



MINUTES OF
SPECIAL COUNCIL MEETING, NOVEMBER 10, 2020
CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET

Council met in open session at 7:01p.m. on the above date.

His Worship Mayor Frank Campion in the Chair.

Members Present Electronically:

Councillors J. Chiochio, T. DiMarco, B. Fokkens, B. Green, M.A. Grimaldi, J. Larouche, D. McLeod, A. Moote, G. Speck, L. Spinosa, C. Richard and L. Van Vliet.

Members of Staff and Others Present:

Interim CAO/General Manager, Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas
City Clerk, T. Stephens

General Manager, Infrastructure and Development Services, T. Fitzpatrick

General Manager, Economic Development & Recreation & Culture, D. Degazio

Manager of Development Approvals, G. Munday (until 9:45 p.m.)

Supervisor Traffic, Parking & By-Laws, A. Khan (until 9:05 p.m.)

THE FOLLOWING ITEM WAS ADDED:

12-96 A By-law to appoint an Interim Integrity Commissioner and to repeal By-laws 2014-114 and 2017-37.

LEGISLATED PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Councillor Van Vliet presided as Chair of the Public Hearings:

20-115 Complete applications have been made by NIAGARA PLANNING GROUP on behalf of NIAGARA HP PROPERTIES INC. to rezone lands legally described as Part of Lot 246, former Township of Thorold, now in the City of Welland, municipally known as 781 Clare Avenue from the existing Residential Low Density 1 - RL1 to Site Specific Residential Medium - RM in Zoning By-law 2017-117. The purpose of the Amendment is to allow for: an interior side yard of 2 metres; rear yard setback of 6 metres; a minimum snow storage area of 17 square metres for a residential use with four or more parking spaces; allow for an aisle width of 1.2 metres for bicycle parking; and, to allow for a landscape buffer of 0.3 metres for a parking lot containing more than 10 but fewer than 100 parking spaces. The Official Plan designation is Low Density Residential. Application for Official Plan Amendment (OPA No. 31) was submitted in conjunction with this application for Zoning By-law Amendment.

Grant Munday confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

Mary Lou Tanner, Consultant, 4999 Victoria Avenue, Niagara Falls, ON L2E 4C9

Chris Paley, Owner, Niagara HP Properties Inc., 4999 Victoria Avenue, Niagara Falls, ON L2E 4C9

In support of the application:

- No one spoke.

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:

- Matt Snieder, 787 Clare Avenue, Welland, ON L3C 3B9
- Michael Cullip, 774 Clare Avenue, Welland, ON L3C 3C1
- Ryan Mooney, 499 Woodlawn Road, Welland, ON L3C 3K2

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

2020 - 319

18-70

20-26 Moved by McLeod and Larouche (in block)

1. THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report ENG-2020-35 for Edgar/Elgin Sewer Separation Phase 3 - Weller Avenue Sidewalk; and further
2. THAT no change be made to the tendered project to remove the sidewalk on the south side of Weller Avenue.

CARRIED

2020 - 320

20-22 Moved by McLeod and Green

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

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

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

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

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

CARRIED

2020 - 321

20-95 Moved by McLeod and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND approves application for Draft Plan of Vacant Land Condominium for lands described as Lots 141 to 143 (inclusive), Part of Block E, Part of Glenwood Parkway (Closed), Registered Plan 62, now Plan 821, former Township of Humberstone, now in the City of Welland, for lands without municipal address at the terminus of Glenwood Parkway, for the creation of 13 single detached condominium dwellings, subject to the following conditions:

1. That the Owner enter into a Site Plan Agreement with the City of Welland.
2. That the Owner enter into a Condominium Assumption Agreement with the City of Welland.
3. That no grading or site alteration shall occur until the Owner has entered into a Site Plan Agreement with the City of Welland.
4. That the Owner pay Cash-in-lieu of Parkland Dedication as per City Policy.
5. That the Owner work with the City to ensure that parking for Glenwood Park is maintained along Glenwood Parkway.
6. That the following warning clause be included in the Subdivision Agreement and inserted into all Agreements of Purchase and Sale or Lease for each dwelling unit:

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2020 - 321**20-95 ...cont'd.**

"The lands in the plan of subdivision may be exposed to reduce air quality and/or odour, dust, noise, and/or vibration impacts from nearby industrial and commercial operations that may interfere with some activities of the owners/tenants who occupy these lands."

