



MINUTES OF
COUNCIL MEETING, OCTOBER 5, 2021
CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:33 p.m. and in open session at 7:04 p.m. and again in Committee-of-the-Whole closed to the public at 7:39 p.m. and again in open session at 7:55 p.m. on the above date.

His Worship Mayor Frank Campion in the Chair.

Members Present:

Councillors J. Chiocchio, T. DiMarco (8:19 p.m.), B. Fokkens (until 11:07 p.m.), B. Green, M.A. Grimaldi, J. Larouche (8:22 p.m.), D. McLeod, J. Mastroianni, A. Moote, C. Richard, G. Speck (until 11:00 p.m.), and L. Van Vliet.

Members of Staff and Others Present:

Chief Administrative Officer, S. Zorbas

City Clerk, T. Stephens

Director of Finance/CFO/Treasurer, S. Fairweather

Fire Chief & Community Emergency Management Coordinator, A. Eckhart (7:04 p.m. - 8:15 p.m. and again at 10:54 p.m.)

Director of Infrastructure Services, SM. Millar

Director of Planning and Development Services, G. Munday

Director of Community Services, R. Axiak (until 9:00 p.m.)

Manager of Budgets & Financial Reporting/Deputy Treasurer, E. Pankoff (until 9:00 p.m.)

Manager of Human Resources, A. Daisley (7:04 p.m. - 7:32 p.m.)

2021 - 254**21-25**

Moved by Van Vliet and Grimaldi

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:33 p.m. to consider:

- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
 - *Elite - Legal Update.*

CARRIED**2021 - 255****21-25**

Moved by McLeod and Grimaldi

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:03 p.m. without report.

CARRIED**PRESENTATION:**

- 21-28** Alain Breton, Welland Food Drive addressed Council regarding its Annual Welland Food Drive event.

AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORT(S)

- 04-47** Julianne Brunet, Chief Executive Officer and Melanie Gross-Kerho, Chair, Welland Public Library Board addressed Council regarding an update on activities.

2021 - 256**21-1**

Moved by Mastroianni and Richard

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of September 21, 2021 and Special Council Meeting of September 28, 2021, as circulated.

CARRIED**2021 - 257****99-43**

Moved by Green and Grimaldi (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Board of Directors of Welland Hydro-Electric Systems Corporation (WHESC) letter dated September 16, 2021 regarding the appointment of Mr. Kevin Carver as President & CEO of WHESC; and further THAT Welland City Council approves the appointment of Mr. Kevin Carver.

CARRIED**2021 - 258****02-160**

Moved by Fokkens and Green

WHEREAS, the Council of the City of Welland, provides direction to staff in Committee-of-the-whole meetings under section 11 of the Procedural by-law; and

WHEREAS, often items that come to the Committee-of-the-Whole, are only verbal presentations; and

WHEREAS, for transparency purposes, and in order to have all information and details disclosed and for future reference when it is proposed to Council in open session; and further

WHEREAS, under section 11.10 of the procedural by-law, and Section 5 of the Policy HUM-001-0031 of the Code of Conduct for Members of Council, members are bound by confidentiality.

NOW THEREFORE IT BE RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to include reports, copies of proposed agreements and other backup material to the Committee-of-the-Whole Agendas.

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02-160 Moved by McLeod and Moote
 THAT Welland City Council refers back to staff the notice of motion regarding staff include reports, copies of proposed agreements and other backup material to the Committee-of-the-Whole Agendas.

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

NAYS: Councillors Speck and Chiochio.

CARRIED

2021 - 259

04-47 Moved by Mastroianni and Van Vliet
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Julianne Brunet, Chief Executive Officer and Melanie Gross-Kerho, Chair, Welland Public Library Board regarding an update on its activities.

CARRIED

2021 - 260

05-141 Moved by Green and Grimaldi (in block)
 THAT THE COUNCIL OF THE CITY OF WELLAND appoints Councillor Fokkens to the Arts and Culture Advisory Committee for the term October 5, 2021 to November 15, 2022.

