



COUNCIL MEETING AGENDA

Tuesday, June 18, 2019

7:00 P.M.

COUNCIL CHAMBERS – CIVIC SQUARE

1. **COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:40 p.m.)
(See yellow tab)**
 - Personal matters about an identifiable individual, including municipal or local board employees:
 - *Citizens appointment to the following:
Senior Citizens Advisory Committee*
 - Proposed or pending acquisition or disposition of land by the municipality or local board:
 - *Offer to sell to the City - Lots 955 - 958 inclusive, Plan 47.*

2. **ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:55 p.m.)**

3. **OPEN COUNCIL MEETING (7:00 p.m.)**
 - 3.1 **NATIONAL ANTHEM**
 - 3.2 **OPENING REMARKS**
 - 3.3 **ADDITIONS/DELETIONS TO AGENDA**
 - 3.4 **ADOPTION OF MINUTES**

Special Council Meeting of May 28, 2019 and Regular Council Meeting of June 4, 2019 (*Previously Distributed*).
 - 3.5 **CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE ITEMS (IN-CAMERA) TO BE ADDED TO BLOCK**
 - 3.6 **DISCLOSURES OF INTEREST**
 - 3.7 **COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN) (See pink tab)**



COUNCIL MEETING AGENDA – Page 2

Tuesday, June 18, 2019

7:00 P.M.

COUNCIL CHAMBERS – CIVIC SQUARE

4. ORAL REPORTS AND DELEGATIONS

4.1 PRESENTATION(S)

02-160 Harold Elston, Integrity Commissioner re: Legislative procedures.
(Background information provided in Council members packages).

19-87 Dr. Barry Wright, CEO and Vittoria Wikston, Senior Manager, Marketing & Community Development, 2021 Canada Games Hosts Society re: State of the Games.
(Background information provided in Council members packages).

4.2 DELEGATION(S) (maximum 5/10/5 policy) - Nil

4.3 AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORT(S)

09-104 Mayor Champion, Chair, Audit Review Committee - meeting of June 4, 2019.

4.4 LEGISLATED PUBLIC HEARINGS/MEETINGS - Nil

5. COMMITTEE-OF-THE-WHOLE (OPEN) (to discuss items removed from Agenda Block)

6. BY-LAWS (SEE AGENDA INDEX)

7. NOTICES OF MOTION

7.1 Councillor matters discussed with staff for reporting purposes

7.2 Notices of Motion (previously submitted for discussion)

(Councillor Speck)

19-84 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to bring back a report on the level of service of snow removal on sidewalks specifically on East Main Street between Wellington Street and Division Street; and further
THAT the report be completed in time to revise the level of service before the next snowfall.



COUNCIL MEETING AGENDA – Page 3

Tuesday, June 18, 2019

7:00 P.M.

COUNCIL CHAMBERS – CIVIC SQUARE

(Councillor Speck)

19-85 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to report back to Council on developing an anti-nepotism policy. This should compare and investigate the policies of other large municipalities such as Hamilton or Toronto, and also compare the City of Welland hiring policy, specifically but not limited to Section 1 Paragraph 3. This should be completed to report back during September.

(Councillor Spinosa)

19-86 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to create a By-law that helps to address the over-stimulation of senses in public spaces in order to set a standard for the comfort appropriate parties; and further THAT Welland City Council said By-law be approved by Council.

7.3 Call for Notices of Motion (for introduction at the next scheduled Council meeting)

8. CORPORATION REPORTS

8.1 Mayor's Report

8.2 Chief Administrative Officer's Report

9. CONFIRMATORY BY-LAW

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 18th day of June, 2019. Ref. No. 19-1

10. ADJOURNMENT



COUNCIL MEETING AGENDA INDEX

**Tuesday, June 18, 2019
7:00 P.M.**

COUNCIL CHAMBERS – CIVIC SQUARE

Page No.

AGENDA BLOCK

1. BUSINESS ARISING FROM MINUTES, PREVIOUS MEETINGS AND OTHER ITEMS REFERRED FROM COUNCIL FOR DISCUSSION - Nil

2. COMMITTEE AND STAFF REPORTS

1. Business Arising from Committee-of-the-Whole (closed)

1 2. General Committee Report to Council - June 11, 2019

2 3. Audit Review Committee Report to Council - June 4, 2019

4. Staff Reports

**3 - 5 TRANS-2019-03 Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer,
S. Zorbas - Transit Service Revisions. Ref. No. 19-13**

**6 - 7 HR-2019-03 Gen. Mgr., Human Resources & Legislative Services, R. Mantesso
- Staffing Levels at the Welland International Flatwater Center
(WIFC). Ref. No. 09-75**

**8 - 10 FIN-2019-14 Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer,
S. Zorbas - 2019 Debenture Request. Ref. No. 19-4**

**11 - 14 ENG-2019-25 Mgr., Engineering Services, C. Anders - Pine Street Municipal
Services Improvements - Construction Tender Award.
Ref. No. 19-58**

**15 - 18 ENG-2019-26 Mgr., Engineering Services, C. Anders - River Road Industrial
Subdivision - Construction Tender Award. Ref. No. 19-74**

**19 - 21 ENG-2019-27 Mgr., Engineering Services, C. Anders - CCTV Camera Survey of
Gravity Sewers 2019 and 2020 with possible two (2) year extension.
Ref. No. 19-79 (See By-law 1)**



COUNCIL MEETING AGENDA INDEX – Page 2

Tuesday, June 18, 2019

7:00 P.M.

COUNCIL CHAMBERS – CIVIC SQUARE

Page No.

- | | | |
|----------------|-------------------------------|--|
| 22 - 32 | <u>P&B-2019-28</u> | Chief Building Official, Infrastructure and Development Services,
J. Tosta - Spatial Separation Agreement - 37 Niagara Street.
Ref. No. 09-60 (See By-law 2) |
| 33 - 36 | <u>P&B-2019-29</u> | Mgr. of Policy Planning, R. Di Felice - Application for Tax Increment
Grant Program - Community Improvement Plan for the Downtown
and Health and Wellness Cluster - 2231048 Ontario Inc. - 37
Niagara Street. Ref. No. 09-60 (See By-law 3) |

3. NEW BUSINESS - Nil

4. BY-LAWS

MAY BE VIEWED IN THE CLERK'S DIVISION PRIOR TO THE MEETING IF DESIRED.

1. A By-law to enter into contract with Pipetek Infrastructure Services Inc. for CCTV Camera Survey of Gravity Sewers 2019 and 2020. Ref. No. 19-79
(See Report ENG-2019-27)
2. A By-law to authorize entering into a Spatial Separation Agreement with 2231048 Ontario Inc. and Goupil Investments Inc. affecting 2 Frazer Street and 37 Niagara Street. Ref. No. 09-60
(See Report P&B-2019-28)
3. A By-law to execution of a Tax Increment Grant Program Agreement (Community Improvement Plan) for 37 Niagara Street (File No. DHWC 2019-03). Ref. No. 09-60
(See Report P&B-2019-29)
4. A By-law to appoint a Vice Mayor for the period from June 19, 2019 to June 22, 2019. Ref. No. 19-12
(Vice Mayor coverage while mayor is attending a conference).
5. A By-law to Lay Out and Establish as public roadway and name Part 1, Plan 59R-16385 and Part 1, Plan 59R-16438 as part of Sumbler Road. Ref. No. 19-90
(By-law to establish a part of Sumbler Road as a public roadway).

GENERAL COMMITTEE REPORT TO COUNCIL

On Tuesday, June 11, 2019, the General Committee met with the following members in attendance: Chair, J. Larouche, F. Campion, J. Chiochio (until 8:15 p.m.), B. Fokkens, B. Green, A. Moote, C. Richard, G. Speck, L. Spinosa and L. Van Vliet.

The General Committee recommends Council approval on the following matters:

15-41

THAT THE GENERAL COMMITTEE receives for information the presentation by Kay Matthews, Executive Director, Ontario Business Improvement Area Association (OBIAA) regarding Municipal Business Improvement Area (BIA).

19-83

THAT THE GENERAL COMMITTEE receives for information the presentation by David Heyworth, Official Plan Policy Consultant on behalf of the Niagara Region, regarding Creating a new Regional Official Plan – Spring 2019 Update.

19-83

THAT THE GENERAL COMMITTEE receives for information the presentation by Sean Norman, Senior Planner, Niagara Region, Planning and Development Services regarding Natural Environment Background Study for the Regional Official Plan.

