



COUNCIL MEETING AGENDA

Tuesday, October 17, 2023

COUNCIL CHAMBERS – CIVIC SQUARE

All Meetings can be viewed at:

City of Welland website: <https://www.welland.ca/Council/LiveStream.asp>

YourTV: The meeting will be aired live on Channel 700

Pages

1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) - (6:30 P.M.)
 - 1.1 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES:
 1. Citizen appointments to the Welland Hospital Task Force Committee.
2. ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA)
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
 1. Regular Council Meeting of September 19, 2023 and Special Council Meeting of September 26, 2023.
 - 3.5 CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE (IN-CAMERA) ITEMS TO BE ADDED TO THE AGENDA BLOCK
 - 3.6 DISCLOSURES OF INTEREST
 - 3.7 COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM THE BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN)
4. ORAL REPORTS AND DELEGATIONS
 - 4.1 LEGISLATED PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT.

1. Complete applications have been made by Culture Developments Inc. on behalf of 1000421434 Ontario Inc. for the lands Part Township Lot 230 Reference Plan 59R766; Part 5, Part Township Lot 230, and Municipally known as 91, 103, and 109 Quaker Road. The applications include application for Zoning By-law Amendment (2023-06) to rezone the lands from Residential Low Density - RL1 to Residential Medium Density – RM, and application for Official Plan Amendment (OPA No. 46) to redesignate the lands from Low Density Residential to Medium Density Residential. The intention of these applications is to permit a townhouse development. Concurrent application for Draft Plan of Vacant Land Condominium Approval (26CD-14-23004) has been submitted. Ref. No. 23-129
(Staff report to be considered following the conclusion of the Public Hearing).

- | | |
|--|--------|
| <ol style="list-style-type: none"> 1. P&B 2023-51 - APPLICATION FOR OFFICIAL PLAN AMENDMENT (OPA NO. 46) AND ZONING BY-LAW AMENDMENT (2023-06) SUBMITTED BY CULTURE DEVELOPMENTS INC. ON BEHALF OF 1000421434 ONTARIO INC. FOR LANDS LOCATED ON THE SOUTH SIDE OF QUAKER ROAD, WEST OF NIAGARA STREET
Ref. No. 23-129 Remove From Block | 8 - 13 |
|--|--------|

4.2 PRESENTATIONS

- | | |
|--|---------|
| <ol style="list-style-type: none"> 1. Julien Bell, GM BluePlan re: David Street Outlet Stormwater Master Plan. Ref. No. 23-130
<u>(Background information included in Council members packages)</u> | 14 - 26 |
| <ol style="list-style-type: none"> 1. ENG-2023-31 - DAVID STREET OUTLET STORMWATER MASTER PLAN – COUNCIL PRESENTATION. Ref No. 23-130 Remove From Block | 27 - 30 |

4.3 DELEGATIONS

1. Kristina Picton, Representative, Welland Food Drive re: Annual Welland Food Drive Event on November 4, 2023. Ref. No. 23-28

4.4 PUBLIC MEETING PURSUANT TO CITY OF WELLAND BY-LAW 2013-127

1. Public Meeting to Increase Permit Fees under Section 7 of the Building Code Act. Ref. No. 05-120/23-38

4.5 LEGISLATED PUBLIC HEARING PURSUANT TO SECTION 357/358 OF THE MUNICIPAL ACT, 2001

Public Meeting pursuant to Section 357/358 of the Municipal Act, 2001 regarding Tax Write-Offs.

(Staff report to be considered following the conclusion of the Public Hearing).

- | | |
|---|---------|
| <ol style="list-style-type: none"> 1. FIN-2023-24 - APPLICATION FOR TAX WRITE-OFFS – SECTIONS 357/358. Ref. No. 23-4 Remove From Block | 31 - 33 |
|---|---------|

