



**MINUTES OF
COUNCIL MEETING, NOVEMBER 3, 2020
CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET**

Council met in Committee-of-the-Whole closed to the public at 6:18 p.m. and in open session at 7:17 p.m. on the above date.

His Worship Mayor Frank Campion in the Chair.

Members Present:

Councillors J. Chiochio, T. DiMarco (6:26 p.m. - 9:29 p.m.), B. Fokkens, B. Green, M.A. Grimaldi, J. Larouche, D. McLeod (6:37 p.m.), A. Moote, G. Speck, L. Spinosa (until 10:30 p.m.), 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
General Manager, Infrastructure and Development Services, T. Fitzpatrick
General Manager, Economic Development & Recreation & Culture, D. Degazio (until 9:31 p.m.)
Chief Building Official, J. Tosta (7:17 p.m. - 10:25 p.m.)
Manager of Development Approvals, G. Munday (7:17 p.m.)

2020 - 304**20-25**

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 6:18 p.m. to consider:

- Security of the property of the municipality or local board; proposed or pending acquisition or disposition of land by the municipality or local board; and a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and
 - *Central Fire Hall.*
- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - *Urban Boundary legal proceedings.*

(Councillor Spinosa was not present during Committee-of-the-Whole discussions on a security of the property of the municipality or local board; proposed or pending acquisition or disposition of land by the municipality or local board; and a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization).

CARRIED**2020 - 305****20-25**

Moved by McLeod and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:17 p.m. without report.

CARRIED**PRESENTATION**

12-96 Harold Elston, Integrity Commissioner addressed Council regarding Council Compliant Reports.

AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORT

20-4 Councillor McLeod, Chair, Budget Review Committee provided a verbal report on the Budget Review Committee meeting of October 27, 2020.

2020 - 306**20-1**

Moved by McLeod and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of October 20, 2020 and Special Council Meeting of October 27, 2020, as circulated.

CARRIED

2020 - 307

05-120

Moved by Spinosa and Moote (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report 2020-65 for information; and THAT Welland Council repeals City of Welland By-law No. 2005-91, the current Building By-law; and further

THAT Welland Council enacts City of Welland recommended Building By-law, attached as Appendix "A" to Report 2020-65.

(Councillor McLeod disclosed a conflict of interest in this matter, and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his employer is subject to the changes in the report).

CARRIED

2020 - 308

12-96

Moved by Spinosa and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation and report on the matter of complaint against Councillor DiMarco by Councillor Van Vliet and a complaint against Councillor Van Vliet by Councillor DiMarco; and further

THAT Councillor DiMarco be directed to provide a written apology to Council, staff and constituents at a future council meeting.

YEAS: Councillors Larouche, Green, Speck, Chiocchio, McLeod, Richard, Grimaldi, Spinosa, Fokkens, Moote, Van Vliet and Mayor Campion.

NAYS: Councillor DiMarco.

CARRIED

2020 - 309

12-96

Moved by Spinosa and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation and report on the matter of complaint against Councillor DiMarco by Anonymous; and

THAT Welland City Council approves that Councillor DiMarco, as recommended by the Integrity Commissioner, be removed as Chair of the Human Resources Committee; and further

THAT Welland City Council, as recommended by the Integrity Commissioner, suspend Councillor DiMarco's council remuneration for 90 days.

.....

12-96

Moved by McLeod and Spinosa

THAT Welland City Council requires Councillor DiMarco complete a workshop or program to assist him with Council, staff and constituent interactions.

YEAS: Councillors McLeod, Spinosa and Moote.

NAYS: Councillors Larouche, Green, Speck, Chiocchio, Richard, Grimaldi, Fokkens, Van Vliet and Mayor Campion.

LOST

FOLLOWING THE LOST VOTE TO THE AMENDED MOTION, THE MAIN WAS PUT IN ITS ORIGINAL FORM AND

YEAS: Councillors Larouche, Green, Speck, McLeod, Richard, Grimaldi, Spinosa, Fokkens, Moote, Van Vliet and Mayor Campion.

NAYS: Councillors Chiocchio.

