



# CITY OF Welland

## MINUTES OF THE JULY 18, 2023 COUNCIL MEETING CIVIC SQUARE, COUNCIL CHAMBERS 60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:04 p.m. and in open session at 7:00 p.m. on the above date.

His Worship Mayor Frank Campion in the Chair.

### **Members Present:**

Councillors J. Chiochio, T. DiMarco, B. Fokkens, B. Green, M.A. Grimaldi (virtual), J. Lee, D. McLeod, A. Moote, C. Richard, S. Setaram, G. Speck (6:08 p.m.), and L. Van Vliet.

### **Members of Staff and Others Present:**

City Clerk, T. Stephens

Director of Finance/CFO/Treasurer, S. Fairweather

Director of Infrastructure Services, SM. Millar

Director of Planning and Development Services, G. Munday

Director of Community Services, R. Axiak

Manager of Economic Development, L. DeChellis (until 9:37 p.m.)

Policy Planning Supervisor, N. Aiello

Manager of Fleet, Equipment and Purchasing, A. Beres (7:00 p.m. - 8:35 p.m.)

Information Systems Manager/Network Administrator, S. Barnes (until 7:20 p.m.)

Economic Development Officer, L. Allen (until 8:52 p.m.)

Manager of Parks and Open Spaces, D. Steven (until 9:10 p.m.)

Manager, Traffic/Parking/By-laws, A. Khan (7:28 p.m. - 9:26 p.m.)

**2023 - 351****23-25**

Moved by Fokkens and Setaram

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:04 p.m. to consider:

- Security of the property of the municipality or local board;
  - *Security of Corporate Data.*  
Personal matters about an identifiable individual, including municipal or local board employees and litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
  - *Museum Board Update.*
- Personal matters about an identifiable individual, including municipal or local board employees;
  - *Citizens appointment to the Property Standards Committee/Dog Appeal Committee.*
- Proposed or pending acquisition or disposition of land by the municipality or local board:
  - *Offers to Purchase Downtown Lands.*

***(Councillor Speck was not present during Committee-of-the-Whole discussions on personal matters about an identifiable individual, including municipal or local board employees and litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board).***

**CARRIED****2023 - 352****23-25**

Moved by Setaram and Mooté

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:54 p.m. with report.

**CARRIED****LEGISLATED PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT**

Councillor Speck presided as Chair of the Public Hearing:

**13-89Z** A Complete Application has been made by VENTAWOOD MANAGEMENT INC. on behalf of HAMOUNT INVESTMENTS LTD. to rezone lands Plan 655 Lots 204 to 206, municipally known as 18 Rose Avenue from the existing Institutional – INS1 to COMMUNITY COMMERCIAL NODE – CC1 in Zoning By-law 2017-117. The purpose of the Amendment is a multi-tenant commercial development. The Official Plan designation is INSTITUTIONAL. Application for Official Plan Amendment (File No. OPA No. 45) has been submitted in conjunction with application for Zoning Bylaw Amendment.

Julia Redream, Project Manager, Ventawood Management Inc., 2053 Williams Pkwy Unit 49, Brampton, ON L6S 5T4 on behalf of the applicant.

**In support of the application:**

- No one spoke to the application.

There being no persons present to speak in support of the application, the Chair asked for those opposing the application.

**In opposition of the application:**

- No one spoke to the application.

There being no persons present to speak in opposition to the application, the hearing was concluded.

**PRESENTATION**

**21-51** Mathew Forezli and Stephen Armstrong, Empire Developments addressed Council regarding an update on Dain East/West Development.

**2023 - 353**

**23-1** Moved by McLeod and Chiochio

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of June 20, 2023 and Special Council Meeting of June 27, 2023, as circulated.

**CARRIED****2023 - 354**

**05-50** Moved by Setaram and Lee (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND approves the alteration request at 204 East Main Street in Welland to retrofit new windowpanes into the existing window frames, as described in this Report.