Respectfully submitted,



TARA STEPHENS
City Clerk



AUDIT REVIEW COMMITTEE MEETING MOTIONS REQUIRING COUNCIL APPROVAL

Tuesday, June 4, 2019
6:10 p.m.
Council Ante Room

Mayor Campion in the Chair

Members in Attendance: Councillors Larouche, McLeod, Van Vliet and DiMarco

The following is a Summary of Motions and Recommendations from the Audit Review Committee requiring Council approval:

1. 2018 DRAFT AND UNAUDITED YEAR-END REPORT OF THE CITY OF WELLAND UP TO AND INCLUDING DECEMBER 31, 2018

THAT THE AUDIT REVIEW COMMITTEE forward to Council for information the 2018 Draft and Unaudited Year-End Report up to and including December 31, 2018 (FIN-2019-13); and further

THAT Welland City Council approves that the 2018 Tax Supported Budget forecasted surplus (unaudited and estimated to be \$1,034,456) be allocated to the Operating Surplus Reserve Fund; and further

THAT Welland City Council approves that the 2018 Rate Supported Budget forecasted surplus (unaudited and estimated to be \$188,202) be allocated to the Water/Wastewater Reserve Fund as recommended by the Audit Review Committee.

As recommended by the Audit Review Committee at its meeting of June 4, 2019.

Date Submitted: June 18, 2019

Submitted by Elizabeth Pankoff, Manager, Budgets and Financial Reporting/Deputy Treasurer, on behalf of the Audit Review Committee.

(Signature)

COUNCIL
CORPORATE SERVICES
TRANSIT DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

19-13

REPORT TRANS-2019-03
JUNE 18, 2019

SUBJECT: TRANSIT SERVICE REVISIONS

AUTHOR: DAVE STUART, TRANSIT MANAGER

**APPROVING G.M.: STEVE ZORBAS, CPA, CMA, B.Comm, DPA,
GENERAL MANAGER, CORPORATE SERVICES, CHIEF FINANCIAL
OFFICER/TREASURER**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives report TRANS-2019-03 – Transit Service Revisions; and further

THAT Welland City Council approves the revisions to routes 508 and 509 as outlined within the report.

ORIGIN AND BACKGROUND:

Welland Transit's route 508 has historically served the Niagara College campus, as well as the Seaway Mall. Several years ago, when Walmart made a decision to move away from the Seaway Mall to their current location on Woodlawn Rd., Transit modified this route to extend it to their new location. This extension of the route has progressively become problematic, as it pertains to schedule adherence, due to: increased traffic on the buses (requiring more stops and longer loading sessions), additional traffic moving through the Woodlawn Rd. Smart Centre site, and lay over time while making connections with Niagara Region Transit at the Seaway Mall.

Although it has always been a busy route, Transit is aware the Walmart store is a major traffic generator, providing much needed public transportation for their staff, as well as customers, and thus, have made every effort to keep this route on time to maintain the schedule adherence of the entire service. It is apparent to Transit staff that the route cannot remain in its current state and maintain its schedule. Even in the best weather and traffic conditions the Bus Operators are finding this route too demanding and their repeated late arrivals at the Bus Terminal diminish Transit's ability to maintain solid connections to the other routes for customer connections.

To address this issue, Transit staff have reviewed the areas serviced by routes 508 and 509 and have determined there are some advantageous synergies to revising both these routes to maintain the current coverage, while ensuring both routes can efficiently maintain their schedules. To achieve this objective, portions of route 508's routing have been moved to route 509's service area. These revisions will ensure the same coverage areas are maintained for the benefit of our customers, while allowing our Bus Operators to arrive at and depart the Bus Terminal on schedule.

COMMENTS AND ANALYSIS:

For clarification, the following information outlines the historical challenges, as well as the revisions proposed to address these issues:

Route 508 – This route is currently 14 kms in length and requires 27 minutes to complete in ideal conditions. It is virtually impossible to keep on time in inclement weather.

Route 509 – This route is currently 8 kms in length and requires 17 minutes to complete in ideal conditions.

By revising the two routes through a merger of the coverage areas, both routes 508 and 509 become approximately 10 kms in length and require 22 minutes to complete. This is an ideal route length and timing to ensure both routes 508 and 509 depart and arrive at the Bus Terminal in a timely manner making solid connections to the balance of the routes. Transit staff are confident this revision will make the service more efficient and convenient throughout the entire year.

This revision does not detract from any route coverage areas. Thus, the areas / streets which did have coverage will continue to enjoy bus service moving forward, especially the high traffic generators such as the Seaway Mall, Niagara College, and Walmart.

FINANCIAL CONSIDERATION:

There are no financial implications to these service revisions.

OTHER DEPARTMENT IMPLICATIONS:

Transit staff would ensure the City Communications staff are made aware of these revisions to further assist with informing the community via all print, electronic, and social media channels. As always, if a bus stop were to be relocated, assistance would be sought from City Parking, and Public Works staff.

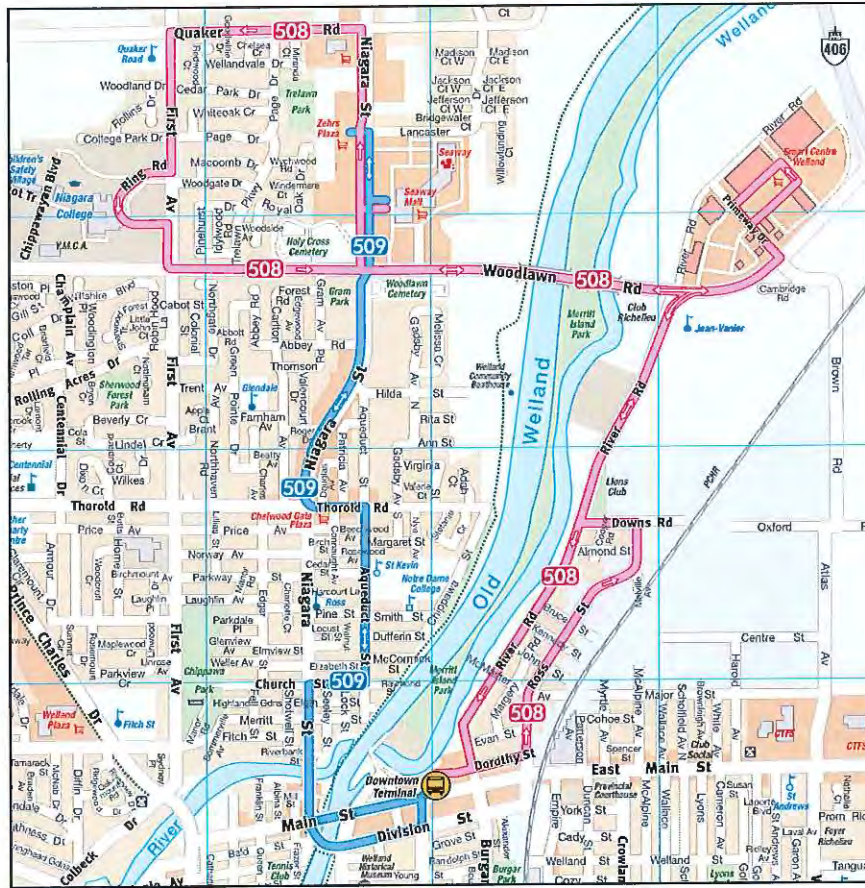
SUMMARY AND CONCLUSION:

Transit staff are confident this merger / revision of routes 508 and 509 will resolve the schedule adherence challenges currently being realized by route 508 Woodlawn Rd. This route was too long in length and routinely held-up the balance of the routes, which were waiting for the customers transferring off this bus. The service and coverage areas have been maintained while enhancing the overall effectiveness of the system. The decision to support route revisions was discussed at the May 22, 2019 Transit Advisory Committee meeting and the members supported moving this report to Council for final approval. If approved, this revision would be implemented at the beginning of September 2019.

