



MINUTES OF
SPECIAL COUNCIL MEETING, JUNE 9, 2020
CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 5:05 p.m. and in open session at 6:33 p.m. on the above date.

His Worship Mayor Frank Campion in the Chair.

Members Present Electronically:

Councillors J. Chiochio, T. DiMarco, B. Fokkens, B. Green, M.A. Grimaldi, J. Larouche,
D. McLeod (5:17 p.m.), A. Moote, G. Speck, L. Spinosa, C. Richard and L. Van Vliet (until 7:58p.m.).

Members of Staff and Others Present:

Chief Administrative Officer, G. Long
City Clerk, T. Stephens
General Manager, Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas
General Manager, Infrastructure and Development Services, T. Fitzpatrick
General Manager, Economic Development & Recreation & Culture, D. Degazio (until 7:30 p.m.)
Economic Development Officer, L. Dechellis (until 6:31 p.m.)
Manager, Information Systems/Network Administrator, S. Barnes

2020 - 183**20-25**

Moved by Richard 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 5:05 p.m. to consider:

- proposed or pending acquisition or disposition of land by the municipality or local board;
 - *Property matters.*

CARRIED**2020 - 184****20-25**

Moved by Spinosa and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:31 p.m. without report.

CARRIED**2020 - 185****02-160**

Moved by Speck and Richard

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the apology made by Councillor Tony DiMarco on June 9, 2020.

CARRIED**2020 - 186****02-160**

Moved by DiMarco and Chiochio

THAT THE COUNCIL OF THE CITY OF WELLAND suspend the rules of order to allow point of personal privilege by Councillor DiMarco.

YEAS: Councillors Larouche, Green, Speck, Chiochio, DiMarco, Richard, Spinosa, Fokkens and Moote.

NAYS: Councillors, McLeod, Grimaldi, Van Vliet and Mayor Campion.

CARRIED**2020 - 187****02-160**

Moved by DiMarco and Chiochio

THAT THE COUNCIL OF THE CITY OF WELLAND requests that arrangements be made to allow members of council to return to the council chamber for the next meeting; and THAT the Clerks office creates a plan to accommodate those who may be interested and leaving the option for those who would prefer to utilize the current online structure if so desired.

YEAS: Councillors Larouche, Green, Speck, Chiochio, DiMarco, Richard, Fokkens and Moote.

NAYS: Councillors, McLeod, Grimaldi, Spinosa, Van Vliet and Mayor Campion.

CARRIED**2020 - 188****02-160****05-114**

Moved by Larouche and Speck

THAT THE COUNCIL OF THE CITY OF WELLAND suspend the rules of order to further discuss Report P&B-2020-24.

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

NAYS: Councillors Green, DiMarco, Richard, and Fokkens.

CARRIED

2020 - 189**02-160****05-114**

Moved by Larouche and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND reconsider P&B-2020-24 with the amendment regarding an overpass which was considered at the May 26, 2020 Special Council Meeting.

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

NAYS: Councillors Green, DiMarco, Richard, and Fokkens.

CARRIED**2020 - 190****02-160****05-114**

Moved by Larouche and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND adopts an Amendment to the Official Plan to designate the lands on the north and south side of Daimler Parkway, north of East Main Street, east of Highway 406, south of the Welland River, and west of the Welland Shipping Canal, more specifically described as Part of Lots 19 and 20, Concession 1, Part of Lots 19 and 20, Concession 2, Part of the Road Allowance between Concession 1 and 2 (closed), Part of Lot 19, Concession 3, Part of Lot 19, Concession 4, Part of the Road Allowance between Concessions 3 and 4 (Closed), in the former Township of Crowland, Lots 25 to 28 (inclusive), Lots 50 to 56 (inclusive), Part of Lots 23, 24, 29, 30, 31, 32, 49, and 57, Part of Tutty Street (closed), Registered Plan 975 (Registered Plan 56, Township of Crowland), and Blocks 168, 169, and 170 on Registered Plan 59M-269, City of Welland, municipally known as 289 Daimler Parkway from Parks, Open Space and Recreation to Low Density Residential, Medium Density Residential and Neighbourhood Commercial; and further