7. That the Developer submit to the Niagara Peninsula Conservation authority for review and approval, detailed grading and construction sediment and erosion control plans.
8. That limit of work fencing be shown on the grading plan along all portions of the 15 metre buffer and that no grading occur beyond this point, to the NPCA's satisfaction. Limit of work fencing must be maintained during the development process and all silt fencing shall be removed once work is completed and all exposed soils are re-vegetated or otherwise stabilized.
9. That the Developer provide 1.5 metre high chain link fencing along the boundary of Units 1 to 9 and the 15 metre buffer, to the satisfaction of the Niagara Peninsula Conservation Authority. Note, this condition would only apply if the Draft Plan is not modified to incorporate all portions of the wetland buffer into the Common Elements.
10. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for the proposed wetland buffer restoration/enhancement work. In support of the Work Permit application, the following information will be required:
 - a. A planting plan providing details about species, planting densities, and locations.
 - b. Any other information as may be determined at the time a Work Permit application is submitted to the Niagara Peninsula Conservation Authority.
11. That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season.
12. That standard best management construction practices shall be used to mitigate construction dust, noise, and/or exhaust fumes and prevent spills.
13. That a Buffer Planting Plan be prepared by a full member of the Ontario Association of Landscape Architects (OALA) for Regional staff approval to identify and illustrate the location of additional native trees, shrubs, and groundcover to be planted.
14. That a Monitoring Plan is prepared for Regional approval which ensures the required Buffer Plantings are successful and effective over the long term.
15. That a Butternut Health assessment is completed and submitted to the Ministry of Environment Conservation and Parks (MECP) for review and that correspondence from MECP is submitted to the Region which confirms the proposed 25 metre setback from the tree is sufficient.
16. That a Grading Plan be provided to Regional Planning and Development Services for review and approval in order to ensure the surface water flows are directed to the wetland area.
17. That permanent rear-lot fencing be provided for all lots bordering on the retained Environmental Protection Areas.

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2020 - 321**20-95 ...cont'd.**

18. That an Erosion and Sediment Control (ESC) Plan be provided for Regional Planning and Development Services for review and approval. The ESC Plan shall include details for, but not be limited to, ESC fencing and other ESC measures, dust suppression and topsoil storage. ESC measures must be monitored regularly to ensure they are functioning properly and promptly fixed if issues are identified.
19. That the Tree Saving Plan prepared in accordance with the Region of Niagara Tree and Forest Conservation By-law currently in effect.
20. That the site plan agreement contain wording wherein the owner agrees to implement the recommendations of the approved Grading Plan, ESC Plan, Buffer Planting Plan, Monitoring Plan, and Tree Saving Plan required in accordance with conditions above.
21. The site plan agreement between the owner and the City of Welland, and any Agreements of Purchase and Sale or Lease for each dwelling unit, include the following warning clause:

“Due to the proximity of the condominium lands to the Dain City Sewage Pumping Station and Detention Facility, Purchasers/Tenants are advised that periodic emissions of unpleasant odours and noise from the normal or emergency operations of this facility, for an unspecified duration, may occur and may adversely affect the residents of this development.”

22. That the Owner shall file a Record of Site Condition (RSC) on the Ministry of Environment, Conservation and Parks' (Brownfield) Environmental Site Registry in accordance with Ontario Regulation 153/04, as amended, and that the owner provide the Niagara Region Planning and Development Services Department and the City with copies of the Environmental Site Assessment(s) and site remediation reports as well as copy of the Ministry of Environment, Conservation and Parks' written acknowledgement of the filing of the RSC.
23. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 1-3 and 6-12. The waste collection pads shall be in accordance with the Niagara Region's Corporate Waste Collection Policy.
24. That the site plan agreement between the owner and the City of Welland, and any Agreements of Purchase and Sale or Lease for dwelling units 1-3 and 6-12, include the following clause:

“That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 1-3 and 6-12. The waste collection pads shall be in accordance to the details outlined in the Niagara Region's corporate waste collection policy.”