CARRIED

2021 - 261

06-156 Moved by Richard and Moote
 1. THAT THE COUNCIL OF THE CITY OF WELLAND approves Report TRAF-2021-55: The Feeding of Wildlife; and further
 2. THAT Welland City Council approves the Feeding of Wildlife By-law as set out in Appendix I; and further
 3. THAT Welland City Council directs the City Clerk to amend By-law 2019-135, the Clean Yards By-law, as follows:
 DELETE the title "Bird Feeders"
 DELETE Section 3.9, 3.10, 3.11 and 3.12
 DELETE Schedule "A" from the Clean Yards By-law and REPLACE with Schedule "A" as set out in Appendix II
 DELETE the number 7 from Section 3.13 (b) and REPLACE with the number 14
 4. 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
Feeding of Wildlife By-law	2021-xx

ADD the following to Schedule "C" – SET FINE SCHEDULES

SET FINE SCHEDULE	PAGE NO.:
Feeding of Wildlife By-law	16

ADD Appendix III to Schedule "C" as page number 16
 DELETE pages 10 and 11 of Schedule "C" and REPLACE with pages 10 and 11 of Schedule "C" as set out in Appendix IV.

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06-156 Moved by McLeod and Mastroianni
THAT Welland City Council move to amend to \$400.00 to item #8 "furnish false information to an officer".

CARRIED

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

CARRIED

2021 - 262

06-156 Moved by McLeod and Van Vliet
WHEREAS, there is an interest by some residents to raise chickens and ducks within the city limits of Welland; and further
WHEREAS, it is proposed that this can be done in a manner which it is reasonable to neighbouring properties.
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND requests staff prepare a report, indicating how and if this can be accommodated.

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06-156 Moved by Speck and Chiocchio
THAT Welland City Council Challenges the Chair regarding a ruling during discussions related to the Notice of Motion from Councillor McLeod regarding raising chickens and ducks within the city limits of Welland.

YEAS: Councillors McLeod, Mastroianni, Moote, Van Vliet and Mayor Campion.

NAYS: Councillors Larouche, Green, Speck, Chiocchio, Richard, Grimaldi and Fokkens.

LOST

2021 -263

12-96 Moved by Green and Grimaldi (in block)
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Deborah C. Anschell, Integrity Commissioner regarding Code of Conduct and Formal Complaint Process

CARRIED

2021 - 264

20-64 Moved by Grimaldi and Van Vliet
WHEREAS, as COVID-19 and variants continue to be a serious threat to the health and well-being of City of Welland employees, the community and health care capacities; and further
WHEREAS, the best defence, as identified by public health and other agencies is to get fully vaccinated with an approved COVID-19 vaccine.
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND staff be directed to prepare a Vaccine Policy for all City of Welland employees.

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

NAYS: None.

CARRIED

2021 - 265

20-64 Moved by Grimaldi and McLeod

WHEREAS COVID-19 and variants continue to be a serious threat to the health and well-being of City of Welland employees, members of council, the community and health care capacities and WHEREAS the best defence, as identified by public health and other agencies is to get fully vaccinated with an approved COVID-19 vaccine.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare a Vaccine Policy for all members of Welland City Council; and further THAT staff review the Niagara Region’s policy regarding Niagara Regional Council’s COVID-19 requirements for guidance.

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

NAYS: None.

CARRIED

2021 - 266

21-4 Moved by Fokkens and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the Capital Project Close Out report summary and detail for the projects listed in Appendix A & B as attached to Report FIN-2021-28; and further

THAT Welland City Council approves the recommended transfer to Capital Surplus Reserve and or applicable reserve funds as outlined in Appendix A and staff recommended reallocations as outlined in Appendix C as attached to Report FIN-2021-28; and further

THAT Welland City Council receives for information the 2021 2nd Quarter Capital Progress Report.

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21-4 Moved by Fokkens and Speck

THAT Welland City Council removes WIFC from Appendix A and move to capital projects (appendix D).

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

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

LOST

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

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

NAYS: Councillors Speck, Chiocchio and Fokkens.

CARRIED

2021 - 267

21-6 Moved by Green and Grimaldi (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND declares November 25, 2021 as “International Day for the Elimination of Violence Against Women” in the City of Welland.

CARRIED

2021 - 268

21-6 Moved by Green and Grimaldi (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND declares October 9, 2021 as “Islamic History Day” in the City of Welland.

CARRIED

2021 - 269**21-13**

Moved by McLeod and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and refers the correspondence from the Region of Niagara dated September 20, 2021 regarding Niagara Transit Governance- Welland City Council – re: Report TRANS-2021-11.