**CARRIED****2023 - 355**

**10-76** Moved by Chiochio and Lee

THAT THE COUNCIL OF THE CITY OF WELLAND approves the requested program adjustments for the Downtown and Health and Wellness Cluster Community Improvement Plan, as described:

-To expand the types of buildings eligible for funding under the Façade Improvement Grant to Residential buildings that are Designated under the Ontario Heritage Act.

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**10-76** Moved by Fokkens and DiMarco

THAT Welland City Council refers Report P&B-2023-36: Program Adjustments to the Downtown and Health and Wellness Cluster CIP to the 2024 budget process.

**CARRIED****2023 - 356**

**13-117** Moved by Fokkens and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND adopts the Affordable Rental Housing Community Improvement Plan (CIP) and By-law attached as Appendix I, and further

That Welland City Council approves further amendments to By-law 2016-104, Being a By-law to Delegate Various Planning and Community Improvement Approvals to staff to account for the Affordable Rental Housing Community Improvement Plan (CIP) (Appendix II).

**CARRIED****2023 - 357**

**17-95** Moved by Setaram and Lee (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the resolution from the Town of Fort Erie dated June 26, 2023 regarding the impact on Woodbine's Race and Stay Program on the Fort Erie Race Track.

**CARRIED****2023 - 358**

**21-51** Moved by McLeod and Lee

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Mathew Forezli and Stephen Armstrong, Empire Developments regarding an update on Dain East/West Development.

**CARRIED**

**2023 - 359**

**22-78** Moved by Green and Lee

THAT THE COUNCIL OF THE CITY OF WELLAND approves the requested upfront tax exemption under the Brownfield Tax Assistance Program (BTAP), part of the Brownfield Community Improvement Plan (BCIP) for the mixed-use, multi-residential development, municipally addressed as 115 Lincoln Street (file no. BROWN 2022-02), legally described as PT LT 27 CON 6 CROWNLAND, BEING PART 4, 59R16965; WELLAND, as described:

- The Registered Owner of the property applied to and has been approved for Tax Assistance in accordance with the BCIP Brownfield Tax Assistance Program Agreement.
- The City shall grant the registered Owner a tax cancellation for up to the maximum duration as set in the BTA Program of three (3) years.

**CARRIED**

**2023 - 360**

**22-105** Moved by McLeod and Green

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report EDO-2023-04: Sale of City-Owned Land Policy and the Stopping up and Closing of Highways; and further THAT Welland City Council approves the revised Sale of City-Owned Land Policy and the Stopping up and Closing of Highways.

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**22-105** Moved by McLeod and Richard

THAT Welland City Council refers back to staff Report EDO-2023-04: Sale of City-Owned Land Policy and the Stopping Up and Closing of Highways.

**CARRIED**

**2023 - 361**

**23-19** Moved by Moote and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND pre-approves three (3) 2024 park playground renewal projects for Maple Park, Bemus Park and Manchester Park and preapproves two (2) 2025 playground renewal projects for River Road Park and John Deere Park as outlined in the Financial Consideration; and further

THAT Welland City Council pre-approves the capital project for Michael Drive parkette as outlined in the Financial Consideration; and further

THAT Welland City Council authorizes the issuance of and RFP for Professional Services for these playground renewal projects.

**CARRIED**

**2023 - 362**

**23-22** Moved by Van Vliet and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report TRAF-2023-31: 4-way Stop signs on First Avenue; and further

THAT Welland City Council authorizes staff to amend Schedule XXXIX Community Safety Zones of the Traffic and Parking By-law 89-2000 as follows:

ADD THE FOLLOWING TO SCHEDULE XXXIX Community Safety Zones

COLUMN 1 HIGHWAY	COLUMN 2	COLUMN 3	COLUMN 4
	FROM	TO	TIMES OR DAYS
First Avenue	Fitch Street	Laughlin Ave	Anytime

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**23-22** Moved by DiMarco and Chiocchio

THAT a 4 way stop sign to be installed, as well as additional signage.