25. That the site plan agreement between the owner and the City of Welland, and any Agreements of Purchase and Sale or Lease for dwelling units 1-3 and 6-12, include the following clause:

“That in order to receive Regional Waste Collection service, owners/tenants will be required to bring their waste and recycling containers to the designated waste collection pads on the required collection day.”

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2020 - 321**20-95 ...cont'd.**

26. That the owner shall submit a written acknowledgement to the Niagara Region Planning and Development Services Division, stating that draft approval of this condominium does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner.
27. That the owner shall submit a written undertaking to the Niagara Region Planning and Development Services Division, stating that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this condominium, shall contain a clause indicating that servicing allocation for this condominium will not be assigned until the plan is registered, and a similar clause be inserted in the site plan agreement between the owner and the City of Welland.
28. Prior to final approval for registration of this plan of condominium, the owner shall submit the design drawings (with calculations) for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment Compliance Approval under the transfer of Review Program.
29. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment and Climate Change documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region Planning and Development Services Department for review and approval:
 - 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;
 - Detailed erosion and sedimentation control plans;
 - Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility.
30. That the Site Plan Agreement between the Owner and the City contain provisions whereby the owner agrees to implement the approved plans(s) that are required.
31. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - a. that the home/business mail delivery will be from a designated Centralized Mail Box.
 - b. that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
32. 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.

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2020 - 321**20-95 ...cont'd.**

- b. install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
 - c. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - d. determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
33. That prior to granting approval for the Final Plan of Subdivision, City of Welland Planning Division will require written notice from the following upon their respective Conditions of Draft Plan Approval have been met satisfactorily:
- Region of Niagara Conditions: 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30
- Canada Post Conditions: 31, 32
- Niagara Peninsula Conservation Authority: 7, 8, 9, 10
34. That if Final Approval is not given to this Plan within three (3) years of the approval date, and no extensions have been granted, Draft Approval shall lapse. If the Owner wishes to request extension of Draft Plan Approval, a written request with reasons why the extension is required and the applicable application fee, must be received by the City prior to the lapsing date; and

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

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

NAYS: Councillors Larouche, Green, Richard and Fokkens.

CARRIED

2020 - 322**20-115**

Moved by McLeod and Richard

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report No. P&B-2020-67 regarding applications for Official Plan Amendment (OPA No. 31) and Zoning By-law Amendment for lands on the west side of Clare Avenue, south of Woodlawn Road, legally known as Part of Lot 246, former Township of Thorold, City of Welland, municipally known as 781 Clare Avenue.

CARRIED

BY-LAWS

Moved by Larouche and Spinosa

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.

08-62

BYL 2020 - 133

A By-law to amend By-law 2008-185, being a By-law requiring property owners to clear snow and ice from the public sidewalk adjacent to their property within twenty four hours of the substantial end of a snowfall or precipitation event.

20-22

BYL 2020 - 134

A By-law to amend By-law 2019-34, being a By-law to establish an administrative penalty system for non-parking related offences.

CARRIED

Moved by McLeod and Van Vliet

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

20-24

BYL 2020 - 135

A By-law to amend By-law 2009-187, being a By-law to establish a Comprehensive Policy for all non-union employees of the Corporation of the City of Welland respecting certain terms and conditions of employment (Schedule "A").

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

NAYS: Councillors Speck and DiMarco.

CARRIED

Moved by Speck and McLeod

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.

12-96

BYL 2020 - 136

A By-law to appoint an Interim Integrity Commissioner and to repeal By-laws 2014-114 and 2017-37.

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

NAYS: Councillors Green, Speck, Chiocchio, DiMarco and Fokkens.

CARRIED

Moved by Van Vliet and Grimaldi

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

20-1

BYL 2020 - 137

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 10th day of November, 2020.

CARRIED

Council adjourned at 10:10 p.m.

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

MAYOR

CITY CLERK