CARRIED

2020 - 310

12-96

Moved by McLeod and Green

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation and report on the matter of complaint against Councillor Speck by Anonymous.

YEAS: Councillors Green, Speck, Chiocchio and DiMarco.

NAYS: Councillors Larouche, McLeod, Richard, Grimaldi, Spinosa, Fokkens, Moote, Van Vliet and Mayor Campion.

LOST

2020 - 311

18-87

Moved by Speck and Spinosa

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Township Asphodel-Norwood dated October 7, 2020 regarding Cannabis Production.

CARRIED

2020 - 312

20-4

Moved by McLeod and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the verbal report by Councillor McLeod, Chair, Budget Review Committee, regarding its meeting of October 27, 2020.

CARRIED

2020 - 313

20-22

Moved by Green and McLeod

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves Report TRAF-2020-08: Use of Administrative Penalties for the Enforcement of the Sidewalk Snow Clearing By-law ; and further
2. THAT Welland City Council directs the City Clerk to amend By-law 2008-185, as follows:
ADD the following to Section 7 – OFFENCES AND PENALTIES
7.5 Administrative Penalty By-law 2019-134 applies to each administrative penalty issued pursuant to this By-law.
7.6 Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty by-law 2019-134, be liable to pay to the City an administrative penalty in accordance with the penalties as set out in Schedule “A” attached.
ADD Appendix II to By-law 2008-185, SET FINE SCHEDULE - Schedule “A”
3. THAT Welland City Council directs the City Clerk to amend By-law 2019-134, the Administrative Penalty By-law for Non-parking Related Offences, as follows:
ADD the following to Schedule “A” – DESIGNATED BY-LAWS

DESIGNATED BY-LAW	BY-LAW NUMBER
Sidewalk Snow Clearing By-law	2008-185, as amended

ADD the following to Schedule “C” – SET FINE SCHEDULES

SET FINE SCHEDULE	PAGE NO.:
Sidewalk Snow Clearing By-law	14

ADD Appendix I to Schedule “C” as page number 14.

.....

20-22 Moved by Van Vliet and McLeod
 THAT Welland City Council refers back to staff Report TRAF-2020-08: Use of Administrative Penalties for the Enforcement of the Sidewalk Snow Clearing By-law.

CARRIED

2020 - 314

20-26 Moved by Van Vliet and McLeod
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and forward to staff for review the signed petition from the residents of Weller Avenue regarding sidewalks be placed only on the north side of Weller Avenue.

CARRIED

2020 - 315

20-38 Moved by McLeod and Spinosa
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the fees and charges set out in Appendices I and II, as amended; and further
 THAT Welland City Council directs the Clerk to prepare an amendment to By-law 2006-193 to reflect the rates for year 2021 or such other date as set out on Appendices I and II as recommended by the Budget Review Committee at its meeting of October 27, 2020.

CARRIED

2020 - 316

20-38 Moved by McLeod and Spinosa
 THAT THE COUNCIL OF THE CITY OF WELLAND receives Report P&B-2020-65; and further
 THAT Welland City Council approves the recommended fees contained in the attached Appendices III, IV, and V; and further
 THAT effective January 1, 2021, the approved fees be included into the City of Welland Fees and Charges By-law for 2021 as recommended by the Budget Review Committee at its meeting of October 27, 2020.

CARRIED

2020 - 317

20-43 Moved by McLeod and Spinosa
 THAT THE COUNCIL OF THE CITY OF WELLAND requests that the Region of Niagara adapt a resolution permitting the City of Welland to use the 'Double-Direct Method' of electing City and Regional Councillors. Whereby the mayor and two other members of council will serve both the Niagara Regional Council and Welland City Council, while the remaining 10 Councillors be permitted to serve strictly Welland City Council; and further
 THAT that this resolution be circulated to all municipalities in the Region of Niagara for their support and consideration.

YEAS: Councillors Larouche, McLeod, Spinosa, Moote, Van Vliet and Mayor Campion.

NAYS: Councillors Green, Speck, Chiochio, Richard, Grimaldi and Fokkens.