THAT Welland City Council approves and Amendment to the Zoning By-law for lands on the north and south side of Daimler Parkway, north of East Main Street, east of Highway 406, south of the Welland River, and west of the Welland Shipping Canal, more specifically described as Part of Lots 19 and 20, Concession 1, Part of Lots 19 and 20, Concession 2, Part of the Road Allowance between Concession 1 and 2 (closed), Part of Lot 19, Concession 3, Part of Lot 19, Concession 4, Part of the Road Allowance between Concessions 3 and 4 (Closed), in the former Township of Crowland, Lots 25 to 28 (inclusive), Lots 50 to 56 (inclusive), Part of Lots 23, 24, 29, 30, 31, 32, 49, and 57, Part of Tutty Street (closed), Registered Plan 975 (Registered Plan 56, Township of Crowland), and Blocks 168, 169, and 170 on Registered Plan 59M-269, City of Welland, municipally known as 289 Daimler Parkway from the existing Community Open Space – O2 and Site Specific Neighbourhood Commercial (NC-26) to Residential Low Density 2 – RL2, Site Specific Residential Low Density 2 – RL2 and Site Specific Neighbourhood Commercial – NC; and further

THAT no further notice under the *Planning Act* is required as the proposed changes to the proposed Zoning By-law Amendment are minor, as per Section 34(17) of the *Planning Act*; and further

THAT Welland City Council approves a Plan of Subdivision for the lands on the north and south side of Daimler Parkway, north of East Main Street, east of Highway 406, south of the Welland River, and west of the Welland Shipping Canal, more specifically described as Part of Lots 19 and 20, Concession 1, Part of Lots 19 and 20, Concession 2, Part of the Road Allowance between Concession 1 and 2 (closed), Part of Lot 19, Concession 3, Part of Lot 19, Concession 4, Part of the Road Allowance between Concessions 3 and 4 (Closed), in the former Township of Crowland, Lots 25 to 28 (inclusive), Lots 50 to 56 (inclusive), Part of Lots 23, 24, 29, 30, 31, 32, 49, and 57, Part of Tutty Street (closed), Registered Plan 975 (Registered Plan 56, Township of Crowland), and Blocks 168, 169, and 170 on Registered Plan 59M-269, City of Welland, municipally known as 289 Daimler Parkway, subject to the following conditions:

1. That the Owner enter into a Subdivision Agreement with the City of Welland that is to be registered on title.
2. That no grading or construction work shall commence until such time as the Subdivision Agreement has been entered into and financial securities are in place.
3. That all development must conform to the City of Welland's 'Municipal Standards', as amended.
4. That all necessary easements required for utility and servicing purposes be granted to the appropriate Authority, free and clear of all encumbrances.
5. That the Owner dedicates to the City, the parklands identified, free and clear of all encumbrances.

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6. That the Owner provide a Tree Planting Fee to the City at the time of registration of the plan of subdivision.
7. That the Owner submit an Urban Design Brief to the satisfaction of the City of Welland, which explains how the proposed Plan of Subdivision will comply with the City's Urban Design Guidelines and creates a plan with which all development must comply,
8. That, the Owner submit to the City at the registration of the first phase of the development, a Letter of Credit representing their portion of the cost of constructing the emergency entrance onto Highway 406, as well as the cost of constructing a road connection to the emergency entrance.
9. That the Owner shall be responsible for receiving approval from the Ministry of Transportation for the design of the emergency access shown on Block 758 of the Draft Plan of Subdivision.
10. That the Owner shall be responsible for their portion of the costs associated with the design and construction of the emergency access, as well as the costs of the construction of any temporary connection roads.
11. That the emergency access control gates be equipped with EMTRAC technology for emergency services purposes, the cost of which is to be borne by the Owner.
12. That the Owner implement the recommendations found in the Hunters Pointe Redevelopment Transportation Study Update completed by R. J. Burnside & Associates Ltd, dated February 2019, at their cost.
13. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a stormwater management report indicating the intended treatment of the calculated runoff and the impacts of drainage on the Highway 406 right-of-way.
14. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a traffic impact study indicating the anticipated volumes generated by the subdivision and their impacts on Highway 406/Daimler Parkway/Woodlawn Road interchange.
15. That the Owner be responsible for the costs associated with any required road upgrades outlined in the Traffic Impact Statement, as approved by the City, Region and Ministry of Transportation.
16. That the Owner design and construct the proposed traffic circle at Daimler Parkway/Proposed Intersection, as well as an eastbound right-turn by-pass lane, at their cost.
17. The Owner construct the proposed off-road bicycle and pedestrian trail on Block 769, to the satisfaction of the City and the Ministry of Transportation. All costs associated with the design and construction will be the responsibility of the Owner.
18. That the Owner be responsible for the upgrade and replacement of the existing sanitary sewer infrastructure on Oxford Road, from Brown Road to the Highway 406, to accommodate sanitary sewer flows coming from the golf course redevelopment, to the east of Highway 406. All costs associated with the installation/replacement will be at the sole expense of the Owner.
19. That the Owner upgrade and replace the existing watermain along Oxford Road to accommodate any future needs and looping requirements related to the golf course redevelopment. This would include the connection to the intersection of Brown and Oxford Roads. The City of Welland has identified this watermain in its 2019 Development Charges By-Law. A portion of the watermain replacement will be eligible for a contribution from the City of Welland in accordance with the by-law. All other costs associated with their portion upgrade/replacement will be at the expense of the Owner.
20. That the Owner submit a complete engineering design of the sanitary sewer and watermain connections, including specific details of the subterranean crossing, to the Ministry of Transportation and the City, for works required within the Highway 406 Corridor. The Owner shall be responsible for all associated costs.