**LOST**

**FOLLOWING THE LOST VOTE TO AMEND, THE MAIN MOTION WAS PUT IN ITS ORIGINAL FORM AND ..... CARRIED**

**2023 - 363**

**23-22**

Moved by Fokkens and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND approves Report TRAF-2023-33: Update to Short Term Rental Licensing By-law; and further THAT Welland City Council directs the City Clerk to amend the Short Term Rental Licensing By-law 2021-179 as follows:

ADD the following to SECTION 2 – DEFINITIONS:

2.37 “Recreational Vehicles” has the same meaning as defined under the Zoning By-law and for greater clarity, means either a portable structure designed and built to be carried by a motor vehicle, or a unit designed and built to be transported on its own wheels, for purposes of providing temporary living accommodation or recreational enjoyment for travel, and shall include, for example, motor homes, recreational vehicle (RV), travel trailers, tent trailers, boats, boat trailers, motorized snow vehicles or other like or similar equipment, excluding bicycles.

All subsequent definitions shall be renumbered accordingly.

ADD the following:

**SECTION 3A – RECREATIONAL VEHICLES**

3A.1 No recreational vehicle shall be permitted to be used as a Short Term Rental or for any other similar purpose.

3A.2 No person shall advertise, promote, broker or offer for rent or lease any recreational vehicle as a Short Term Rental or for any other similar purpose.

ADD the following to Schedule “B” of the Short Term Rental Licensing By-law:

<b>ITEM</b>	<b>COLUMN 1 Short Form Working</b>	<b>COLUMN 2 Provision Creating or Defining Offence</b>	<b>COLUMN 3 Penalty</b>
17.	Permit a recreational vehicle to be used as a Short Term Rental	3A.1	\$1000.00
18.	Advertise a recreational vehicle as a Short Term Rental	3A.2	\$1000.00

THAT Welland City Council directs the City Clerk to amend the By-law 2019-134, the Administrative Penalty By-law for Non-parking Related Offences, as follows:

ADD the following to the set fine schedule for Short Term Rentals in Schedule “C”.

<b>ITEM</b>	<b>COLUMN 1 Short Form Working</b>	<b>COLUMN 2 Provision Creating or Defining Offence</b>	<b>COLUMN 3 Penalty</b>
17.	Permit a recreational vehicle to be used as a Short Term Rental	3A.1	\$1000.00
18.	Advertise a recreational vehicle as a Short Term Rental	3A.2	\$1000.00

**CARRIED**

**2023 - 364****23-22**

Moved by Green and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report P&B-2023-15 for information; and further

THAT Welland City Council directs staff to consult with the development community and public with regards to the Proposed Cash-in-Lieu of Parking By-law and return to Council with a final By-law for consideration; and further

THAT Welland City Council direct staff to concurrently commence the process of amending the City's Zoning By-law 2017-117 and Official Plan to further amend the provisions for Cash-in-Lieu of Parking.

**(Councillor McLeod disclosed an interest in a matter, and did not take part in the consideration and discussion of same, as he has an interest in a property within the subject area being discussed).**

**CARRIED****2023 - 365****23-22**

Moved by McLeod and Van Vliet

WHEREAS, students, parents and others users of Ross Public School have expressed concerns regarding speeding on Niagara Street.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND requests that the Region of Niagara install a pedestrian lighted crosswalk (PXO) on Niagara Street in front of Ross Public School.

**CARRIED****2023 - 366****23-31**

Moved by Chiocchio and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND approves application for Official Plan Amendment No. 45 to designate the lands on the east side of Rose Avenue, west of Rice Road, south of Donald Avenue and north of Thorold Road, more specifically described as Plan 655 Lots 204, 205, & 206, Welland, municipally known as 18 Rose Avenue from Institutional to Community Commercial Node; and further

THAT Welland City Council approves Zoning By-law Amendment to Zoning By-law 2017-117 for the lands on the east side of Rose Avenue, west of Rice Road, south of Donald Avenue and north of Thorold Road, more specifically described as Plan 655 Lots 204, 205, & 206, Welland, municipally known as 18 Rose Avenue from Institutional – INS1 to Site Specific Community Commercial Node – CC1-112.