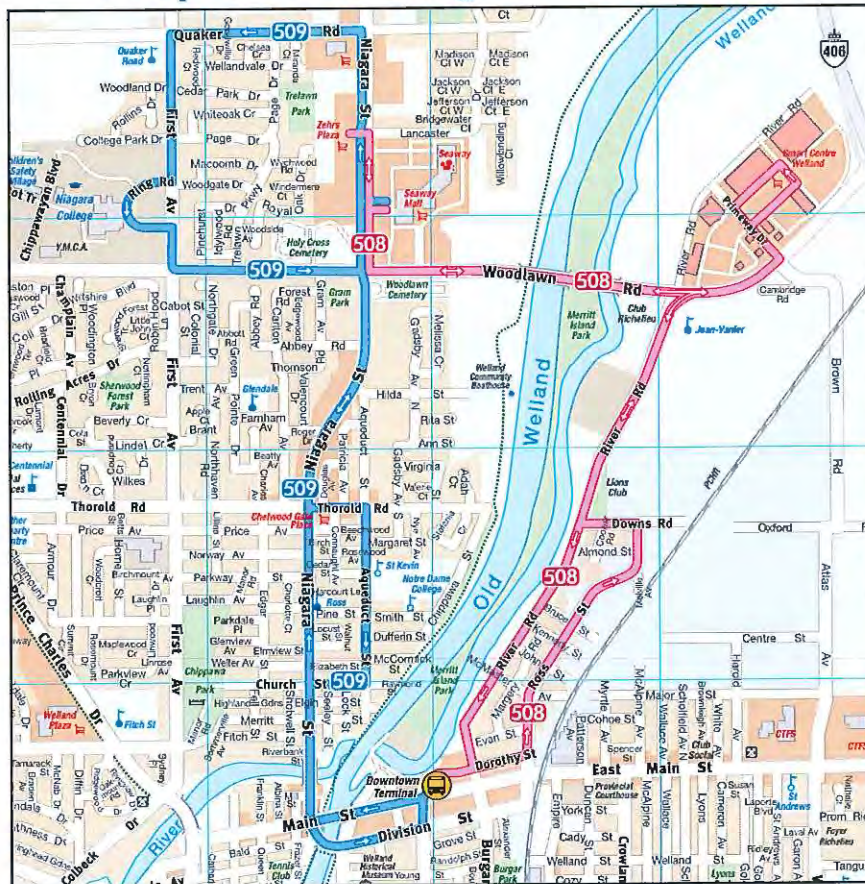
ATTACHMENTS:

Appendix I – Map showing current & proposed routes 508 and 509.




Current routing for 508 & 509



Proposed routing for 508 & 509



COUNCIL
HUMAN RESOURCES DEPARTMENT

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT HR-2019-03
JUNE 18, 2019

09-75

SUBJECT: STAFFING LEVELS AT THE WELLAND INTERNATIONAL FLATWATER CENTER (WIFC)

AUTHOR AND APPROVING G.M.: ROSANNE MANTESSO, GENERAL MANAGER, HUMAN RESOURCES & LEGISLATIVE SERVICES

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information staff report HR-2019-03 entitled Staffing Levels at the Welland International Flatwater Center (WIFC).

ORIGIN AND BACKGROUND:

At the June 4, 2019 Council meeting a Notice of Motion was approved by Council requesting a staff report outlining the staffing levels at the WIFC.

COMMENTS AND ANALYSIS:

The current staffing levels at the WIFC total 15 and are broken down as follows:

- 1 – Full time Non-Union Works Foreman
- 6 – Temporary seasonal On-Water Attendants
- 7 – Temporary seasonal Canal Rental Attendants
- 1 – Contract Special Events Coordinator

FINANCIAL CONSIDERATION:

All positions listed above are within the current 2019 budget allocation for the WIFC. There is no additional financial consideration associated with this report.

OTHER DEPARTMENT IMPLICATIONS:

Not applicable.

SUMMARY AND CONCLUSION:

This staff report is presented for information as directed by Council through an approved Notice of Motion.

COUNCIL
CORPORATE SERVICES
FINANCE DIVISION

APPROVALS	
GENERAL MANAGER	R
CFO	or
CAO	HL

19-4

REPORT FIN-2019-14
JUNE 18, 2019

SUBJECT: 2019 DEBENTURE REQUEST

**AUTHOR: ELIZABETH PANKOFF, MBA, CPA, CGA,
MANAGER OF BUDGETS & FINANCIAL REPORTING / DEPUTY
TREASURER**

**APPROVING G.M.: STEVE ZORBAS, CPA, CMA, B.Comm, DPA,
GENERAL MANAGER, CORPORATE SERVICES, CHIEF FINANCIAL
OFFICER / TREASURER**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND requests that the Regional Municipality of Niagara issue debentures in the amount of \$5,188,000 in accordance with the terms of the various authorizing By-laws outlined in Appendix I to Report FIN-2019-14 dated June 18, 2019 and further

THAT Welland City Council directs the Chief Financial Officer to make available to Regional Municipality of Niagara certified copies of all applicable By-laws and Ministry of Environment Certificates applicable and all other information required in connection thereto to ensure the issue of the debentures in the amount of \$5,188,000 are for the projects described in Appendix I.

ORIGIN AND BACKGROUND:

In the past, the Region of Niagara has issued debenture requests for the City of Welland and the other eleven area municipalities. In order for the City to receive a reasonable interest rate, the City is dependent on the Region for maintaining its debt rating, which is currently an "AA Stable" rate and has been for the past 10 years. This rate can change as the Region's debt level changes.

When debenturing with the Region of Niagara, the term of the debt is for 10 years and can only be requested once a year for a specific project and for a specific amount. Even though the request is made once a year, the funds can be received for any phase of the project, before, during or at completion.

COMMENTS AND ANALYSIS:

The 2019 borrowing requirements (Appendix I) for the City of Welland reflect funding for capital projects and equipment acquisitions approved during the 2019 Capital Budget process.

The list of capital projects that require debenturing for 2019 are from the 2019 Tax Supported Capital Budget approved on February 19, 2019, the 2019 Water/Wastewater Capital Budget

approved on March 5, 2019, and Fire Station #1 design fees, approved with the 2018 Tax Supported Capital Budget on December 19, 2017.

FINANCIAL CONSIDERATION:

The issuing of the debentures identified in Appendix I will bring the City's total outstanding debt to approximately \$49.2 million for 2019.

The City's self-imposed debt management strategy caps debt charges at a maximum of 7% of the Water and Wastewater Operating Budgets. The City's self-imposed debt management strategy caps debt charges at a maximum of 11% of the Tax-Supported Operating Budget and the City's total debt charges are within its Provincial regulations.

OTHER DEPARTMENT IMPLICATIONS:

All departments assisted in the accumulation of supporting documentation for the 2019 Debenture Issue Financing Request.

SUMMARY AND CONCLUSION:

Staff requests that Council accepts the recommendations of this report which will allow staff to secure the previously approved debentures required to fund the projects, equipment and initiatives listed in Appendix I.

ATTACHMENTS:

Appendix I – The Regional Municipality of Niagara 2019 Debenture Issue Financing Request

THE REGIONAL MUNICIPALITY OF NIAGARA
2019 Debenture Issue Financing Request

DEBENTURE AUTHORITY REQUEST - 2019

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Item No.	Description	Account No	Authorizing By-Law	MOE File No.	MOE Date	Debentures Authorized by Council	Debentures Previously Issued	Debentures Now Being Issued	Debentures Available for future Use
City of Welland									
<u>Term 1-10 Year Serial Debenture</u>									
1	New Fire STN-STN #1 Design Fees Phase 1 of 2	10-210-18006	2017-145	N/A	N/A	1,000,000		1,000,000	-
2	Municipal Service centre Roof Replacement - Phase 2 of 3	10-444-19083	2019-14	N/A	N/A	550,000		550,000	-
3	Washroom converted to Female Change Room- Main Arena	10-432-19125	2019-14	N/A	N/A	50,000		50,000	-
4	Fleet Replacements - General	10-323-19026	2019-14	N/A	N/A	850,000		850,000	-
5	2- 40' Conventional Buses	10-810-19160	2019-14	N/A	N/A	625,000		625,000	-
6	Memorial Park Rejuvenation	10-410-19048	2019-14	N/A	N/A	295,000		295,000	-
7	Summerlea Park Playground & Landscaping	10-410-19132	2019-14	N/A	N/A	183,000		183,000	-
8	Bradley Avenue (Base Asphalt)	10-320-19886	2019-14	N/A	N/A	25,000		25,000	-
9	Asphalt Patching	10-320-19445	2019-14	N/A	N/A	160,000		160,000	-
10	West Main Street Area- Infrastructure Improvements	10-910-19888	2019-22	N/A	N/A	200,000		200,000	-
11	Cast Iron Watermain Replacements	10-910-19215	2019-22	N/A	N/A	1,250,000		1,250,000	-
Sub-Total for 10 year debenture						\$5,188,000	-	\$5,188,000	-
Total - City of Welland						\$5,188,000	-	\$5,188,000	-
TOTAL DEBENTURE ISSUE AUTHORITY REQUEST - 2019								\$5,188,000	

Signature:

Elizabeth Pankoff, MBA, CPA, CGA
Manager of Budgets & Financial Reporting / Deputy Treasurer

COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES
ENGINEERING DIVISION

APPROVALS	
GENERAL MANAGER	CA
CFO	[Signature]
CAO	[Signature]

REPORT ENG-2019-25
JUNE 18, 2019

19-58

**SUBJECT: PINE STREET MUNICIPAL SERVICES IMPROVEMENTS –
CONSTRUCTION TENDER AWARD**

**AUTHOR(S): MATTHEW MAIN A.Sc.T., E.I.T.
ENGINEERING DESIGN SUPERVISOR**

**APPROVING MANAGER: CHRIS ANDERS, P. ENG.
MANAGER OF ENGINEERING SERVICES**

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of Nexterra Substructures Inc. as detailed in Report ENG-2019-25 for the Pine Street Municipal Services Improvements; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into contract with Nexterra Substructures Inc. to execute the construction.