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21. The Owner shall install the watermain looping under Highway 406. The cost to do such crossing shall be split by the two developing entities including the subject lands (Hunters Pointe Plan of Subdivision) and the South Village Plan of Subdivision (City File 26T-14-18004). The costs to be borne by each shall be calculated on a per area basis each paying for their fair share of the installation and crossing under the Highway 406.
22. The Owner shall reconstruct Oxford Road to a semi-urban standard, to the satisfaction of the City. All costs associated with the reconstruction will be at the sole expense of the Owner.
23. The Owner shall review servicing options of a gravity sewer lowering, crossing the Highway 406, in place of a sanitary sewage pumping station, considering the sanitary sewers along Daimler Parkway crossing under Highway 406 will need to be enlarged to accommodate the increased flows.
24. If lowering the sanitary sewers is not acceptable or possible, the Owner will be required to construct a sanitary sewage pumping station at their expense, and provide a one-time 'maintenance payment' to the City. The one time payment shall be determined to be 25% of the cost of the pump station construction. The Owner will also be responsible for 100% of the maintenance of the pumping station up until the time of assumption of the entire subdivision, and then required to maintain it for up to a period of five (5) years after assumption.
25. Any sanitary infrastructure required to be installed to accommodate flows from the South Village Plan of Subdivision directed to Oxford Road through the former golf course lands, to enable the golf course property to utilize infrastructure installed for the proposed South Village, shall be cost shared between the Owners.
26. All recommendations of the Peer Review performed by GM BluePlan for the Wastewater Peer Review, dated May 5, 2020, be reviewed and incorporated into the final design.
27. All recommendations of the Peer Review performed by WOOD for the Stormwater Peer Review, dated Rev Feb 27, 2020, be reviewed and incorporated into the final design.
28. All recommendations of the Peer Review performed by Associated Engineering (AE) for the water servicing peer review, dated Jan 28, 2020, be reviewed and incorporated into the final design.
29. All costs related to existing and future Peer Reviews shall be paid for by the Owner.
30. The owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.
31. The owner shall ensure all of the Hydro One Networks Inc technical requirements are met to its satisfaction, and acquire all applicable agreements, and the developer must contact Jim Oriotis, Senior Real Estate Co-ordinator (905)-946-6261 to discuss all aspects of the subdivision design.
32. Prior to Hydro One Networks Inc providing its final approval, the developer must make arrangements satisfactory to Hydro One Networks Inc for any lot grading and drainage. Digital PDF copies of the lot grading and drainage plans (true scale), showing existing and proposed final grades, must be submitted to Hydro One Networks Inc for review and approval. The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor. Drainage must be controlled and directed away from the transmission corridor.
33. Any development in conjunction with the subdivision must not block vehicular access to any Hydro One Networks Inc facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow, or other debris on the transmission corridor.
34. At the developer's expense, temporary fencing must be placed along the transmission corridor prior to construction, and permanent fencing must be erected where subdivision lots directly abut the transmission corridor after construction is completed.