**CARRIED****2023 - 367****23-70**

Moved by Green and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND adopts Official Plan Amendment No. 42 to redesignate the lands on the north side of Woodlawn Road, east of Niagara Street, south of Lancaster Drive, and west of the Welland Recreational Waterway, more specifically described as PART TOWNSHIP LOTS 229 & 230 THOROLD BEING PART 5, 59R1742 EXCEPT PART 6, 59R-4976; S/T RO357511, RO743059 WELLAND, Municipally Known As 16 Seaway Drive from High Density Residential to Medium Density Residential.

THAT THE COUNCIL OF THE CITY OF WELLAND approves Zoning By-law Amendment RM-122 to Zoning By-law 2017-117 for the lands on the north side of Woodlawn Road, east of Niagara Street, south of Lancaster Drive, and west of the Welland Recreational Waterway, more specifically described as PART TOWNSHIP LOTS 229 & 230 THOROLD BEING PART 5, 59R1742 EXCEPT

PART 6, 59R-4976; S/T RO357511, RO743059 WELLAND, Municipally Known As 16 Seaway Drive from Residential High Density – RH to Site-Specific Residential Medium Density – RM and Hazard Overlay – HA.

THAT THE COUNCIL OF THE CITY OF WELLAND approves Draft Plan of Subdivision for lands on the north side of Woodlawn Road, east of Niagara Street, south of Lancaster Drive, and west of the Welland Recreational Waterway, more specifically described as PART TOWNSHIP LOTS 229 & 230 THOROLD BEING PART 5, 59R1742 EXCEPT PART 6, 59R-4976; S/T RO357511, RO743059 WELLAND, Municipally Known As 16 Seaway Drive, for the creation of three (3) blocks for the construction of residential dwellings, one (1) block for a regional road widening, two (2) blocks for environmental hazard protection, one (1) block for a 0.3 metre reserve and one (1) block for a proposed street, subject to the following conditions:

1. That the Owner enter into a Subdivision Agreement with the City of Welland.
2. That no grading or on-site works commence prior to the registration of a subdivision agreement on the property unless the Owner obtains a Site Alteration Permit from the City of Welland.
3. That all necessary easements required for utility purposes be granted to the appropriate Authority free and clear of all encumbrances.
4. That the Owner dedicates to the City, Block 4 and 5 free and clear of all encumbrances for a future road connection to 18 Woodlawn Road and the lands known municipally as the "Northern Reach", open space and environmental protection purposes.
5. That the Owner pay a tree planning fee of \$300.00 for each developable Block (1, 2 and 3) at the time of subdivision agreement.
6. That the Developer shall submit full engineering design drawings to the City of Welland's Engineering Division for review and approval, including Site Servicing, Site Grading, General Notes and Details, Plan and Profile, Sediment Erosion and Control Plan, Storm Drainage Area, Sanitary Drainage Area, Photometric, and Landscaping Plans.
7. That a Servicing Study Report indicating that the receiving storm sewers and sanitary sewers can accommodate the additional flows, and that adequate fire flows can be provided to the development be submitted to the City of Welland for review to the satisfaction of the Director of Infrastructure Services/City Engineer and Fire Chief.
8. That the Developer submit to the City of Welland for review and approval by the Director of Infrastructure Services/City Engineer, a detailed stormwater management plan for the subdivision
9. That prior to any site alteration, approval from the Director of Infrastructure Services/City Engineer is required. The Developer shall submit all supporting materials and engineering design, prepared by a qualified professional, as required by the City or any applicable authority, and shall agree to implement the recommendations of the reports, studies, and plans.
10. That prior to registration of this plan, the Developer must obtain Environmental Compliance Approval from the Ministry of Environment, Conservation and Parks for sewer and storm water management works needed to service the proposed development. Prior to installing the watermain to service the proposed development, the Developer must submit Ministry of Environment 'Form 1' Record of Watermain.
11. The Owner shall construct all municipal infrastructure in accordance with the City of Welland Municipal Standards, Ontario Provincial Standards, the Issued for Construction Engineering drawing set, and any other standards that may apply.
12. That the Developer shall be responsible for the construction of all primary and secondary services, including sidewalks, boulevard plantings and sodding/hydroseeding in accordance with the approved engineering design drawings.
13. That the Developer agrees to install sidewalk, and grade and sod boulevards in accordance with the requirements of the Subdivision Agreement and Schedule 'B1'.
14. That at the end of the project, the design engineer shall certify that all grading, storm sewers, and stormwater management controls have been constructed in conformity with the approved plans. Copies of the certification shall be circulated to the City of Welland and the Regional Municipality of Niagara.
15. That all foundation drainage be directed to a sump pump in each house and discharge to grade. Foundation drains will not be connected to storm or sanitary sewer systems.
16. That roof water drainage from any structure or building shall be directed via downspouts discharging via splash pads (concrete or other suitable material) to grass surfaces. These splash pads shall extend a distance of 1.2 metres away from the structure and must direct the flow away from the building, not onto sidewalks or driveways, and not toward adjacent properties.