ORIGIN AND BACKGROUND:

In the 2016 Capital Budget Pine Street was identified for rehabilitation. This included repairing any broken sections of sidewalk and using cold in place recycling to rehabilitate the roadway. After further investigation, it was found that the watermain and sanitary sewer were in poor condition. The scope of work was increased to include full reconstruction of the road, curb, sidewalk, watermain and services, sanitary sewer and laterals.

COMMENTS AND ANALYSIS:

The tender for the works was released on Monday May 8, 2019 and was publicly advertised and listed with the Niagara and Toronto Construction Associations, and as well, posted with a major Canadian tendering website for two (2) weeks plus two (2) days due to an addendum.

There were seven (7) plan takers and seven (7) tenders were received on the closing day, Wednesday May 1, 2019. Submissions have been reviewed for accuracy. Six (6) of the seven (7) submissions were found to be in compliance with City of Welland tender requirements and the provisions of the current Purchasing Policy. One tender was disqualified for submitting an informal tender.

The summary of all the tenders received, excluding taxes, is as shown in the following table:

CONTRACTOR NAME AND ADDRESS	TENDER PRICE
Nexterra Substructures Inc. 7226 Reixinger Road Niagara Falls, ON, L2E 6S6	\$676,499.90
Vic Vatrt Contracting 15 St. George Street Welland, ON L3C 5N1	\$717,751.30
Peters Excavating 3 Cross Street Welland, ON L3B 5X6	\$756,225.50
Alfred Beam Excavating Ltd. 1219 Sunset Drive Fort Erie, ON L2A 5M4	\$785,852.50
Catalina Excavating Inc. 913 Mud Street East Stoney Creek, ON L8J 3C1	\$856,793.00
Provincial Construction (N.F.) Ltd. 4382 Montrose Road Niagara Falls, ON L2H 1K2	\$925,195.00
O'Hara Trucking and Excavating 71 Berryman Avenue St. Catharines, ON L2R 0A2	Informal Tender

Nexterra Substructures Inc. of Niagara Falls, Ontario, the low tenderer, is an established company in southern Ontario, serving the Niagara Region, and has been successful with similar work. Staff at this time considers the firm's performance to be satisfactory in accordance to our specifications and standards, and therefore, recommends that the firm be awarded the contract.

Work is expected to begin this summer and continue for approximately two and half months until completion.

FINANCIAL CONSIDERATION:

The tender price from the low bidder plus approximately 1.76% for the City's HST share and 2% for engineering and material testing, results in an ultimate project value of approximately **\$702,000.00**

A breakdown of the funding structure for this project is shown in the following table:

Funding Breakdown

2016 & 2018 Capital Budget	Amount
Roadways – Pine Street Cold Recycled Asphalt Resurfacing (10-320-E22)	\$145,205.00
Sidewalk – Pine Street Sidewalk Replacement (10-316-E10)	50,000.00
Roadways – Pine Street Road Replacement (10-320-G45)	\$139,739.00
Sidewalks – Pine Street Sidewalk Replacement (10-316-G21)	\$50,000.00
Waterworks – Pine Street Watermain Replacement (10-910-G67)	\$296,784.00
Wastewater – Sewer Lining/Rehabilitation (10-330-G16)	\$25,000.00
Total Funding	\$706,728.00

SUPPORT OF ASSET MANAGEMENT PLAN:

The 2016 Addendum to the City of Welland Comprehensive Asset Management Plan identifies that “infrastructure expenditure needs are in excess of the available revenue. The analysis indicates that the funding gap is approximately \$20 million per year” (page 22). It also identifies current asset management strategies that are practiced in Welland (pg 15). The Pine Street construction aligns with the following strategies:

- Cast Iron Watermain Replacement
The replacement of old cast iron watermains is also among the highest priority projects in Welland. The iron watermains account for a significant portion of the City’s expenditure needs in the water distribution system.
- Intergrated right-of-way asset replacement
The City strives to optimize when and how assets in the same right of way are replaced. This approach provides better value for infrastructure renewal dollars because it is typically more cost effective to replace all of the infrastructure in the same right-of-way.

OTHER DEPARTMENT IMPLICATIONS:

Contract administration for tendering, agreement, and contract payments have been and will be kept in compliance with the agreed practices of the Finance, Clerks and Legal departments.

SUMMARY AND CONCLUSION:

In the 2016 Capital Budget, Pine Street from Niagara Street to Aqueduct Street was identified for rehabilitation. During further investigation, it was discovered rehabilitation would not be sufficient and the existing assets needed to be replaced and the street reconstructed.

The low tender price submitted for the construction is within the approved funding amount approved in the 2016 and 2018 capital budgets and since the projects aligns with the City’s asset management strategies staff recommends the awarding of the Pine Street Municipal Services Improvements contract to Nexterra Substructures Inc..

ATTACHMENTS:

Appendix I – Pine Street Municipal Services Improvements - Location Map

Appendix I

LOCATION PLAN



COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES
ENGINEERING DIVISION

APPROVALS	
GENERAL MANAGER	CA
CFO	CA
CAO	PH.

19-74

REPORT ENG-2019-26
JUNE 18, 2019

SUBJECT: RIVER ROAD INDUSTRIAL SUBDIVISION -
CONSTRUCTION TENDER AWARD

AUTHOR(S): MATTHEW MAIN A.Sc.T., E.I.T.
ENGINEERING DESIGN SUPERVISOR

**APPROVING
MANAGER:** CHRIS ANDERS, P. ENG.
MANAGER OF ENGINEERING SERVICES

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of Alfred Beam Excavating Ltd. as detailed in Report ENG-2019-26 for the River Road Industrial Subdivision; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into contract with Alfred Beam Excavating Ltd. to execute the construction.

ORIGIN AND BACKGROUND:

Business development and job creation have been identified as strategic priorities for Council. To support this priority, Council approved the creation of a 33 acre industrial park at the March 6, 2018 meeting of Council.

Staff are continuing to work on the development of the industrial park and are providing updates to Council as milestones are reached.

The subdivision will be serviced by extending the existing sanitary sewer on Downs Drive to the east limit, widening and paving Downs Drive east of Ross Street. The existing watermain on Downs Drive will be used to supply water to the subdivision. Storm drainage will be conveyed through a new ditch through the property and roadside ditches on Downs Drive. The proposed lot fronting River Road will be serviced from the existing sanitary sewer and watermain on River Road.

COMMENTS AND ANALYSIS:

The tender for the works was released on Wednesday May 15, 2019 and was publicly advertised and listed with the Niagara and Toronto Construction Associations, and as well, posted with a major Canadian tendering website for two (2) weeks.

There were eight (8) plan takers and five (5) tenders were received on closing day, Thursday May 30, 2019. Submissions have been reviewed for accuracy. All have been found to be in compliance with City of Welland tender requirements and the provisions of the current Purchasing Policy.

The summary of all the tenders received, excluding taxes, is as shown in the following table:

CONTRACTOR NAME AND ADDRESS	TENDER PRICE
Alfred Beam Excavating Ltd. 1219 Sunset Drive Fort Erie, ON L2A 5M4	\$699,884.00
Peters Excavating Inc. 3 Cross Street Welland, ON L3B 5X6	\$820,111.80
Seawaves Development Services Inc. 528 Upper Sherman Avenue Hamilton, ON L8V 3M1	\$820,643.50
Centennial Infrastructure (Niagara) Inc. 353 Townline Road Niagara-on-the-Lake, ON L06 1J0	\$866,034.60
O'Hara Trucking and Excavating 71 Berryman Avenue St. Catharines, ON L2R 0A2	\$1,209,630.50

Alfred Beam Excavating Ltd. of Fort Erie, Ontario, the low tenderer, is an established company in southern Ontario, serving the Niagara Region, and has completed similar work. Staff at this time considers the firm to be satisfactory and therefore, recommends the firm be awarded the contract.