LOST

2020 - 318

20-96 Moved by McLeod and Speck
 1. THAT THE COUNCIL OF THE CITY OF WELLAND approves application for Draft Plan of Subdivision for lands legally described as Lots 30-38 (inclusive) Plan 54, former Township of Humberstone, now Plan 813, City of Welland, municipally known as 180 Kingsway, for the development of 21 single detached dwellings, one block for multiple residential dwellings, and one environmental block, subject to the following conditions:

1. That the Owner enter into a Subdivision Agreement with the City of Welland.
2. That no grading or onsite works be commenced prior to the registration of a subdivision agreement on the property.

....continued...

2020 - 318**20-96...cont'd.**

3. All construction must be in accordance with the City of Welland Municipal Standards.
4. That the owner agrees to gratuitously provide any permanent easement(s) required by other agencies or utilities, free and clear of all encumbrances.
5. That the owner dedicates Block 23 to the City of Welland for environmental conservation purposes, free and clear of all encumbrances.
6. A comprehensive stormwater management plan shall be submitted to the Engineering Department for review and approval.
7. The outlet for this storm run-off shall be reviewed and determined to be adequate for the amount of run-off designed. If any upgrades to the outlet storm channel from the development to the recreational waterway, these costs shall be borne by the developer.
8. A comprehensive civil engineering design shall be submitted to the City for review and approval.
9. All re-instatements to existing roadways shall be to as good or better condition.
10. A pre-construction survey of all existing housing units shall be undertaken to protect the City, the contractor, and the residents for insurance purposes.
11. That the owner implements any and all construction measures identified in the Geotechnical Report prepared by Landtek Limited at the time of Building Permit.
12. That the applicant will pay Cash-in-Lieu of Parkland Dedication at the time of Building Permit, in accordance with the City of Welland policies.
13. A grading plan prepared by a qualified professional to the satisfaction of the City and NPCA showing the total limit of development and site alteration.
14. An Erosion and Sediment Control Plan be prepared by a qualified professional to the satisfaction of the NPCA.
15. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work within the 30-metre wetland buffer. In support of the Work Permit application, the following information will be required:
 - a. A buffer planting plan.
 - b. A grading plan prepared by a qualified professional to the satisfaction of the NPCA showing the total limit of development and site alteration.
 - c. Confirmation from a qualified professional that there will be no negative impact of the stormwater being discharged into the Provincially Significant Wetland.
 - d. A tree preservation and savings plan.
 - e. An erosion and sediment control plan prepared by a qualified professional to the satisfaction of the NPCA.
16. That the Developer provide 1.5 metre high chain link fencing along the rear lot line of Lots 1 to 10 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority.
17. That the Developer provide limit of work fencing along the rear lot line of Lots 1 to 10 inclusive and to the satisfaction of the Niagara Peninsula Conservation Authority.

...continued...

2020 - 318
20-96...cont'd.

18. That prior to approval of the final plan, the owner shall submit a copy of a Phase 2 Environmental Site Assessment (ESA) prepared by a qualified person in accordance with Ontario Regulation 153/04, as amended, to the Niagara Region Planning and Development Services Department to address the change in use of the previously commercial lands at 180 Kingsway.
19. That the subdivision agreement between the owner and the City of Welland contain provisions whereby the owner agrees to implement the recommendations, if any, of the Phase 2 Environmental Site Assessment (ESA).
20. That the owner shall file a Record of Site Condition (RSC) on the Ministry of Environment, Conservation and Parks' [Brownfields] Environmental Site Registry in accordance with Ontario Regulation 153/04, as amended, and that the owner provide the Niagara Region Planning and Development Services Department and the City with copies of the Environmental Site Assessment(s) and site remediation reports as well as a copy of the Ministry of Environment, Conservation and Parks' written acknowledgement of the filing of the RSC.
21. That the owner submit an air quality (odour) and noise assessment to determine potential impacts from the nearby Dain City Sewage Pumping Station (135 Talbot Avenue) to the satisfaction of Regional Planning and Development Services. Note: the air quality assessment for odour and/or noise assessment may be subject to peer review, at the expense of the owner/developer.
22. That the subdivision agreement between the owner and the City of Welland contain provisions whereby the owner agrees to implement the recommendations, if any, of the air quality and noise assessments required.
23. That the subdivision agreement between the owner and the City of Welland, and any Agreements of Purchase and Sale or Lease for each dwelling unit, include any warning clauses required, and the following clause:
"Due to the proximity of the subdivision lands to the Dain City Sewage Pumping Station, Purchasers/Tenants are advised that, despite the inclusion of noise/odour control features in the development and within the building units, periodic emissions of unpleasant odours and noise from the normal or emergency operations of this facility, for an unspecified duration, may occur and may adversely affect the residents of this development."
24. That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season.
25. That standard best management construction practices shall be used to mitigate construction dust, noise and/or exhaust fumes and prevent spills.
26. That a Buffer Planting Plan be prepared for Regional staff approval, preferably by a full member of the Ontario Association of Landscape Architects (OALA), to identify and illustrate the location of additional native trees, shrubs and groundcover to be planted.