17. That all necessary easements required for servicing purposes be granted to the appropriate Authority free and clear of encumbrances.

18. That the Developer obtains the required approval from the owner of the adjacent lands to connect to the private services. This includes entering to any agreements necessary for the connections.

19. That the Owner convey, free and clear of mortgages, liens and other encumbrances, and agree to pay for all associated costs related to a 10 meter x 10 meter daylighting triangle at the corner of Regional Road 41 (Woodlawn Road) and Seaway Drive to the Regional Municipality of Niagara. The daylighting triangle is to be described by Reference Plan, and the triangle portion of the Plan will be the responsibility of the Owner/Applicant to order. The cost of providing this Plan will be the full responsibility of the applicant. The Applicant will arrange for the land surveyor of the property to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear this condition.

20. That the owner convey, free and clear of mortgages, liens and other encumbrances, and agree to pay for all associated cost related to a 4.0 metre road widening to the Regional Municipality of Niagara along the entire frontage of the property abutting Woodlawn Road. The widening is to be described by Reference Plan, and the cost of providing this plan will be the full responsibility of the Owner/Applicant to order. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all other related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear this condition.

21. That the Owner submit a revised Transportation Impact Study (TIS) to the satisfaction of the Niagara Region and City of Welland.

22. That the subdivision agreement between the owner and the City of Welland contain provisions whereby the Owner agrees to implement the recommendations of the approved Transportation Impact Study (TIS) if required.

23. Prior to any construction taking place within the Regional road allowance the Owner shall obtain a Regional Construction Encroachment and/or Entrance Permit. Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division).

24. That the Owner provides written acknowledgement to the Niagara Region Development Approvals Division 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.

25. That the Owner provides a written undertaking to the Niagara Region Development Approvals Division 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 condominium 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 of Welland.

26. That prior to final approval for registration of this plan of subdivision, the Owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development to confirm capacity in the Regional system prior to approval through the Consolidated Linear ECA program.

27. That prior to approval of the final plan or any on-site grading, the owner shall submit a stormwater management report for the subdivision, and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the 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 Development Approvals Division for review and approval:

- 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; and,



- Detailed erosion and sedimentation control plans.

28. That the subdivision agreement between the Owner and the City of Welland contain provisions whereby the Owner agrees to implement the approved plans required in accordance with Condition 27.

29. That the Owner ensure that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara Corporate Policy and By-laws relating to the curbside collection of waste and recycling throughout all phases of development. Where a through street is not maintained, the Owner shall provide a revised Draft Plan to reflect a proposed temporary turnaround/cul-de-sac with a minimum curb radius of 12.8 metres.

30. That the subdivision agreement between the Owner and the City of Welland 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.

31. That the Owner provides a written acknowledgement to the Niagara Region Development Approvals Division from the Ministry of Environment, Conservation, and Parks' stating that a Record of Site Condition has been filed for the subject lands.

32. That the Owner provides a written acknowledgement to the Niagara Region Development Approvals Division from the Ministry of Northern Development, Mines, Natural Resources, and Forestry which certifies that the historic gas well identified on the subject lands has been decommissioned.