Work is expected to begin at the end of June and continue for approximately two and half months until completion.

FINANCIAL CONSIDERATION:

The tender price from the low bidder plus approximately 1.76% for the City's HST share and 2% for material testing results is an ultimate construction cost of approximately **\$727,000.00**. This is a \$47,000.00 or a seven percent (7%) increase from the construction cost estimate outlined in the last council report ENG-2018-33 - New River Road and Downs Drive Industrial Park – Land Clearing.

Below is an updated cost breakdown for the project including the updated Construction Cost. This will continue to be updated as Staff receives pricing for the various components of the project.

Updated Project Cost Breakdown

Item	Amount
Construction Cost	\$727,000.00
Engineering and Contract Administration Estimate	\$145,000.00
Land Clearing Estimate	\$97,800.00
Contingency	\$100,000.00
Total	\$1,069,800.00

Funding for this project will be from the Strategic Economic Development Initiative Fund, approved in the 2017 Budget.

OTHER DEPARTMENT IMPLICATIONS:

Contract administration for tendering, agreement, and contract payments have been and will be kept in compliance with the agreed practices of the Finance, Clerks and Legal departments.

Engineering staff will continue to work with the City's Development Team, through all phases of the design and construction of the proposed development.

SUMMARY AND CONCLUSION:

Serviced light industrial land is critical to the continued economic growth of the City. The proposed River Road light industrial subdivision will continue on the success of the Enterprise Subdivision. This will give the City of Welland an advantage over other municipalities in Niagara for attracting new businesses to the city.

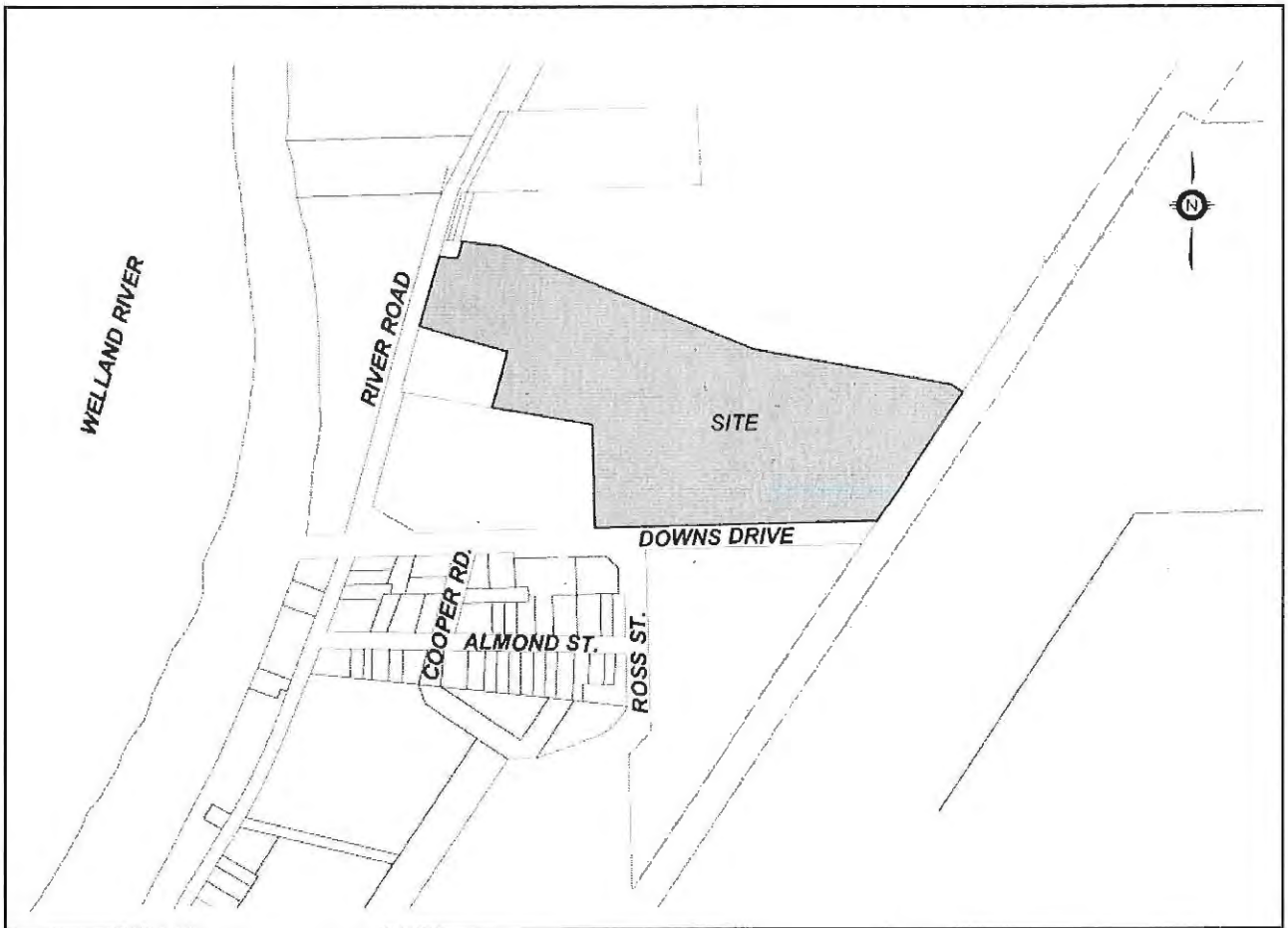
To service the industrial subdivision existing servicing in the Downs Drive right-of-way and site grading needs to be completed. This work includes the upgrading the existing sanitary sewer, paving Downs Drive east of Ross Street, and re-routing the existing ditch through the property.

In order to complete the work staff recommends the awarding of the River Road Industrial Subdivision contract to Alfred Beam Excavating Ltd.

ATTACHMENTS:

Appendix I - River Road Industrial Subdivision – Location Plan

LOCATION PLAN



COUNCIL
INFRASTRUCTURE SERVICES
ENGINEERING DIVISION

APPROVALS	
GENERAL MANAGER	CA
TREASURER	CA
CITY MANAGER	

REPORT ENG-2019-27
June 18, 2019

19-79

**SUBJECT: CCTV CAMERA SURVEY OF GRAVITY SEWERS
2019 and 2020 WITH POSSIBLE TWO (2) YEAR
EXTENSION**

**AUTHOR: MARVIN INGEBRIGTSEN, P. ENG.
INFRASTRUCTURE PLANNING & ASSET MANAGEMENT
SUPERVISOR**

**APPROVING G.M.: CHRIS ANDERS, P. ENG.
MANAGER OF ENGINEERING SERVICES**

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender from Pipetek Infrastructure Services for the **CCTV Camera Survey of Gravity Sewers 2019 and 2020 with possible two (2) year extension**, as presented in Report **ENG-2019-27**; and further;

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a two (2) year contract with Pipetek Infrastructure Services, to execute the 2019 and 2020, with possible two (2) year extension CCTV Camera Survey of Gravity Sewers at the tender price of \$ 350,830.00, excluding applicable taxes, with the 2020 to 2022 portion being subject to budget approval.

ORIGIN AND BACKGROUND:

The Closed Circuit Television (CCTV) inspection program is undertaken on an annual basis as part of the normal level of service to monitor the internal condition of sanitary & storm gravity sewers in the City.

The inspection of the City's sewer infrastructure provides information for assessing the condition of each sewer and the degree of deterioration that has taken place since the last inspection. This information is used to estimate the remaining service life of the sewer system and to estimate the significance of groundwater infiltration entering the sewer. It also identifies spot defects, material settlements, and obstructions, which can cause sewer backups unless removed/cleared on a regular basis. Through this program, staff is able to accumulate information to plan and prioritize sewer repairs, replacements and maintenance to ensure the continued function and reliability of the sewer system.

Given the aging nature of the City's sewer system, coupled with the infrastructure-funding gap presently experienced in order to maintain "State of Good Repair", the importance of this program cannot be understated.