4.6 AGENCIES, BOARDS, COMMISSIONS AND COMMITTEE REPORTS

1.	Councillor Fokkens, Chair, Budget Review Committee - meeting of October 2, 2023.	
5.	BUDGET REVIEW COMMITTEE REPORT TO COUNCIL - October 2, 2023	34 - 34
6.	COMMITTEE-OF-THE-WHOLE (OPEN)/AGENDA BLOCK	
6.1	CS-2023-27 - PLYMOUTH PARK BALL DIAMOND SPORTS FIELD LIGHTING RENEWAL – TENDER AWARD. Ref. No. 23-19 (See By-law 8.1)	35 - 37
6.2	CS-2023-30 - INSPECTION AND PREVENTATIVE MAINTENANCE PROGRAM TENDER AWARD. Ref. No. 23-105 (See By-law 8.2)	38 - 39
6.3	EDO-2023-16 - AGREEMENT OF PURCHASE AND SALE FOR CITY OWNED PROPERTY LOCATED AT 882 SCHISLER ROAD. Ref. No. 22-69 (See By-law 8.3)	40 - 42
6.4	EDO-2023-17 - TRANSFER OF THE PROCEEDS FROM THE SALE OF CITY OWNED LANDS COMMONLY KNOWN AS THE NORTHERN REACH. Ref. No. 22-95	43 - 44
6.5	FIN-2023-25 - PURCHASE OF ONE (1) VACUUM TYPE STREET SWEEPER. Ref. No. 23-46	45 - 48
6.6	HR-2023-04 - Anti-Nepotism Policy. Ref. No. 19-85	49 - 57
6.7	TRAF-2023-47 - PROPOSED BY-LAW TO REGULATE THE DISTRIBUTION OF PRINTED MEDIA. Ref. No. 22-86	58 - 63
6.8	FES-2023-04: FIRE DEPARTMENT PORTABLE RADIO PURCHASE. Ref. No. 23-15	64 - 65
7.	NEW BUSINESS	
7.1	Ann-Marie Norio, Regional Clerk, Region of Niagara re: Motion - Equity, Diversity and Inclusion and the Damaging Impacts of Hate and Intolerance. Ref. No. 23-126 <u>RECOMMENDATION:</u> THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the correspondence from the Region of Niagara dated September 25, 2023 regarding Motion - Equity, Diversity and Inclusion and the Damaging Impacts of Hate and Intolerance.	66 - 68
7.2	Peter Todd, Manager, Legislative Services/Town Clerk, Town of Fort Erie re: Region's 2024 Operating Budget Levy Approval. Ref. No. 23-107 <u>RECOMMENDATION:</u> THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the correspondence from the Town of Fort Erie dated September 26, 2023 regarding Region's 2024 Operating Budget Levy Approval.	69 - 69
7.3	Catherine Fife, Waterloo MPP, Finance & Treasury Board Critic re: Requesting your support for Bill 21, Fixing Long-Term Care Amendment Act (Till Death Do Us Part), 2022 Ref. No. 06-84 <u>RECOMMENDATION:</u> THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the correspondence from the MPP of Waterloo dated September 25, 2023 regarding Bill 21, Fixing Long-Term Care Amendment Act (Till Death Do Us Part), 2022.	70 - 71

- 7.4 **Ann-Marie Norio, Regional Clerk, Niagara Region re: Motion - Recommendations from the Renfrew County Inquest and Declaration of Intimate Partner Violence as an Epidemic and Declaration of Intimate Partner Violence as an Epidemic. Ref. No. 23-108**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and endorses the correspondence from the Region of Niagara dated September 21, 2023 regarding Motion - Recommendations from the Renfrew County Inquest and Declaration of Intimate Partner Violence as an Epidemic and Declaration of Intimate Partner Violence as an Epidemic.

8. BY-LAWS

- 8.1 **A By-law to authorize entering into contract with Nadelec Contracting Inc. for the supply and installation of the Plymouth Park Ball Diamond Sports Field Lighting Renewal Project. Ref. No. 23-19**
(See Report CS-2023-27)
- 8.2 **A By-law to authorize entering into contract with Tektum Consulting Group Inc. for the provision of the Development of a Preventative Maintenance Program. Ref. No. 23-105**
(See Report CS-2023-30)
- 8.3 **A By-law to authorize acceptance of an offer to purchase from 613284 Ontario Limited O/A Weed Man Niagara Falls Region to purchase city owned land located at 882 Schisler Road. Ref. No. 22-69**
(See Report EDO-2023-16)
- 8.4 **A By-law to repeal By-law 2023-31, being a By-law to authorize entering a Facility Lease Agreement with the Notre Dame Rowing Club. Ref. No. 23-55**
(Repeal previously approved By Law related to a Facility Lease Agreement with Notre Dame Rowing Club).