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35. The costs of any relocations or revisions to Hydro One Networks Inc facilities which are necessary to accommodate the subdivision will be borne by the developer. The developer will be responsible for restoration of any damages to the transmission corridor or Hydro One Networks Inc facilities thereon resulting from construction of the subdivision.
36. Hydro One Networks Inc's easement rights must be protected.
37. The transmission lines abutting the subject lands operate at either 500 000, 230 000, or 115 000 volts. Section 188 of Regulation 213/91 pursuant to the *Occupational Health and Safety Act*, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The safe vertical distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the safe vertical distance specified in the *Act*. All parties should also be aware that the conductors can raise and lower without warning, depending on the electrical load placed on the line.
38. The Owner shall ensure the safety setback of habitable buildings from the railway rights-of-way to be a minimum of 15 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.0 metres above grade at the property line, with side slopes not steeper than 2.5 to 1.
39. The Owner shall engage a consultant to undertake an analysis of noise. At a minimum, a noise attenuation barrier shall be adjoining and parallel to the railway rights-of-way, having returns at the ends, and a minimum total height of 4.0 metres above top-of-rail. Acoustic fence to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre of surface area. Subject to the review of the noise report, CNR may consider other measures recommended by an approved Noise Consultant.
40. Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 metres of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz, ± 3 dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.
41. The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line with CNR.
42. The following clause is required to be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the railway right-of-way: "Warning: Canada National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
43. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the CNR and be substantiated by a drainage report to the satisfaction of the CNR.
44. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and other vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.

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45. The Owner shall enter into an Agreement stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
46. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
47. That the Owner shall 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.
48. That 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.
49. 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.
50. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any site alteration, including restoration work, within 15 metres of watercourse UN-1. In support of the Work Permit, the following information will be required:
- a. A landscape plan demonstrating adequate riparian planting to ensure a naturalized riparian corridor along watercourse UN-1.
 - b. Any other information as may be determined at the time a Work Permit application is submitted to the Niagara Peninsula Conservation Authority.
51. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any site alteration, including restoration work, within 30 metres of the Provincially Significant Wetland (PSW) north of the subject lands. In support of the Work Permit application, the following information will be required:
- a. A landscape plan demonstrating appropriate restoration and enhancement plantings in the PSW buffer.
 - b. Any other information as may be determined at the time a Work Permit application is submitted to the Niagara Peninsula Conservation Authority.
52. That the Developer obtain a Work Permit(s) from the Niagara Peninsula Conservation Authority prior to beginning any site alteration, grading within any area regulated by the Niagara Peninsula Conservation Authority, including work on watercourse UN-3.

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53. That the O2 zone for Blocks 769, 780, and 786 be amended to prohibit any buildings or structures to the satisfaction of the Niagara Peninsula Conservation Authority.
54. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, a landscape plan demonstrating adequate riparian planting to ensure a naturalized riparian corridor along watercourse UN-1, to the satisfaction of the Niagara Peninsula Conservation Authority.
55. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, a landscape plan demonstrating appropriate restoration and enhancement plantings in the PSW buffer, to the satisfaction of the Niagara Peninsula Conservation Authority.
56. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, a stormwater servicing plan showing how flow from UN-3 is being maintained through the subject lands, to the satisfaction of the Niagara Peninsula Conservation Authority.
57. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans. The plans will provide limit of work fencing or other similar barrier to watercourse UN-1, the 30 metre buffer to the PSW and the 7.5 Peninsula Conservation Authority staff).
58. That the Developer provide a 1.5 metre high chain link fence along the boundary of Block 786, to the satisfaction of the Niagara Peninsula Conservation Authority.
59. That conditions requested by the Niagara Peninsula Conservation Authority be incorporated into the Subdivision Agreement between the Developer and the City of Welland, to the satisfaction of the Niagara Peninsula Conservation Authority. The City of Welland shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.
60. That following the completion of any site remediation, the Owners 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 and the City with copies of the Environmental Site Assessment and site remediation reports as well as a copy of the Ministry of the Environment's written acknowledgement of the filing of the RSC.
61. That the subdivision agreement between the Owner and the City contain provisions whereby the Owner agrees to implement the approved noise mitigation measures as outlined in the *Noise & Vibration Feasibility Study* (dated November 4, 2019) prepared by Aerocoustics Engineering Ltd.
62. That the following warning clause be included in the Subdivision Agreement and inserted into all Agreements of Purchase and Sale or Lease for each dwelling unit:
- "The lands in the plan of subdivision may be exposed to reduced air quality and/or odour, dust, or vibration impacts from nearby industrial/commercial operations that may interfere with some activities of the owners/tenants who occupy these lands."
63. That Channel UN-1 and its 30 metre wide buffer/corridor (i.e. portions of Blocks 769, 780, and 786) be zoned Environmental Conservation Area (ECA) or similar zoning which achieves the same level of protection.
64. That the subdivision agreement contain wording wherein the Owner agrees to implement the mitigation measures and recommendations found in Section 7.0 of the EIS, including but not limited to:
- a. That vegetation removals take place between October 1st and March 15th, outside of both the breeding bird nesting period and bat active season; and,
 - b. That standard best management construction practices shall be used to mitigate construction dust, noise, and/or exhaust fumes and prevent spills.