COMMENTS AND ANALYSIS:

Staff issued a Tender for CCTV Camera Survey of Gravity Sewers for a two (2) year contract with the possibility to extend the contract an additional two (2) years on a year-by-year basis. There are separate unit prices for each year's portion of the contract. This approach is advantageous as it allows competitive prices to be maintained over a longer period, and result in a cost savings for the City. Another benefit to this arrangement is that it can allow the contractor to begin the 2020 program immediately following 2020 budget approval. There would be no penalty to the City should the 2020 budget not get approved.

There were four plan takers and four tenders were received on closing day, Thursday June 13, 2019. Submissions have been reviewed for accuracy, and found to be in compliance with City of Welland tender requirements and the provisions of the current Purchasing Policy.

The summary of all tender prices (excluding applicable taxes) is as shown in the following table:

TENDER PRICE Excl.HST (2019 + 2020)	CONTRACTOR NAME AND ADDRESS
\$ 350,830.00	Pipetek Infrastructure Services 2250 Industrial St. Burlington, ON L7P 1A1
\$ 400,635.00	Nieltech Services Ltd. 75 Moorefield St., Unit 1 Cambridge, ON N1T 1S2
\$ 455,462.00	Wessuc Inc. 1693 Colborne St. E. Brantford, ON N3T 5L4
\$ 477,220.00	284612 Ontario Ltd. o/a Bob Robinson & Son Construction 9687 Biggar Road P.O. Box 129 Port Robinson, ON L0S 1K0

Pipetek Infrastructure Services, the low tenderer, is an established company, and has successfully completed annual CCTV contracts for Ontario Municipalities. Staff at this time considers the Contractor's performance to be satisfactory in accordance to our specifications and standards, and therefore, recommends that this Contractor be awarded the contract.

Commencement of this contract will start shortly following award, and expected to be complete by the end of November 2019. The 2020 portion of the contract is expected to run from April 1, 2020 to November 30, 2020, subject to budget approval.

FINANCIAL CONSIDERATION:

The budget for the annual CCTV inspection contract is based on a 5 year cycle program that allows for sewers in the entire City to be inspected every 5 years. The funding amount to complete the sanitary and storm sewer inspection portions of the program is \$150,000 and \$100,000 respectively.

The table below summarizes the budget and tender amounts for 2019 and 2020.

Year	BUDGET			TENDER Excl. HST		
	Sanitary	Storm	Total	Sanitary	Storm	Total
2019	\$150,000	\$100,000	\$250,000	\$ 110,155	\$65,510	\$ 175,665
*2020	\$150,000	\$100,000	\$250,000	\$ 109,655	\$65,510	\$ 175,165
Total	\$300,000	\$200,000	\$500,000	\$ 219,810	\$ 131,020	\$ 350,830

*2020 Subject to budget approval

Staff feels that the prices are consistent with the current market value.

The tenders have been reviewed for accuracy and found to comply with City of Welland's tender requirements and the provisions of the current Purchasing Policy.

OTHER DEPARTMENT IMPLICATIONS:

Contract tendering complies with the current Purchasing Policy and contract legal practices of the Financial and Corporate Services, and the Communications, Council and Legislative Services departments.

SUMMARY AND CONCLUSION:

The Closed Circuit Television (CCTV) inspection program is undertaken on an annual basis as part of the normal level of service to monitor the internal condition of sanitary & storm gravity sewers in the City.

Staff issued a Tender for CCTV Camera Survey of Gravity Sewers, for a two (2) year contract (2019 and 2020), with the possibility to extend the contract an additional two (2) years on a year-by-year basis.

Pipetek Infrastructure Services, the low tenderer, is an established company in Ontario, and has successfully completed annual CCTV contracts for other City's in Ontario. Staff recommends awarding of the CCTV Camera Survey of Gravity Sewers 2019 & 2020 contract to Pipetek Infrastructure Services for \$ 350,830.00, excluding applicable taxes, with the authorization to proceed with the 2020 to 2022 portions being subject to budget approval.

ATTACHMENTS:

None

COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT P&B-2019-28
JUNE 18, 2019

09-60

**SUBJECT: SPATIAL SEPARATION AGREEMENT
37 NIAGARA STREET**

**AUTHOR: JACK TOSTA, CBCO, CPSO
CHIEF BUILDING OFFICIAL**

**APPROVING G.M.: JACK TOSTA, CBCO,
CHIEF BUILDING OFFICIAL, INFRASTRUCTURE AND
DEVELOPMENT SERVICES**

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND receive report 2019-28 entitled "Spatial Separation Agreement with RJR Excavating and Waterproofing.", and,

That the Mayor and Clerk be authorized to execute a Spatial Separation Agreement with RJR Excavating and Waterproofing once the conditions of approval have been satisfied and the Spatial Separation Agreement finalized.

ORIGIN AND BACKGROUND:

The Building Division has received a request from RJR Excavating and Waterproofing to enter into an agreement with the City to satisfy requirements of the Ontario Building Code with respect to the maximum amount of window and door openings and the limiting distance of exposed building face.

The builder, RJR Excavating and Waterproofing, is proposing to construct a one storey 222.96 m² office building at 37 Niagara Street in Welland. To further facilitate pedestrian accessibility, the builder has proposed to install additional entrance doors and windows on the west elevation of the building facing the vacant lot located at 2 Fraser Street. (see attached site plan and elevations). Both properties 37 Niagara Street and 2 Fraser Street are owned by RJR Excavating and Waterproofing.

COMMENTS AND ANALYSIS:

The maximum area of unprotected openings (i.e. windows, doors, etc.) in an exposed building face or the exterior wall of any new building is regulated by the Ontario Building Code by restricting the proximity of the building to the property line (also referred to as the limiting distance). The greater the amount of unprotected openings in a building face, the further the building must be located from the property line.

The intent of this regulation is to protect buildings from each other by limiting the degree of radiation produced during a fire within the building from exposure to the adjacent

buildings by way of windows and doors. Due to the proximity of the west elevation (exposed building face) to the property line, any windows and doors would exceed the maximum area of openings permitted by the Ontario Building Code.

Section 9.10.14 of the Ontario Building Code allows a mechanism for relief from the limiting distance regulation by way of an agreement. Furthermore, such an agreement must incorporate the following:

- a) the owners of the properties on which the limiting distance is measured and the municipality enter into an agreement in which such owners agree that,
- each owner covenants that, for the benefit of the land owned by the other covenanters, the owner will not construct a building on his or her property unless the limiting distance for the exposed building face in respect of the proposed construction is measured in accordance with the agreement;
 - the covenants contained in the agreement are intended to run with the lands, and the agreement shall be binding on the parties and their respective heirs, executors, administrators, successors and assigns;
 - the agreement shall not be amended or deleted from title without the consent of the municipality;
 - they will comply with such other conditions as the municipality considers necessary, including indemnification of the municipality by the other parties; and
 - the agreement referred to in Clause(a) is registered against the title of the properties to which it applies.

The point of measurement which regulates the number of windows and door openings is permitted to be taken from a point beyond the property line by way of the above mentioned agreement. RJR Excavating and Waterproofing will therefore agree not to construct any buildings on lot 4 until the requirements of the agreement are satisfied and consent of the Town is obtained.

To facilitate the proposal, a Spatial Separation Agreement has been drafted and reviewed by the City's legal counsel.

In light of the above, Staff recommend that Council enter into a Spatial Separation Agreement with RJR Excavating and Waterproofing provided the following conditions are met: that RJR Excavating and Waterproofing agree to absorb all financial costs associated with the creation, review, and registration of the agreement including costs borne by engineering consulting, legal fees, surveying costs, etc.

