monteith Brown to create of a 10-year Parks, Recreation & Culture Master Plan for the City of Welland; and further

THAT Welland City Council approves \$50,000 in funding from the Development Charges Reserve to finance the creation of a 10-year Parks, Recreation & Culture Master Plan and the prior approved Capital Funding allocation for this project in the amount of \$50,000 be closed and these funds be transferred to the Capital Closure account; and further

THAT the final report be submitted to Council for approval.

CARRIED

2019 – 45

19-22

Moved by DiMarco and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report TRAF-2019-02: Parking Restrictions on White Avenue; 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 "XXXIV" – RESIDENTIAL PARKING PERMIT ONLY

COLUMN 1 HIGHWAY	COLUMN 2 SIDE	COLUMN 3		COLUMN 4 PERIOD (TIMES/DAYS)
		FROM	TO	
White Avenue	East Side	East Main Street a point 39 metres northerly	Major Street	ANY TIME
White Avenue	West Side	East Main Street a point 75m northerly	to 42 metres southerly of Major Street	ANY TIME

CARRIED

2019 – 46

19-40

Moved by Speck and Spinosa

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the correspondence from City of St. Catharines dated January 15, 2019 regarding support for Ontario Wine and Beer in Retail Stores as Part of Modernizing Alcohol Sales.

CARRIED

2019 – 47**19-48** Moved by McLeod and Spinosa (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CAO-2019-01: Review of Regional Government.

CARRIED**2019 – 48****19-50** Moved by Moote and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND approves to suspend the rules to the agenda to bring forward Councillor DiMarco's notice of motion regarding Local Planning Appeal Tribunal hearing on February 8, 2019.

CARRIED**2019 – 48****19-50** Moved by DiMarco and Speck

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to provide legal representation to support and defend the September 19, 2018 decision of the Committee of Adjustment.

The Local Planning Appeal Tribunal hearing will take place on February 8, 2019 in regards to the severance application and its decision regarding the property at 61 Adah Court, Lot 11 Plan 59M-249.

.....

19-25 Moved by McLeod and Spinosa

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 7:21 p.m. to consider:

- advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED**19-25** Moved by Speck and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:46 p.m. without report.

CARRIED**2019 – 48****19-50** Moved by DiMarco and Speck

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to provide legal representation to support and defend the September 19, 2018 decision of the Committee of Adjustment.

The Local Planning Appeal Tribunal hearing will take place on February 8, 2019 in regards to the severance application and its decision regarding the property at 61 Adah Court, Lot 11 Plan 59M-249.

CARRIED**BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE****2019 – 49****04-47****19-10** Moved by McLeod and Spinosa (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Lindsay Bryan, Anthony Dockrill, Carolyn Fast, Lee Gordon, Melanie Gross Kerho, Melissa McGlashan, Fred Sullivan and Tina Van Tuyl as members as members to the Welland Library Public Board commencing February 5, 2019 to November 14, 2022 or until other successors has been appointed.

CARRIED

2019 – 50**19-10**

Moved by McLeod and Spinosa (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Diane Zakraysek-Bourque as a member to the Property Standards and Dog Control Appeal Committee commencing February 5, 2019 to November 14, 2021 or until another successor has been appointed.

CARRIED**2019 – 51****19-10**

Moved by McLeod and Spinosa (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Diane Zakraysek-Bourque, John Conlin and Wayne Ursacki as members to the Committee of Adjustments and Committee of Revision commencing February 25, 2019 to November 14, 2022 or until other successors has been appointed.

CARRIED**2019 – 52****19-53**

Moved by McLeod and Spinosa (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND declares surplus to the City's needs lands north of Sauer Street, South of the Former Railway Lands, East of Louise Street and West of Bradley Avenue.

CARRIED**BY-LAWS**

Moved by Richard and McLeod

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.

19-22

BYL 2019 - 7

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

05-114

BYL 2019 - 8

A By-law to authorize entering into contract with 2220742 Ontario Ltd. O/A Bronte Construction for the Hunters Pointe Booster Station.

CARRIED

Moved by McLeod and Spinosa

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, as amended, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

19-22

BYL 2019 - 9

A By-Law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Traffic and Parking By-Law 89-2000 at Seaway Mall and to repeal By-Law 2017-151.

18-96

BYL 2019 - 10

A By-law to amend City of Welland Zoning By-law 2017-117 (File 2018-06) 201 Primeway Drive and 790 River Road.

18-96

BYL 2019 - 11

A By-law to amend City of Welland Zoning By-law 2667 (File 2018-06) 158 Primeway Drive.

CARRIED

Moved by Larouche and Moote

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.

19-1

BYL 2019 - 12

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 5th day of February, 2019.

CARRIED

Council adjourned at 10:53 p.m.

These Minutes to be approved and adopted by Motion of Council this 19th day of February, 2019.

MAYOR

CITY CLERK