



MINUTES OF
SPECIAL COUNCIL MEETING, SEPTEMBER 14, 2021
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 7:16 p.m. on the above date.

His Worship Mayor Frank Campion in the Chair.

Members Present:

Councillors J. Chiochio (5:13 p.m.), T. DiMarco, B. Fokkens, B. Green, M.A. Grimaldi, J. Larouche, D. McLeod (5:09 p.m.), J. Mastroianni, A. Moote, C. Richard, G. Speck, and L. Van Vliet.

Members of Staff and Others Present:

CAO/Director Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas
City Clerk, T. Stephens
Fire Chief & Community Emergency Management Coordinator, A. Eckhart
Director of Planning and Development Services, G. Munday
Manager of Economic Development, L. DeChellis (until 7:16 p.m.)
Director of Community Services, R. Axiak
Manager of Engineering Services, L. McEachern

2021 - 220

21-25 Moved by Mastroianni and Grimaldi

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:

- 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
 - *Lease - WMHA at Main Arena.*
- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - *Innio Update.*
 - *Elite - 2015 Litigation Update.*

CARRIED

2021 - 221

21-25 Moved by Grimaldi and Richard

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:15 p.m. without report.

CARRIED

2021 - 222

11-94 Moved by Fokkens and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the request for an exemption to By-law 2012-111; the regulation and control of cats; and further THAT Welland City Council authorizes an exemption to By-law 2012-11 to allow for 7 cats at 424 McAlpine Avenue North.

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11-94 Moved by Fokkens and Mastroianni

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the request for an exemption to By-law 2012-111; the regulation and control of cats; and further THAT Welland City Council authorizes an exemption to By-law 2012-11 to allow for 7 cats that have been under the care of Rebecca Eaton since moving to Welland, to remain at 424 McAlpine until the number of cats are reduced to 3, through the lifespan cycle of these existing cats.

CARRIED

2021 - 223

13-50 Moved by Green and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND approves the proposal for a \$600,000 15-year loan (monthly payments) to the Niagara Central Dorothy Rungeling Airport Commission (NCDRAC) for the construction of 10 T hangars; and further THAT Welland City Council authorizes the City Clerk to prepare all necessary agreements and By-laws to advance the funding.

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13-50 Moved by Mastroianni and Van Vliet

THAT Welland City Council lower interest rate by 2.5%.

YEAS: Councillors Mastroianni and Van Vliet.

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

LOST

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

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

NAYS: Councillors Speck, Chiochio, DiMarco and Richard.

CARRIED

2021 - 224

21-22 Moved by Green and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND approves Report TRAF-2021-45: Update to Traffic and Parking By-law 89-2000; and further

THAT Welland City Council directs the City Clerk to amend Traffic and Parking By-law 89-2000 as follows:

ADD the following to Schedule "XVII" – PARKING LOTS

Lot #	Lot Name	Control	Rate	Time of Day	Maximum Stay
15	Maple Park Parking Lot (Designated Area)	Five (5) Monthly Permit	\$150.00	Monday to Sunday	24 Hours

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21-22 Moved by McLeod and Chiochio

THAT Welland City Council add "1 year pilot in relation to" to the motion.

YEAS: Councillors Chiochio, McLeod and Van Vliet.

NAYS: Councillors Larouche, Green, Speck, DiMarco, Richard, Grimaldi, Mastroianni, Fokkens, Moote and Mayor Campion.

LOST

2021 - 225

21-22 Moved by DiMarco and Green

THAT THE COUNCIL OF THE CITY OF WELLAND approves Report TRAF-2021-51: Stop signs at Ross Street and Downs Drive; 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 "XX" – STOP SIGNS

COLUMN 1 HIGHWAY	COLUMN 2 AT	COLUMN 3 FACING TRAFFIC
Downs Drive	Ross Street	Eastbound on Downs Drive
Ross Street	Downs Drive	Northbound on Ross Street

CARRIED

2021 - 226

21-22 Moved by Larouche and Mastroianni (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the petition from the residents regarding removing the loading zone at 330 King Street and replacing with 2-hour free parking.

CARRIED

2021 - 227**21-78**

Moved by DiMarco and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to prepare the necessary By-laws(s) to lay out establish and name the 0.3 metre Reserve described as Part 3, Plan 59R-14968 as Ross Street and Downs Drive.