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65. That a Landscape/Buffer Planting Plan be prepared for Regional staff approval, buy 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 along the Welland River, within the 30 metre corridor along Drainage Feature UN-1, and along the slopes of Pond 6e and 6g. Only native vegetation that provides for wildlife habitat and improved ecological functions will be supported.
66. That a copy of an active Environmental Compliance Approval (ECA) for Stormwater Management Pond 6e be submitted to the Region.
67. That permanent rear-lot fencing be provided for all lots bordering Channel UN-1 and the Welland River. Rear yard gates will not be permitted to reduce human encroachment and limit movement of pets into the adjacent natural areas.
68. That the Grading Plan be provided for Regional Staff approval.
69. That an Erosion and Sediment Control (ESC) Plan be provided for Regional staff approval. The ESC Plan shall include details for, but not 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.
70. That a Tree Savings Plan be prepared in accordance with the Niagara Region Tree and Forest Conservation By-law (By-law 30-2008) Section 1.36 and provided for Regional staff approval.
71. That a Fish and Wildlife Rescue Plan be provided for Regional staff approval.
72. That a Wetland Restoration Plan be provided for Regional staff approval.
73. That an Invasive Species Management Plan and implementation strategy be prepared for the subject lands in an effort to enhance the Core Natural Heritage System remaining post-development.
74. That the subdivision agreement contain wording wherein the owner agrees to implement the recommendations of the approved Grading Plan, ESC Plan, Tree Saving Plan, Fish and Wildlife Rescue Plan, Wetland Restoration Plan, and Invasive Species Management Plan.
75. That the Owner obtain all necessary approvals from the Ministry of Environment, Conservation and Parks (MECP) relating to Species at Risk (SAR) on the subject lands and provide Regional staff with a copy of the MECP approval. If required by the MECP, the Owner shall revise the layout of the subdivision in order to conform with the requirements of the *Endangered Species Act*.
76. That the following clauses shall be included in the Subdivision Agreement between the Owner and the City of Welland:
- “Should previously undocumented archaeological resources be discovered on the property during construction activities, construction and alteration of the site shall immediately cease and the owner shall notify the Ministry of Heritage, Sport, Culture and Tourism Industries in London (519-675-6898) and engage a licensed consultant archaeologist to carry out archaeological fieldwork in compliance with Section 48(1) of the Ontario Heritage Act.”
- “As on virtually any property in Southern Ontario, it is possible that Aboriginal or Euro-Canadian burials could be present within the development area. In the event that human remains are encountered during construction activities, construction shall immediately cease and the proponent shall notify the Niagara Regional Police, the local coroner, the Ministry of Heritage, Sport, Culture and Tourism Industries (London Office), and the Registrar, Cemeteries Regulation Unit of the Ontario Ministry of Consumer Services in Toronto (416-326-8392)”.
77. That prior to final approval for registration of this plan of subdivision, the Owner shall submit design drawings for proposed work along the north end of the Hunters Pointe Golf Course Subdivision plan required to service this development to ensure that there is no conflicts with the Regional forcemain.