CARRIED**2021 - 270****21-19**

Moved by Green and Grimaldi (in block)

THAT Welland City Council authorizes the Canada Community Revitalization Fund (CCRF), through the Federal Economic Development Agency of Southern Ontario (FedDev Ontario), for the enhancements at Maple Park, including replacement of the public washroom in the amount of \$313,797.00; and further THAT Welland City Council directs the Chief Administrative Officer (CAO) to execute the CCRF contribution agreement.

CARRIED**2021 - 271****21-22**

Moved by Chiocchio and Mastroianni

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report TRAF-2021-56: 4-way Stop review at Gaiser Road/Clare Avenue and Gaiser Road/South Pelham Road.

CARRIED**2021 - 272****21-22**

Moved by McLeod and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND approves Report TRAF-2021-57 Update to Traffic and Parking By-law 89-2000; and further THAT Welland City Council directs the City Clerk to amend Traffic and Parking By-law 89-2000 as follows:

ADD the following to Schedule "I" – MUNICIPAL/ PRIVATE PROPERTY:

SKETCH No.	LOCATION	COMMON NAME
No Sketch	112 Denistoun Street	Am Pm Convenience

DELETE the following from Schedule "XV" – Loading Zones:

COLUMN 1 HIGHWAY	COLUMN 2 SIDE	COLUMN 3		COLUMN 4 PERIOD (TIMES/DAYS)
		FROM	TO	
King Street	EAST Side	5 meters south of Park Street	25 metres south of Park Street	Mon-Fri 8:00 a.m. to 6:00 p.m.

CARRIED**2021 - 273****21-22**

Moved by Chiocchio and Green

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated September 23, 2021 regarding the request to review and amend section 128 (Rate of speed) of the Highway Traffic Act.

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21-22 Moved by Chiocchio and Mastroianni
 THAT Welland City Council receives for information and supports the correspondence from the Region of Niagara dated September 23, 2021 regarding the request to review and amend section 128 (Rate of speed) of the Highway Traffic Act.

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

NAYS: Councillor McLeod.

CARRIED

2021 - 274

21-28 Moved by McLeod and Chiocchio
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Alain Breton, Welland Food Drive regarding the kickoff of the 2021 Welland Food Drive held on Saturday, November 6, 2021 and encourages all residents to participate.

CARRIED

2021 - 275

21-33 Moved by Green and Grimaldi (in block)
 THAT THE CITY OF WELLAND approves the closure of City Hall operations for the 2022-2023 holiday season from the close of business on Friday, December 23, 2022 up to and including Friday, December 30, 2022.

CARRIED

2021 - 276

21-86 Moved by Mastroianni and Green
 THAT THE COUNCIL OF THE CITY OF WELLAND APPROVES AN Amendment to Zoning By-law 2017-117, as amended, for lands on the east side of South Pelham Road, north of Webber Road and west of Claire Avenue, legally described as Block 2 59M-472, Geographic Township of Thorold, Now in the City of Welland, Regional Municipality of Niagara, municipally known as 89 West Creek Court from Residential Medium Density – RM and Institutional Health and Wellness – INSH to Site Specific Residential Medium Density – RM, Site Specific Institutional Health and Wellness – INSH and Environmental Protection Overlay – EP; and further
 THAT Welland City Council approves Draft Plan of Vacant Land Condominium for lands described as Block 2 59M-472, Geographic Township of Thorold, Now in the City of Welland, Regional Municipality of Niagara, municipally known as 89 West Creek Court, for the creation of 69 units for block townhouse dwellings, one (1) naturalized buffer block, and one (1) daylighting triangle block, subject to the following conditions:

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

“Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-

...continued...

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21-86...cont'd.

8886) and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

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

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

6. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that existing overland flow patterns are maintained and that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers and a minimum of 10 metres from the dripline of any trees to be retained. The Grading Plan should also illustrate the location and installation details associated with sediment control and limit of work fencing. Limit of work fencing must be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site;

7. That permanent rear-lot fencing be provided along the boundary of the environmental block, adjacent to the wetland buffer. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas;

8. That a clause be added to the Site Plan or Condominium Agreement indicating that vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window;

9. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region for review and approval:

- a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
- b) Detailed erosion and sedimentation control plans;

10. That the Site Plan or Condominium Agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan;

11. That the owner provides a written acknowledgement to the Niagara Region stating that draft approval of this condominium does not include a commitment of servicing allocation by the Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner;

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21-86...cont'd.