CARRIED**2021 - 228****21-86**

Moved by Green and Grimaldi

THAT THE COUNCIL OF THE CITY OF WELLAND APPROVES AN Amendment to Zoning By-law 2017-117, as amended, for lands on the east side of South Pelham Road, north of Webber Road and west of Claire Avenue, legally described as Block 2 59M-472, Geographic Township of Thorold, Now in the City of Welland, Regional Municipality of Niagara, municipally known as 89 West Creek Court from Residential Medium Density – RM and Institutional Health and Wellness – INSH to Site Specific Residential Medium Density – RM, Site Specific Institutional Health and Wellness – INSH and Environmental Protection Overlay – EP; and further

THAT Welland City Council approves Draft Plan of Vacant Land Condominium for lands described as Block 2 59M-472, Geographic Township of Thorold, Now in the City of Welland, Regional Municipality of Niagara, municipally known as 89 West Creek Court, for the creation of 69 units for block townhouse dwellings, one (1) naturalized buffer block, and one (1) daylighting triangle block, subject to the following conditions:

1. That the Owner enter into a Site Plan Agreement with the City of Welland;
2. That no grading or construction work commence until such time as the Site Plan Agreement has been entered into and financial securities are in place;
3. That the Site Plan or Condominium Agreement between the owner and the City contain a provision whereby the owner agrees to implement the approved noise mitigation measures AND ensure the required warning clauses be included in all offers and agreements of purchase and sale or lease to survive closing in accordance with the *Environmental Noise Feasibility Study* (dated June 1, 2021) prepared by Valcoustics Canada Ltd;
4. That the following clauses shall be included in the Site Plan or Condominium Agreement between the owners and the City of Welland:

“Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”;

5. That a Landscape Plan be prepared to the satisfaction of the Niagara Region. The Landscape Plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities, including thorny species to discourage human intrusion into sensitive areas. The removal of invasive species should also be incorporated, as appropriate. The Landscape Plan should be completed by a full member of the Ontario Association of Landscape Architects (OALA);

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21-86...cont'd.

6. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that existing overland flow patterns are maintained and that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers and a minimum of 10 metres from the dripline of any trees to be retained. The Grading Plan should also illustrate the location and installation details associated with sediment control and limit of work fencing. Limit of work fencing must be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site;
7. That permanent rear-lot fencing be provided along the boundary of the environmental block, adjacent to the wetland buffer. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas;
8. That a clause be added to the Site Plan or Condominium Agreement indicating that vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window;
9. 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;
10. That the Site Plan or Condominium 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;
11. That the owner provides a written acknowledgement to the Niagara Region stating that draft approval of this condominium 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;
12. That the owner provides a written undertaking to the Niagara Region stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this condominium, shall contain a clause indicating that servicing allocation for the condominium will not be assigned until the plan is registered, and a similar clause be inserted in the Condominium Agreement between the owner and the City;
13. 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 the Environment, Conservation and Parks, Environment Compliance Approval under the Transfer of Review Program;
14. That the owner/developer ensure 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;

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21-86...cont'd.

15. That the owner/developer shall comply with the Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and Indemnity Agreement;
16. If Regional Waste Collection cannot be provided, the Site Plan or Condominium Agreement between the owner and the City contain provisions that the owner shall provide a written undertaking to the Niagara Region Planning and Development Services Department acknowledging that because the site design does not meet Regional Waste Policy, garbage/recycling pick-up for the development will not be provided by the Region. Further, the following warning clause shall be included in the condominium agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:

"Purchasers/Tenants are advised that due to the site layout, garbage/recycling pick-up for the development will be provided by the condominium corporation through a private contractor and not the Region.";
17. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for the units 46-52 (subject to the Regional waste collection trucks reverse limits). The waste collection pads shall be in accordance with the Niagara Region's Corporate Waste Collection Policy;
18. That the following warning be included in the Site Plan or Condominium Agreement and inserted in all offers and agreement of purchase and sale or lease for units 46-52(subject to the Regional waste collection trucks reverse limits):

"That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 46-52 (subject to the Regional waste collection trucks reverse limits). The waste collection pads shall be in accordance to the details outlined in the Niagara Region's corporate waste collection policy.";
19. That the owner dedicates additional lands at the north west corner of the intersection of Regional Road 29 and Clare Avenue to the Region of Niagara to achieve an ultimate daylighting triangle size of 10 metres x 10 metres.
20. Prior to any construction taking place within the Regional road allowance the owner shall obtain a Regional Construction Encroachment and Entrance Permit. Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division);
21. That the Site Plan or Condominium Agreement between the owner and the City contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development;
22. That the Developer provide detailed grading, construction sediment and erosion control drawings to the Niagara Peninsula Conservation Authority for review and approval. The Owner agrees that all Sediment and Control measures shall be maintained and in good condition for the duration of construction until all disturbed surfaces have been stabilized;
23. That the Developer provides appropriate limit-of-work fencing along the rear of Lots 36, 49, 50 and 55-69 and the boundary of the 15 metre wetland buffer for the remainder of the lots to the satisfaction of the Niagara Peninsula Conservation Authority;

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21-86...cont'd.