FINANCIAL CONSIDERATION:

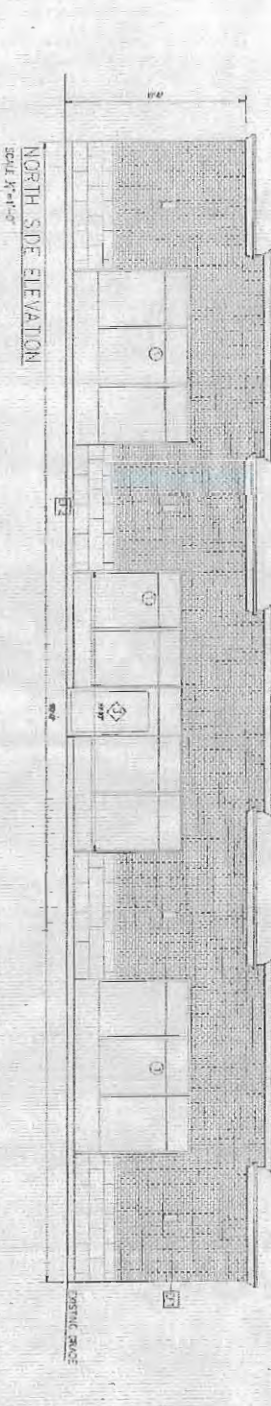
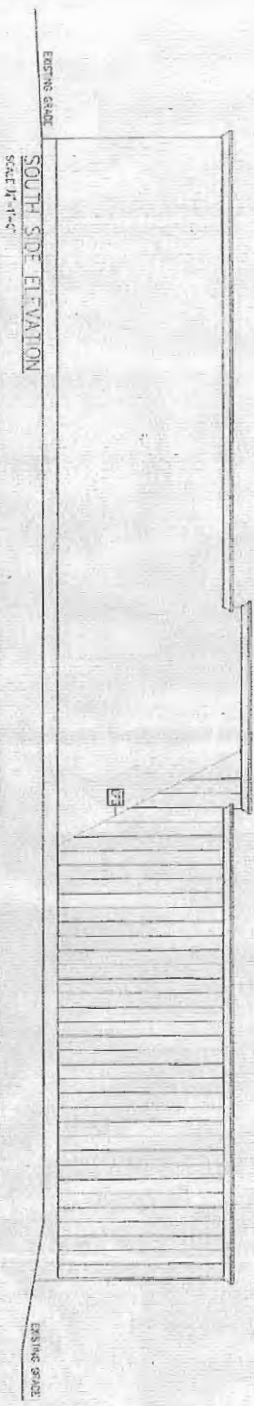
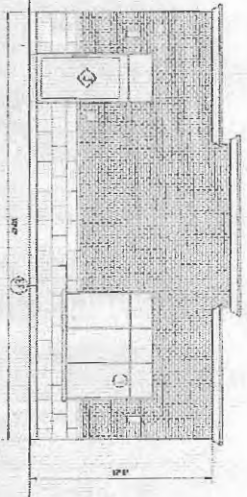
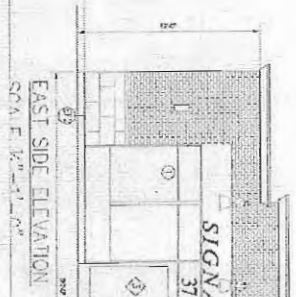
There are no financial impacts on the proposed agreement as the builder agrees to absorb all costs outlined above.

OTHER DEPARTMENT IMPLICATIONS:

Legal Department has reviewed and approved the draft agreement and will undertake the registration of the agreement on title as prescribed by the Building Code.

ATTACHMENTS:

- Appendix I - Site Plan Drawing
West Elevation Drawing
- Appendix II - Draft Agreement



WINDOW SCHEDULE

ID	LOCATION	TYPE	SIZE (WxH)	FRAME	FINISH	GLASS	OPERATION	REMARKS
1	EXTENSION	PICTURE	30\" x 72\"	4	W/AL	W/AL	W/AL	22.5 DOUBLE PANE CASUALTY WINDOW TRIPLE GLAZING
2	EXTENSION	PICTURE	48\" x 24\"	3	W/AL	N/A	N/A	22.5 DOUBLE PANE CASUALTY WINDOW TRIPLE GLAZING
3	EXTENSION	PICTURE	48\" x 24\"	1	ALUMINUM	N/A	N/A	22.5 DOUBLE PANE CASUALTY WINDOW TRIPLE GLAZING

DOOR SCHEDULE

ID	LOCATION	TYPE	STYLE	THICKNESS	SIZE (WxH)	FRM	FINISH	GLASS	OPERATION	REMARKS
1	EXTENSION	INSULATED METAL	A	1.54\"	9'0\" x 6'0\"	2	STEEL	N/A	N/A	W/ALUMINUM TRIM, 2 SHARDS
2	EXTENSION	INSULATED METAL	B	1.54\"	9'0\" x 6'0\"	1	STEEL	N/A	N/A	W/ALUMINUM TRIM, 2 SHARDS
3	EXTENSION	INSULATED METAL	B	1.54\"	9'0\" x 6'0\"	1	STEEL	N/A	N/A	W/ALUMINUM TRIM, 2 SHARDS
4	EXTENSION	INSULATED METAL	C	1.54\"	9'0\" x 6'0\"	1	STEEL	N/A	N/A	W/ALUMINUM TRIM, 2 SHARDS
5	EXTENSION	INSULATED METAL	D	1.54\"	9'0\" x 6'0\"	1	STEEL	N/A	N/A	W/ALUMINUM TRIM, 2 SHARDS
6	EXTENSION	INSULATED METAL	A	1.54\"	9'0\" x 6'0\"	3	WOOD	N/A	N/A	W/ALUMINUM TRIM, 2 SHARDS
7	EXTENSION	INSULATED METAL	E	1.54\"	9'0\" x 6'0\"	2	WOOD	N/A	N/A	W/ALUMINUM TRIM, 2 SHARDS
8	EXTENSION	INSULATED METAL	A	1.54\"	9'0\" x 6'0\"	1	WOOD	N/A	N/A	W/ALUMINUM TRIM, 2 SHARDS

- 1. ALL WINDOWS, STYS AND SIZES TO BE CONFIRMED BY OWNER.
- 2. ALL WINDOWS OPENINGS TO BE FIELD CENTERED PRIOR TO MANUFACTURE.



CSN
 CONSTRUCTION SERVICES INC.
 550 BURGESS DRIVE
 TEL: 905-238-8000
 FAX: 905-238-8079

GENERAL NOTES
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL WORK IS TO BE ACCORDING TO THE CANADIAN NATIONAL BUILDING CODE (CNBC) AND ALL APPLICABLE BY-LAWS.
 3. ALL MATERIALS AND METHODS OF CONSTRUCTION ARE TO BE APPROVED BY THE LOCAL BUILDING DEPARTMENT.
 4. ALL WORK IS TO BE ACCORDING TO THE CANADIAN NATIONAL BUILDING CODE (CNBC) AND ALL APPLICABLE BY-LAWS.
 5. ALL MATERIALS AND METHODS OF CONSTRUCTION ARE TO BE APPROVED BY THE LOCAL BUILDING DEPARTMENT.

PROPOSED NEW BUILDING
 2231048 ONTARIO INC
 57 HUNTERS WALK
 WILLOWDALE

ELEVATIONS
 DATE: APRIL 5/15
 DRAWN BY: RING
 CHECKED BY: RING
 SCALE: AS SHOWN

PROJECT
 PROPOSED NEW BUILDING

CLIENT
 2231048 ONTARIO INC

DATE
 APRIL 5/15

SCALE
 AS SHOWN

PROJECT
 PROPOSED NEW BUILDING

Appendix II

THIS SPATIAL SEPARATION AGREEMENT is made the 18th day of June, 2019.

BETWEEN:

2231048 ONTARIO INC.
(hereinafter referred to as "Owner")

OF THE FIRST PART

- and -

GOUPIL INVESTMENTS INC.
(hereinafter referred to as the "Abutting Owner")

THE CORPORATION OF THE CITY OF WELLAND
(hereinafter referred to as the "City")

OF THE SECOND PART

WHEREAS the Owner is the registered owner of lands described in Schedule "A" and known municipally as 37 Niagara Street, Welland, Ontario (the "Owner's Lands");

AND WHEREAS the Abutting Owner is the registered owner of the lands described in Schedule "B" and known municipally as 2 Frazer Street, Welland, Ontario (the "Abutting Owner Lands");

AND WHEREAS the Owner is proposing to construct a new commercial building (the "Building") on the Owner's Lands substantially in accordance with the drawing attached as Schedule "C";

AND WHEREAS the Owner proposes to install additional entrance doors and windows on the west elevation of the Building;

AND WHEREAS the installation of the additional entrance doors and windows on the west elevation of the Building will result in the maximum area of unprotected openings of the exposing building face of the Building to exceed the requirements of Section 9.10.14.4.(1) of the *Ontario Building Code* (O. Reg. 350/06, as amended);

AND WHEREAS in order that the west face of the Building complies with the limiting distance requirements of the *Ontario Building Code*, the parties have agreed to enter into a limiting distance/spatial separation agreement" pursuant to Section 9.10.14.2(4) of the Ontario Building Code wherein the Owner and the Abutting Lands provide certain covenants which shall be registered against title to both the Owner Lands and the Abutting Owner Lands;

NOW THEREFORE this Agreement witnesses in consideration of mutual covenants herein contained and other good and valuable consideration, the parties agree as follows:

1. Minimum Limiting Distance

The Owner covenants and agrees that the minimum limiting distance for the exposing building face of the Building shall be permitted to extend beyond the west property line of the Owner Lands and shall be 3.5 metres measured along a line perpendicular to the lot line between the Owner Lands and the Abutting Owner Lands. The parties acknowledge they shall be bound by this new limiting distance unless and until Owner should alter the west face of the Building to comply with Section 9.10.14.4(1) of the Ontario Building Code.