12. That the owner provides a written undertaking to the Niagara Region stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this condominium, shall contain a clause indicating that servicing allocation for the condominium will not be assigned until the plan is registered, and a similar clause be inserted in the Condominium Agreement between the owner and the City;

13. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for any proposed municipal sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks, Environment Compliance Approval under the Transfer of Review Program;

14. That the owner/developer ensure that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling;

15. That the owner/developer shall comply with the Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and Indemnity Agreement;

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

"Purchasers/Tenants are advised that due to the site layout, garbage/recycling pick-up for the development will be provided by the condominium corporation through a private contractor and not the Region.";

17. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for the units 46-52 (subject to the Regional waste collection trucks reverse limits). The waste collection pads shall be in accordance with the Niagara Region's Corporate Waste Collection Policy;

18. That the following warning be included in the Site Plan or Condominium Agreement and inserted in all offers and agreement of purchase and sale or lease for units 46-52 (subject to the Regional waste collection trucks reverse limits):

"That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 46-52 (subject to the Regional waste collection trucks reverse limits). The waste collection pads shall be in accordance to the details outlined in the Niagara Region's corporate waste collection policy.";

19. That the owner dedicates additional lands at the north west corner of the intersection of Regional Road 29 and Clare Avenue to the Region of Niagara to achieve an ultimate daylighting triangle size of 10 metres x 10 metres;

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

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21-86...cont'd.

21. That the Site Plan or Condominium Agreement between the owner and the City contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development;

22. That the Developer provide detailed grading, construction sediment and erosion control drawings to the Niagara Peninsula Conservation Authority for review and approval. The Owner agrees that all Sediment and Control measures shall be maintained and in good condition for the duration of construction until all disturbed surfaces have been stabilized;

23. That the Developer provides appropriate limit-of-work fencing along the rear of Lots 36, 49, 50 and 55-69 and the boundary of the 15 metre wetland buffer for the remainder of the lots to the satisfaction of the Niagara Peninsula Conservation Authority;

24. That the Developer provide a buffer restoration plan to provide enhancements to the wetland buffer, to the satisfaction of the Niagara Peninsula Conservation Authority. Scoping of the restoration plan is to be obtained by the Niagara Peninsula Conservation Authority. Scoping of the restoration plan is to be obtained by the Niagara Peninsula Conservation Authority and is to be done through a Work Permit from the Niagara Peninsula Conservation Authority;

25. That the Developer provide 1.5-metre-high chain link fencing along the boundaries of Lots 36, 49, and 50. Fencing should also be established along the agreed upon wetland buffer in lots and as shown on applicable plans and drawings to the satisfaction of the Niagara Peninsula Conservation Authority;

26. That conditions 22 to 25 be incorporated into the Site Plan or Condominium Agreement between the Developer and the City of Welland, to the satisfaction of the Niagara Peninsula Conservation Authority. The City of Welland shall circulate the draft Site Plan or Condominium Agreement to the Niagara Peninsula Conservation Authority for its review and approval;

27. If existing Welland Hydro-Electric System Corporation infrastructure is required to be relocated or temporary Hydro service is required, all costs are the responsibility of the applicant;

28. If easement(s) are required by Welland Hydro-Electric System Corporation to service this development or any future adjacent developments, the applicant will provide at their expense all necessary registered easements;

29. The proposed development must meet the clearance requirements of the Ontario Building Code section 3.1.19.1 "Clearance to Buildings";

30. The Developer shall submit the full engineering design drawings to the City of Welland's Engineering Division for review and approval. Design drawing submission shall include servicing, grading, photometric, signage, and landscaping plans;

31. The revised sewer drainage area plans shall be submitted to the City of Welland's Engineering Division for review and approval;

32. The Developer shall be responsible for all costs associated with the development, including reinstatements to the existing condition or better;

33. The Developer shall construct all municipal infrastructure in accordance with the City of Welland Municipal Standards, Ontario Provincial Standards and any other applicable standards that may apply;

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21-86...cont'd.

34. The Developer shall conduct home condition surveys, as or if required, prior to commencement of construction;

35. The owner shall complete to the satisfaction of the Director of Engineering of the City of Welland and Canada Post:

- a. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i. That the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii. That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any homes sales.
- b. The owner further agrees to:
 - i. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevard and sidewalks are in place in the remainder of the subdivision.
 - ii. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 - iii. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- c. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space;

36. A subsurface Geotechnical report prepared by a qualified geotechnical engineer will be required at the time of building permit application submission;

37. Parkland dedication shall be established in accordance with By-law 2014-101. If a 5% Cash-in-lieu method is utilized, the Developer shall establish the value of land for each lot, to the satisfaction of the City, prior to execution of the Site Plan or Condominium Agreement. The values shall be determined by an Appraiser in accordance with City Policy as of the day before the day the first building permit is issued for the development. The values shall be referenced in the Special Conditions and Building Restrictions of the Site Plan or Condominium Agreement;

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

City of Welland: 1, 2, 30-34, 36, 37
 Region of Niagara: 3-21
 NPCA: 22-26
 Canada Post: 35

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21-86...cont'd.