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78. 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.
79. 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 into the Subdivision Agreement between the Owner and the City.
80. That prior to final approval for registration of this plan of subdivision, the Owner shall submit the design drawings (with calculations) for any proposed municipal sanitary and storm drainage systems required to service this development and obtain Ministry of Environment, Conservation and Parks, Environmental Compliance Approval (ECA) under the Transfer of Review Program.
81. That the Owner provide a detailed servicing study which shall include, overall servicing strategy for the developments in the area, detailed plan and profile drawings and required Regional costs analysis information, to ensure that all development in the area can be serviced by gravity to the trunk sewer or by gravity to the proposed pumping station and this servicing study shall be reviewed and approved by the Regional staff prior to design of a future Regional Pumping Station. This condition is only required if the SPS is intended to be transferred to the Region.
82. That the Owner comply with the Regional Design standards for a pumping station and forcemain, engage Regional staff in the design works and receive Regional review and approval prior to submitting Environmental Compliance Certificates to the MECP for approval. This condition is only required if the SPS is intended to be transferred to the Region.
83. That the Owner transfer the pumping station land block to the Region once the size of the property has been reviewed and approved by Regional staff, the minimum land block required will be 40m x 40m. This condition is only required if the SPS is intended to be transferred to the Region.
84. That a noise and odour study be completed for the proposed sewage pumping station and required mitigation measures are completed for the existing and proposed lots surrounding the SPS and that the subdivision agreement contain wording acceptable to the Region wherein the Owner agrees to implement the approved mitigation measures. This condition is only required if the SPS is intended to be transferred to the Region.
85. That the assumption of the Pumping Station and forcemain will not occur until all the Regional conditions and policy conditions are completed, as well as the subdivision has reached 50% of the build-out and Regional staff have reviewed and approved the information provided. This condition is only required if the SPS is intended to be transferred to the Region.
86. That the Owner and the City obtain a connection permit for the proposed new connection to the Regional Trunk Sanitary sewer and removal of the existing connection. This condition is only required if a new connection to the Regional Trunk Sanitary is required.
87. 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 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 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region Planning and Development Services Department 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;

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- 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.

88. 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.

89. That the Owner ensure that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara policy and by-laws relating to the 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 temporary turnaround/cul-de-sac with a minimum curb radius of 12.8 metres.

90. 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:

Canada Post Conditions: 47, 48, 49

Region of Niagara Conditions: 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 7, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89

Niagara Peninsula Conservation Authority Conditions: 50, 51, 52, 53, 54, 55, 56, 57, 58, 59

Ministry of Transportation: 13, 14, 15

Bell Canada: 30

Hydro One Networks Inc.: 31, 32, 33, 34, 35, 36, 37

Canadian National Rail/GIO Railway: 38, 39, 40, 41, 42, 43, 44, 45, 46

91. That if Final Approval is not given to this Plan within four (4) 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 further

THAT THE COUNCIL OF THE CITY OF WELLAND grants its approval conditional on an overpass being constructed to the satisfaction of the Ministry of Transportation (MTO), Region of Niagara and the City of Welland, from Hunters Pointe Redevelopment to Oxford Drive, crossing the 406 at the sole expense of the developer; and further

THAT the overpass permits safe passage of both vehicular and pedestrian traffic; and further

THAT the developer pay for road upgrades on Oxford Drive to Atlas Avenue; and further

THAT the overpass be completed no later than when the development commences its 600th unit.

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.

2020 - 190

02-160

05-114

Moved by Chiocchio and Green

THAT THE COUNCIL OF THE CITY OF WELLAND to defer Report P&B-2020-24 to the June 16, 2020 Council meeting.

YEAS: Councillors Green, Speck, Chiocchio, DiMarco, Richard and Fokkens.

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

LOST

2020 - 190

02-160

05-114

Moved by Van Vliet and Grimaldi

THAT THE COUNCIL OF THE CITY OF WELLAND to call the question.

YEAS: Councillors Larouche, Grimaldi, Van Vliet and Mayor Campion.

NAYS: Councillors Green, Speck, Chiocchio, McLeod, DiMarco, Richard, Spinosa, Fokkens, and Moote.

LOST

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

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

NAYS: Councillors Green, Chiocchio, DiMarco and Richard.