33. That the following clause be included in the subdivision agreement:

"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (416-212-8886) and contact a licensed archaeologist 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 Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Citizenship and Multiculturalism should be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

34. That the subdivision agreement contain wording wherein the Owner agrees to implement the mitigation measures and recommendations found throughout the Environmental Impact Study (EIS) prepared by Terrastory Environmental Consulting Inc. (dated December 18, 2022), including but not limited to:

- 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. Further, should tree removal be required between May 1 and September 31, a qualified Ecologist shall complete an exit survey of suitable maternal roosting sites identified for removal a maximum of 24 hours before removal. The exit survey must make use of a bat detector and shall occur for no less than the time period between sunset and 60 minutes after sunset.

- That construction activity occurring during the active bat season (i.e., between May 1 and September 31) be restricted to daylight hours only and that the use of artificial lighting be avoided in order to reduce disturbance to rare bat species.

- That Bird-Friendly Guidelines be incorporated into the design of the residences, such as those published in City of Toronto's 'Best Practices for Bird-Friendly Glass' and 'Best Practices for Effective Lighting'.

- That all street tree and other landscape plantings be reviewed by a qualified Ecologist at detailed design.

35. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. All ESC measures shall 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.

36. That a Grading Plan be provided to the satisfaction of Niagara Region, which demonstrates that no grading within the watercourse or its buffer 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.

37. That a Buffer Enhancement Plan be prepared to the satisfaction of the Niagara Region. The plan should incorporate the recommendations found in Section 5.3.3 of the Environmental Impact Study prepared by Terrastory Environmental Consulting Inc. dated December 18, 2022. The Plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities. The removal of invasive species should also be incorporated, as appropriate.

38. That permanent rear-lot fencing be provided adjacent to the watercourse buffers, to the satisfaction of the Niagara Region. A no-gate by-law is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.

39. That an Ecological Monitoring Plan be prepared to the satisfaction of Niagara Region. At a minimum the plan should monitor the success of the restorative plantings and invasive species removals. The Report should be submitted to the Niagara Region Development Approvals Division, with attention to Environmental Planning, [developmentplanningapplications@niagararegion.ca](mailto:developmentplanningapplications@niagararegion.ca) by September 1st, for a period of 2 years. The Report should also include photographs and advise actions necessary to address any deficiencies.

Note, the monitoring should take place upon the initiation of any development and/or site alteration and continue up to and including 2 years from full build out.

40. That a Photometric Plan be provided to the satisfaction of the Niagara Region that incorporated the recommendations found in Section 5.3.4 of the EIS prepared by Terrastory Environmental Consulting Inc. (Dated December 18, 2022). Recommendations include ensuring that fixtures will be positioned such that they focus light downward.

41. That the subdivision agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan, Buffer Enhancement Plan, Ecological Monitoring Plan and Photometric Plan.

42. 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 Erosion Control Measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized.

43. That the applicant submit a Buffer Planting Plan as completed by a qualified professional.

44. That the Developer obtain Work Permits from the NPCA prior to any works associated with the buffer plantings of the watercourse.

45. That Conditions 42 to 44 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.

46. That included on all offers of purchase and sale, is a statement that advises the prospective purchaser:

a. That the home/business mail delivery will be from a designated Centralized Mailbox.

b. That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mailbox locations prior to the closing of any home sales.

47. 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 cooperation 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.

48. That 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.

49. That the Owner dedicate Block 8 free and clear of all encumbrances for the purpose of a 0.3 reserve.

50. That prior to granting Approval for the Final Plan, the City of Welland will require written notice from the following upon their respective conditions having been met satisfactorily:

Region of Niagara: 19-41

Niagara Peninsula Conservation Authority: 42-45

Canada Post: 46-48

51. That the Owner agrees that there will be a future public road connection to the east end of Street A and this street will provide access to 18 Woodlawn Road and the lands known municipally as the Northern Reach if no alternative arrangement can be made to facilitate road access from Seaway Drive and easterly across lands known municipally as 800 Niagara Street.