24. That the Developer provide a buffer restoration plan to provide enhancements to the wetland buffer, to the satisfaction of the Niagara Peninsula Conservation Authority. Scoping of the restoration plan is to be obtained by the Niagara Peninsula Conservation Authority. Scoping of the restoration plan is to be obtained by the Niagara Peninsula Conservation Authority and is to be done through a Work Permit from the Niagara Peninsula Conservation Authority;
25. That the Developer provide 1.5-metre-high chain link fencing along the boundaries of Lots 36, 49, and 50. Fencing should also be established along the agreed upon wetland buffer in lots and as shown on applicable plans and drawings to the satisfaction of the Niagara Peninsula Conservation Authority;
26. That conditions 22 to 25 be incorporated into the Site Plan or Condominium 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 Site Plan or Condominium Agreement to the Niagara Peninsula Conservation Authority for its review and approval;
27. If existing Welland Hydro-Electric System Corporation infrastructure is required to be relocated or temporary Hydro service is required, all costs are the responsibility of the applicant;
28. If easement(s) are required by Welland Hydro-Electric System Corporation to service this development or any future adjacent developments, the applicant will provide at their expense all necessary registered easements;
29. The proposed development must meet the clearance requirements of the Ontario Building Code section 3.1.19.1 "Clearance to Buildings";
30. The Developer shall submit the full engineering design drawings to the City of Welland's Engineering Division for review and approval. Design drawing submission shall include servicing, grading, photometric, signage, and landscaping plans;
31. The revised sewer drainage area plans shall be submitted to the City of Welland's Engineering Division for review and approval;
32. The Developer shall be responsible for all costs associated with the development, including reinstatements to the existing condition or better;
33. The Developer shall construct all municipal infrastructure in accordance with the City of Welland Municipal Standards, Ontario Provincial Standards and any other applicable standards that may apply;
34. The Developer shall conduct home condition surveys, as or if required, prior to commencement of construction;
35. The owner shall complete to the satisfaction of the Director of Engineering of the City of Welland and Canada Post:
 - a. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i. That the home/business mail delivery will be from a designated Centralized Mail Box.

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21-86...cont'd.

- ii. That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any homes sales.
- b. The owner further agrees to:
 - i. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevard and sidewalks are in place in the remainder of the subdivision.
 - ii. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 - iii. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv. Determine the location of all centralized mail receiving facilities in 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.
 - c. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space;
36. A subsurface Geotechnical report prepared by a qualified geotechnical engineer will be required at the time of building permit application submission;
37. Parkland dedication shall be established in accordance with By-law 2014-101. If a 5% Cash-in-lieu method is utilized, the Developer shall establish the value of land for each lot, to the satisfaction of the City, prior to execution of the Site Plan or Condominium Agreement. The values shall be determined by an Appraiser in accordance with City Policy as of the day before the day the first building permit is issued for the development. The values shall be referenced in the Special Conditions and Building Restrictions of the Site Plan or Condominium Agreement;
38. That prior to granting Approval for the Final Plan, the City of Welland will require written notice from the following upon their respective conditions having been met satisfactorily;
- City of Welland: 1, 2, 30-34, 36, 37
 Region of Niagara: 3-21
 NPCA: 22-26
 Canada Post: 35
39. That if Final Approval is not given to this Plan within three (3) years of the approval date and no extensions have been given, Draft Approval shall lapse. If the Owner wishes to request extension to Draft Plan Approval, a written request with reasons why the extension is required and the applicable application fee, must be received by the City prior to the lapsing date; and further,

THAT Welland City Council authorizes the Mayor and Clerk to sign the Draft Approval and Final Approval Plans once all Conditions have been satisfied.

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21-86 Moved by Green and Moote
 THAT Welland City Council refers back to staff Report P&B-2021-50.

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

NAYS: None.

CARRIED

BY-LAWS

Moved by McLeod and Moote
 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.

13-50

BYL 2021 - 147

A By-law to authorize entering into a loan agreement with Niagara Central Dorothy Rungeling Airport Commission for the construction of 10 T Hangars.

(Councillor Chiochio asked to be recorded as opposed to the By-law).

21-78

BYL 2021 - 148

A By-law to Lay Out, Establish and name the 0.3 Metre Reserve - Part 3, Plan 59R-14968 as Ross Street and Downs Drive.

21-22

BYL 2021 - 149

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

CARRIED

Moved by Mastroianni 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.

21-1

BYL 2021 - 150

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 14th day of September, 2021.

CARRIED

Council adjourned at 9:01 p.m.

These Minutes to be approved and adopted by Motion of Council this 21st day of September, 2021.

MAYOR

CITY CLERK