39. That if Final Approval is not given to this Plan within three (3) years of the approval date and no extensions have been given, Draft Approval shall lapse. If the Owner wishes to request extension to Draft Plan Approval, a written request with reasons why the extension is required and the applicable application fee, must be received by the City prior to the lapsing date; and further THAT Welland City Council authorizes the Mayor and Clerk to sign the Draft Approval and Final Approval Plans once all Conditions have been satisfied.

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21-86 Moved by McLeod and Larouche

THAT Welland City Council amends No. 37 Parkland dedication shall be established at 5% in dedication in the accordance with By-law 2014-101.

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21-86 Moved by Van Vliet and Chiocchio

THAT Welland City Council refers back to staff Report P&B-2021-.50.

YEAS: Councillors Larouche, Speck, Chiocchio, DiMarco, Richard, Grimaldi, Mastroianni, Fokkens and Van Vliet.

NAYS: Councillors Green, McLeod, Moote and Mayor Campion.

CARRIED

2021 - 277

21-108 Moved by Mastroianni and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND approves application for Official Plan Amendment No. 36 to designate a portion of the lands on the east side of Niagara Street, south side of Lancaster Drive, west of the Welland Recreational Canal, and north side of Woodlawn Road, more specifically described as PT TWP LT 229 & 230, former City of Thorold, Parts 3, 4 on 59R-1742 and Parts 1 & 2 on 59R-2895, S/T RO345094, S/T RO357411, S/T RL734059, S/T RO778444; PCL 229-3 SEC 59 Thorold; Part 3 on 59R-2784; S/T easement in favour of Welland Hydro-Electric System Corp. over Part 1 Plan 59R-11677 & Parts 5, 6, 7, 8 & 9 on Plan 59R-8977 as in SN19072; PCL F-2 SEC M75; Blk F PL M75 except Part 1 on 59R-2986; S//T LT16884; PCL G-1 SEC M75; BLK G PL M75 except Part 1 on 59R-4566, City of Welland, municipally known as 800 Niagara Street from Regional Shopping Node to Special Policy High Density Residential with a special exception to permit a maximum height of 22 storeys and Special Policy Medium Density Residential, with a special policy to allow for a minimum density of 61 units per hectare and a maximum density of 216 units per hectare across both the Special Policy High Density Residential and the Special Policy Medium Density Residential; and further THAT Welland City Council approves Zoning By-law Amendment to Zoning By-law 2017-117 for lands on the east side of Niagara Street, south side of Lancaster Drive, west of the Welland Recreational Canal, and north side of Woodlawn Road, more specifically described as PT TWP LT 229 & 230, former City of Thorold, Parts 3, 4 on 59R-1742 and Parts 1 & 2 on 59R-2895, S/T RO345094, S/T RO357411, S/T RL734059, S/T RO778444; PCL 229-3 SEC 59 Thorold; Part 3 on 59R-2784; S/T easement in favour of Welland Hydro-Electric System Corp. over Part 1 Plan 59R-11677 & Parts 5, 6, 7, 8 & 9 on Plan 59R-8977 as in SN19072; PCL F-2 SEC M75; Blk F PL M75 except Part 1 on 59R-2986; S//T LT16884; PCL G-1 SEC M75; BLK G PL M75 except Part 1 on 59R-4566, City of Welland, municipally known as 800 Niagara Street from Site Specific Regional Shopping Node (RS-73) to Site Specific Residential Multiple Holding – RM (H) and Site Specific Residential High Holding – RH (H); and further THAT Welland City Council requests that prior to lifting the Holding (H) Symbol, at the request of the Owner, the proponent will be required to enter into an Agreement with the City for the provision of community benefits in return for increased height and density as provided for in the Planning Act, all to the satisfaction of the City. This Agreement is to be entered into no later than December 31, 2021; THAT Welland City Council consents the request apply a Class 4 designation and sound level criteria for the entire site; and further THAT no additional meetings under the Planning Act are required as the amendments to the original application are minor, in accordance with Section 34(17) of the Planning Act.