52. 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 Plan Approval shall lapse. If the Owner wishes to request extension to Draft Plan Approval, a written request with reasons why the extension is required, must be received by the City prior to the lapsing date.

53. That parts 4, 5, 6, and 7 on Plan 59R-10141 are conveyed to the City of Welland; and further

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the Mayor and Clerk to sign the Draft Approval and Final Approval Plans and agreements once all conditions have been satisfied.

**CARRIED**

**2023 - 368**

**23-96** Moved by Setaram and Lee (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Canadian Federation of Independent Business dated June 6, 2023, regarding helping local small businesses affected by major construction.

**CARRIED**

**2023 - 369**

**23-100** Moved by Setaram and Lee (in block)

1. THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the purchase of two (2) new single axle plow trucks; and
2. THAT Welland City Council authorizes the replacement of an existing tandem truck (#459-0) with a triaxle dump truck; and
3. THAT Welland City Council authorizes the replacement of an existing street sweeper (#175-0) with a suitable replacement; and
4. THAT Welland City Council pre-approves funding in the amount of \$1,557,000 from the 2024 Fleet Replacement Capital project for the truck purchases as described herein.

**CARRIED**

**BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA)**

**2023 - 370**

**23-10** Moved by Setaram and Lee (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Gary Galambos for a three (3) year term, or until another successor is appointed and Diane Zakraysek-Bourque for a two (2) year term, or until another successor is appointed to the Property Standards Committee/Dog Control Appeal.

**CARRIED**

**2023 - 371**

**23-90** Moved by Setaram and Lee (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND pre-approves the Network Administrator position planned to be presented in the 2024 Operating budget and costs to be incurred in 2023 will be funding from the 2023 operating surplus.

**CARRIED**

**BY-LAWS**

Moved by Moote and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND having given due consideration to the following By-laws, as reproduced in this evening's Council Agenda, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

**23-22**

BYL 2023 - 106

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

**23-22**

BYL 2023 - 107

A By-law to amend By-law 2021-179 being a By-law to provide regulations for the Licensing and Inspecting of Short Term Rentals.

**23-22**

BYL 2023 - 108

A By-law to amend By-law 2019-134 being a By-law to establish an Administrative Penalty System for Non-Parking Related offences.

**13-117**

BYL 2023 - 109

A By-law to adopt an Affordable Rental Housing Community Improvement Plan.

**23-70**

BYL 2023 - 110

A By-law to authorize the adoption of Official Plan Amendment No. 42.

**23-70**

BYL 2023 - 111

A By-law to amend City of Welland Zoning By-law 2017-117 (File No. 2023-01) 16 Seaway Drive.

**23-31**

BYL 2023 - 112

A By-law to amend City of Welland Zoning By-law 2017-117 (File No. 2023-04) 18 Rose Avenue.

**CARRIED**

Moved by Green and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND having given due consideration to the following By-law, as reproduced in this evening's Council Agenda, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

**23-31**

BYL 2023 - 113

A By-law to authorize the adoption of Official Plan Amendment No. 45.

**CARRIED**

Moved by DiMarco 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.

**23-97**

BYL 2023 - 114

A By-law to exempt certain lands from Part-Lot Control - Block 242, Plan 59M-504, Parts 1-8 (inclusive) 59R-17697, (142, 148, 152, 156, 160, 164, 168, 176 Keelson Street), City of Welland.

**CARRIED**

Moved by McLeod and Lee

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.

**23-98**

BYL 2023 - 115

A By-law to exempt certain lands from Part-Lot Control - Block 239, Plan 59M-504, Parts 1-6 (inclusive) 59R-17723, (42, 46, 50, 54, 60 Rowlock Street), City of Welland.

**CARRIED**

Moved by Van Vliet 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.

**23-1**

BYL 2023 - 116

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 18<sup>th</sup> day July, 2023.

**CARRIED**

Council adjourned at 10:25 p.m.

These Minutes to be approved and adopted by Motion of Council this 15<sup>th</sup> day of August, 2023.

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**MAYOR**

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**CITY CLERK**