2. Effect of New Construction

The Owner and the Abutting Owner each herewith covenant that should buildings on either the Owner Lands or the Abutting Owner Lands be constructed or altered in any way that would affect the minimum limiting distance/spatial separation as required by the *Ontario Building Code* in force at the time of the new construction or alteration, then the Owner or the Abutting Land

Owner, as the case may be, shall comply with this agreement and the *Ontario Building Code* in force at the time insofar as such new construction or alteration is concerned.

3. Covenants Run with the Land

The Owner and the Abutting Owner each agree that the covenants contained in this Agreement shall run with the title to the said lands and shall be binding on all parties, their heirs, administrators, executors, successors, successors-in-title or assigns.

4. Waiver of Limiting Distance Otherwise Applicable

The City hereby acknowledges that the registration of this Agreement on title to the lands set out in Schedule "A" contained herein shall suffice to waive the required limiting distance to the exterior west face of the Building that would otherwise be required by the *Ontario Building Code* in force at the date of this Agreement.

5. Other Municipal Requirements

The Owner and the Abutting Owner each covenant and agree to comply with such other requirements as the City may consider necessary in order to comply with the *Ontario Building Code*.

6. Indemnity

The Owner or the Abutting Owner each expressly agrees to fully and completely indemnify and save the City, and its elected officials, officers, employees and agents completely harmless from and against any actions, claims, suits or proceedings for any damages or injuries resulting directly or indirectly from this Agreement. - 3 -

7. Registration of Agreement

The parties agree and covenant that this Agreement shall be registered against title to the Owner Land and Abutting Owner Lands and shall not be amended or deleted from title without the written consent of the City.

8. Release of Agreement

Upon the Owner removing the additional entrance doors and windows on the exterior west face of the Building and upon the Owner reconstructing the exterior west face of the wall in accordance with all requirements of the *Ontario Building Code* and once the City has inspected and approved the same, the City shall within 30 days of such inspection and approval execute a release of this Agreement suitable for registration on title by the Owner and Abutting Landowner.

9. Legislation

The rights granted under this agreement shall be governed by the laws of the Province of Ontario.

AND WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals duly attested to by the hands of their proper officers authorized in that behalf.

GOUPIL INVESTMENTS INC.

Per: _____
Richard Goupil

I have authority to bind the Corporation.

2231048 ONTARIO INC.

Per: _____

THE CORPORATION OF THE CITY OF WELLAND

Per: _____

Frank Campion, Mayor

c/s

Per: _____

Tara Stephens, Clerk

We have authority to bind the Corporation.

SCHEDULE "A"

LEGAL DESCRIPTION OF OWNER LANDS

PART LOT 1 PLAN 560,
BEING PART 1 PLAN 59R13478; WELLAND,
PIN 64104-0161LT




SCHEDULE "B"

LEGAL DESCRIPTION OF ABUTTING OWNER LANDS

PART LOT 5 PLAN 560,
BEING PART 2 PLAN 59R13478; WELLAND,
PIN 64104-0160LT.

SCHEDULE "C"

DRAWING OF PROPOSED COMMERCIAL BUILDING

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCIL**INFRASTRUCTURE AND DEVELOPMENT SERVICES**

09-60

**REPORT P&B-2019-29
JUNE 18, 2019**

**SUBJECT: APPLICATION FOR TAX INCREMENT GRANT PROGRAM
COMMUNITY IMPROVEMENT PLAN FOR THE
DOWNTOWN AND HEALTH AND WELLNESS CLUSTER
2231048 ONTARIO INC.
37 NIAGARA STREET**

**AUTHOR: CHRISTINE ROSSETTO, B.A. (Hons.)
PLANNING ASSISTANT**

**APPROVING SUPERVISOR: ROSE DI FELICE, M.PI., M.Sc., MCIP, R.P.P.
MANAGER OF POLICY PLANNING**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Downtown and Health and Wellness Cluster Community Improvement Plan Application for property municipally known as 37 Niagara Street for the Tax Increment Grant Program in the estimated amount of \$37,638.82; and further

THAT Welland City Council supports the circulation of this Report to Niagara Region to request the Region's participation in the Tax Increment Grant Program; and further

THAT Welland City Council directs Staff to prepare the required By-law and Agreement; and further

THAT Welland City Council authorizes the Mayor and City Clerk to execute any documentation required to satisfy conditions related to participation in the Downtown and Health and Wellness Cluster Incentive Program.

ORIGIN AND BACKGROUND:

A Downtown and Health and Wellness Cluster Community Improvement Plan (CIP) Incentive Application has been received for property municipally known as 37 Niagara Street. A new commercial building is proposed on the existing vacant lot and the Owner is seeking approval under the Tax Increment Grant (TIG) Program wherein Council approval is required.

The purpose of the TIG Program is to encourage rehabilitation, redevelopment, infill and intensification projects by providing a financial incentive that reduces the property tax increase that can result from development/redevelopment. This Grant is based on 80% of

the municipal (City and Region) property tax increase for up to 10 years following project completion where the project results in an increase in assessed value and therefore property taxes.

COMMENTS AND ANALYSIS:

The subject property is located at the southwest corner of Mill Street and Niagara Street and is illustrated on the attached Location Map (Appendix I). A single storey commercial building is proposed for one or two businesses.

The TIG Program provides an annual grant equivalent to 80% of the increase in municipal (City and Region) property taxes that result from the project for up to 10 years. From the information provided, Staff has estimated the Grant to be approximately \$37,638.82 over the 10 year Grant period. The City's contribution to this incentive will be approximately 50% of the estimated Grant. The Grant ceases when the total along with all other Grants provided equals the cost of redevelopment, or 10 years, whichever comes first.

Niagara Region must confirm their participation in the Tax Increment Grant Program.

If Council approves this Application, the Owner will be required to enter into a Grant Agreement which will specify the terms of the Grant. As per the Program requirements, the construction works may not commence until the Agreement has been executed. Successful completion of this commercial project is a requirement of the TIG Program along with the Owner being responsible for all costs of the project.

The proposal meets the purpose of the CIP by stimulating private sector investment within the Project Area. The new development will increase tax assessment and property tax revenues over the 10 year term of the TIG.

Staff recommends approval of the Application for the Tax Increment Grant Program for 37 Niagara Street. This financial incentive will help offset the costs of redevelopment of this property. When occupied it will result in one or two new commercial businesses within the downtown.

FINANCIAL CONSIDERATION:

The TIG Program will be administered as follows:

- Tax increment based grant program uses future tax increase (tax increment) to pay for eligible costs by way of a property tax rebate;
- Regional participation is subject to Regional Council approval; and
- Grant equals 80% of City and Region portion of property tax increase rebated annually each year for up to 10 years.

The total amount of all Grants provided through available Incentive Programs shall not exceed the total cost of redevelopment.

OTHER DEPARTMENT IMPLICATIONS:

The Legal Division will be involved in the registration of the Agreement and By-law. The Finance Division will be involved with all financial aspects associated with the Incentive Program. The Planning Division will be involved with the Site Plan Control Exemption

which has been granted to this project. The Building Division will be involved with the issuance of the required Building Permit and any applicable Development Charge Reductions.

SUMMARY AND CONCLUSION:

The Owner of 37 Niagara Street has requested funding under the Downtown and Health and Wellness Cluster Community Improvement Plan Incentive Program for this property. Council's implementation of the Tax Increment Grant Program facilitates redevelopment of properties in the CIP Project Area by assisting property Owners with development costs.

Staff recommends approval of the Application for the Tax Increment Grant for 37 Niagara Street as discussed in this Report. The approval of this Application will provide an estimated financial incentive to the Owner of \$37,638.82 in eligible costs. The new construction will increase the assessed value of the property.

ATTACHMENTS:

Appendix I - Location Map



LOCATION MAP

37 Niagara Street



SUBJECT LANDS



Infrastructure and
Development Services
Planning Division