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21-108 Moved by DiMarco and Green
 THAT Welland City Council refers back to staff Report P&B-2021-59.

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

NAYS: Councillors Larouche, McLeod, Mastroianni, Moote and Van Vliet.

CARRIED

2021 - 278

21-121 Moved by Fokkens and Larouche
 THAT Welland City Council challenges the Chair regarding the notice of motion from Councillor Fokkens regarding the SWAP Program.

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

NAYS: Councillors Larouche, Green, Speck, Richard and Fokkens.

CARRIED

2021 - 279

21-125 Moved by Fokkens and Larouche
 THAT THE COUNCIL OF THE CITY OF WELLAND directs the funds from the Compensation Agreement for the Humberstone Landfill to be used in Ward 6 in the area that the landfill most affects the neighboring community, for improvements and enhancements.

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

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

LOST

2021 - 280

21-126 Moved by Green and Grimaldi (in block)
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the correspondence from the City of St. Catharines dated September 15, 2021 regarding Provincial Nursing Shortage.

CARRIED

2021 - 281

21-127 Moved by Green and Grimaldi (in block)
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated September 23, 2021 regarding Report CAO 15-2021 - Updated Land Acknowledgement Statements.

CARRIED

2021 - 282

21-128 Moved by Green and Grimaldi (in block)
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Town of Fort Erie dated September 24, 2021 request the Provincial Government to Implement a Right-of-Passage along the Lake Erie Shoreline.

(Councillors McLeod, Fokkens and Richard disclosed an interest in this matter, and did not take part in the consideration and discussion of same, and refrained from voting thereon, as they have interest in property in the area).

CARRIED

2021 - 283**21-129**

Moved by Green and Richard

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to apply to the Municipal Modernization Program – Intake 3 Program – Implementation Stream for funding for funding to implement a records management system; and further

THAT Welland City Council approves the 35 percent municipal portion being funded through the Capital Surplus Reserve Fund.

CARRIED**2021 - 284****02-160**

Moved by Moote and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND extends the curfew to 11:30 p.m.

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

NAYS: Councillors Green, Speck, Chiochio and Fokkens.

**CARRIED
2/3 MAJORITY****2021 - 285****21-25**

Moved by Moote and Mastroianni

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 7:39p.m. to consider:

- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
 - *Elite - Legal Update.*

CARRIED**2021 - 286****21-25**

Moved by Van Vliet and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:54 p.m. without report.

CARRIED**BY-LAWS**

Moved by Van Vliet and Richard

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.

06-156

BYL 2021 - 157

A By-law to authorize to prohibit the feeding of wildlife within the boundaries of the City of Welland.

03-59

BYL 2021 - 158

A By-law to amend By-law 2019-135, being a By-law to provide regulations for maintaining land in a clean and clear condition (Clean Yards By-law).

21-22

BYL 2021 - 159

A By-law to amend By-law 2019-134, being a By-law to establish and administrative Penalty System for Non-Parking related offences.

21-22

BYL 2021 - 160

A By-law to authorize amend By-law 89-2000, being a By-law regulating traffic and parking with the City of Welland (Schedule "I" - Municipal/Private Property and Schedule "XV" - Loading Zones).

CARRIED

Moved by Green and Grimaldi (in block)

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.

21-19

BYL 2021 - 161

A By-law to authorize entering into contract with Paul S. Leskew & Associates Inc. for the provision and installation of one (1) new video scoreboard for the Quaker Road Baseball Facility.

20-97

BYL 2021 - 162

A By-law to authorize execution of agreements for Brownfield Tax Assistance Program and Brownfield Tax Increment Grant Program for 475, 555 and 635 Canal Bank Street (Dain West Subdivision).

21-130

BYL 2021 - 163

A By-law to exempt certain lands from Part-Lot Control - Parts 1-3 (inclusive) on Plan 59R-17031, Lots 107, 108 and 109 Plan 946 (204-212 Iva Street), City of Welland.

CARRIED

Moved by Mastroianni and Richard

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

21-1

BYL 2021 - 164

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 5th day of October, 2021.

CARRIED

Council adjourned at 11:10 p.m.

These Minutes to be approved and adopted by Motion of Council this 19th day of October, 2021.

MAYOR

CITY CLERK