CARRIED

2020 - 191

04-91

Moved by Green and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the tender of Refrigeration Energy Solutions Ltd. in the amount of \$163,573.00 (plus HST) being the lowest of five (5) proposals received for the Museum Heating Ventilation & Air Conditioning (HVAC) Retrofit; and

THAT Welland City Council approves additional funding from Capital Surplus Reserve in the amount of \$118,000.00; and further

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

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

(Councillor Spinosa disclosed an interest in this matter, and did not take part in the consideration and discussion and refrained from voting thereon, due to his business supporting the museum).

(Councillor Moote disclosed an interest in this matter, and did not take part in the consideration and discussion and refrained from voting thereon, as his employer has a business relation with the museum).

CARRIED

2020 - 192

11-108

Moved by Speck and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND approves the amendments to By-law 2016-104, being a By-law to delegate various planning and community improvement approvals to staff and adopt certain procedures for the processing of planning applications subject to delegated authority; and further

THAT Welland City Council approves the amendments to By-law 2011-3 being a By-law to constitute and appoint a Committee of Adjustment; to delegate the authority of Council to give consent to the Committee; and to set policies, procedures and conditions for its operation and to repeal all former By-laws; and further

THAT Welland City Council authorizes staff to prepare the necessary By-laws.

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2020 - 192

11-108

Moved by Grimaldi and Speck

THAT THE COUNCIL OF THE CITY OF WELLAND refers Report P&B-2020-25 back to staff to include in an upcoming Council Meeting.

CARRIED

2020 - 193

20-26 Moved by Fokkens and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the tender of CTC Contracting in the amount of \$475,225.00 (plus HST) being the lowest of four (4) tenders received for the 2020 Sidewalk Replacement tender; and

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

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

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2020 - 193

20-26 Moved by Fokkens and Speck

THAT THE COUNCIL OF THE CITY OF WELLAND amends up to \$570,000.00 budget.

CARRIED

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

CARRIED

2020 - 194

20-64 Moved by Speck and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND approves Report TRAF-2020-03: Temporary Patios on private property; and

THAT Welland City Council waive Road occupancy permit fees for businesses for the 2020 calendar year related to patio installation; and further

THAT Welland City Council sets the cash-in-lieu of parking requirement for outdoor patios at \$0 per parking space for the remainder of 2020 and that an applicant will be required to enter into an agreement with the City; and further

THAT Welland City Council authorizes the General Manger of Infrastructure and Development Services or designate to sign these cash-in-lieu of parkland agreements; and further

THAT Welland City Council waive Site Plan Exemption Fees for outdoor patios for restaurants and places of assembly.

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

NAYS: None.

(Councillor Spinosa disclosed an interest in this matter, and did not take part in the consideration and discussion and refrained from voting thereon, as his business could benefit or be negatively affected by its outcome).

CARRIED

2020 - 195

20-76 Moved by McLeod and Larouche (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND grant an easement to the benefit of Enbridge Gas Inc. for gas servicing across City owned property; and

THAT Welland City Council directs staff to prepare the necessary By-law(s) and documentation; and further

THAT Welland City Council authorizes the Mayor and Clerk to execute all documents necessary to grant the easement.

CARRIED

BY-LAWS

Moved by Grimaldi and Moot

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.

05-114

BYL 2020 - 61

A By-law to amend City of Welland Zoning By-law 2017-117 (ZSM Development Group Ltd. - File No. 2018-01) 289 Daimler Parkway.

05-114

BYL 2020 - 62

A By-law to authorize the adoption of Official Plan Amendment No. 16.

04-91

BYL 2020 - 63

A By-law to authorize entering into contract with Refrigeration Energy Solutions Ltd. for the Museum HVAC Retrofit.

20-26

BYL 2020 - 64

A By-law to enter into contract with 1526957 Ontario Limited O/A CTC Contracting for the 2020 Sidewalk Construction and Replacement.

CARRIED

Moved by McLeod and Larouche

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.

20-76

BYL 2020 - 65

A By-law to authorize granting of an easement to Enbridge Gas Inc. for gas pipeline servicing 439 King Street.

CARRIED

Moved by Larouche and Spinosa

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 - 66

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 9th day of June, 2020.

CARRIED

Council adjourned at 8:18 p.m.

These Minutes to be approved and adopted by Motion of Council this 7th day of July, 2020.

MAYOR

CITY CLERK