....continued...

2020 - 318**20-96...cont'd.**

27. A Grading Plan is to be developed and provided to Regional staff for approval in order to ensure the surface water flows associated with rear of Lots 1 through 7, and Lots 10 through 15 are directed to the wetland area.
28. That permanent rear-lot fencing be provided for all lots bordering on the retained Environmental Protection Areas. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
29. That the Erosion and Sediment Control (ESC) Plan be provided for Regional staff approval. The ESC Plan shall include details for, but not be limited to, ESC fencing and other ESC measures, dust suppression and topsoil storage. ESC measures must be monitored regularly to ensure they are functioning properly and promptly fixed if issues are identified.
30. That the Tree Saving Plan prepared in accordance with the Region of Niagara Tree and Forest Conservation By-law (By-law 30-2008) Section 1.36 be provided for Regional staff approval.
31. That the subdivision agreement between the owner and the City of Welland contain wording wherein the owner agrees to implement the recommendations of the approved Grading Plan, ESC Plan, Buffer Planting Plan, and Tree Saving Plan.
32. 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 the Environment 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 Region 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;
 - c. 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.
33. 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 approved Stormwater Management Plan.
34. That the owner provides a written acknowledgement to Niagara Region 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.
35. That the owner provides a written undertaking to 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

...continued...

2020 - 318
20-96...cont'd.

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.

36. 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, Conservation and Parks Compliance Approval under the Transfer of Review Program.
37. That the owner/developer ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
38. That the owner/developer shall comply with Niagara Region's Corporate Policy for Waste Collection.
39. 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.
40. 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.
41. 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:

Niagara Peninsula Conservation Authority: 13, 14, 15, 16, 17

Region of Niagara Conditions: 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38

Canada Post Conditions: 39, 40

....continued...

2020 - 318
20-96...cont'd.

42. 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.

.....

20-96 Moved by Larouche and Fokkens

THAT Welland City Council refers Report P&B-2020-58: Application for Draft Plan of Subdivision (File No. 26T-14-20004) submitted by Upper Canada Consultants for lands on the east side of the Kingsway, south of Talbot Avenue, west of the Welland Shipping Canal, specifically described as lots 30-38 (inclusive), plan 54, former Township of Humberstone, now plan 813, City of Welland, municipally known as 180 Kingsway back to staff.

YEAS: Councillors Larouche, Green, Speck, Chiocchio, Richard, Grimaldi, Spinosa, Fokkens and Moote.

NAYS: Councillors McLeod, Van Vliet and Mayor Campion.

CARRIED

BY-LAWS

Moved by Spinosa 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.

20-38

BYL 2020 - 131

A By-law to amend By-law 2006-193, being a By-law to establish and regulate fees and charges for various services or activities and use of property as provided by the municipality to establish rates effective January 1, 2021; and to repeal By-laws 2020-86, 2020-29, 2019-157, 2016-81, 2013-156, 2013-56 and 2001-167.

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.

20-1

BYL 2020 - 132

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 3rd day November, 2020.

CARRIED

Council adjourned at 10:32 p.m.

These Minutes to be approved and adopted by Motion of Council this 1st day of December, 2020.

MAYOR

CITY CLERK