9. NOTICES OF MOTION

9.1 COUNCILLOR MATTERS DISCUSSED WITH STAFF FOR REPORTING PURPOSES

1. (For the purpose of informing the public on a matter that has been discussed with staff)

9.2 NOTICES OF MOTION (PREVIOUSLY SUBMITTED FOR DISCUSSION)

1. (Councillor DiMarco)
WHEREAS, parking at times is limited at one of our cities main parks/playground and to remove the parking from the roadway which at times can be quite congested and also for the safety of all.
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare a report that would address parking at Chippawa Park from the pavilion on First Avenue north to Laughlin Avenue on the park property which is currently grass/open space similar to Bugar Park. Ref. No. 23-22

2. (Councillor DiMarco)
THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare a report in regards to creating and allowing family camping along the west side of the former Welland Canal from the Welland International Flat Centre to the north and to a specific distance south of Broadway Avenue and to include electrical powered outlets for the convenience of its users. Ref. No. 99-99
3. (Councillor DiMarco)
THAT THE COUNCIL OF THE CITY OF WELLAND directs the appropriate staff to prepare a report regarding the implementation of a public works crew; and
THAT the duties of such would be, but no limited to, when needed, and after our By-laws have visited and exhausted their powers, to remove garbage and/or trash from a property and/or perform the necessary yard work including snow removal in the winter months that would bring the property into compliance of our trash, grass/weeds and snow clearing policies; and further
THAT in addition to the already in place fines that all costs associated to perform such be the responsibility of the proper owner. Ref. No. 23-103
4. (Councillor McLeod)
WHEREAS, the behaviour of a member of Council has progressively deteriorated and is no longer acting in a manner consistent with being an elected official.
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND requests the resignation of Councillor Tony DiMarco. Ref. No. 02-160
5. (Councillor Fokkens)
THAT THE COUNCIL OF THE CITY OF WELLAND respectfully asks the Mayor of Welland not to invoke the Strong Mayor powers and that the powers are delegated back to Council. Ref. No. 02-160

6. (Councillor Setaram)

THAT Welland City Council directs staff to establish an executive compensation policy for the CAO to ensure a compensation framework that fair, transparent, and accountable, pursuant to the following key guiding principles:

- A detailed job description for the executive position (functions, responsibilities, and level of accountability);
- A total rewards approach that is comprehensive and considers all aspects of compensation that is appropriate for the demographics of the executive talent including base salary, variable / incentive pay / merit pay, and benefits including pension benefits;
- A comparator base salary analysis for the executive position using industry comparators in the public sector;
- Feasibility of a merit / variable / incentive pay system based on meeting individual and/or organizational goals that are measurable and connected to the annual performance assessment. Ref. No. 23-24

7. (Councillor McLeod)

WHEREAS, some residents feel the speed camera on Rice Road is excessively punitive; and

WHEREAS, some residents are or will be receiving multiple tickets because of the lag in delivery; and

WHEREAS, some residents have stated they will no longer use this portion of roadway to avoid further tickets; and

WHEREAS, the camera will now have the effect of putting more traffic on First Avenue and Clare Avenue; and

WHEREAS, it is plausible that the camera may not be making our road system as a whole meaningfully safer; and

WHEREAS, the Region of Niagara has all the data in relation to tickets issued, including: fine amount; speed; time of day and repeat offenders.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND requests that the Region of Niagara complete an immediate review of the speed camera pilot program in order to ensure the parameters in which it is operating, matches overall community safety objectives. Ref. No. 23-22

9.3 CALL FOR NOTICES OF MOTION (TO BE INTRODUCED AT THE NEXT SCHEDULED COUNCIL MEETING)

10. CORPORATION REPORTS

10.1 MAYOR'S REPORT

10.2 CHIEF ADMINISTRATIVE OFFICER'S REPORT

11. CONFIRMATORY BY-LAW

- 11.1 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 17th day of October, 2023. Ref. No. 23-1

12. ADJOURNMENT

COUNCIL
PLANNING AND DEVELOPMENT SERVICES
PLANNINGDIVISION

REPORT P&B-2023-51
October 17, 2023

SUBJECT: P&B 2023-51 - APPLICATION FOR OFFICIAL PLAN AMENDMENT (OPA NO. 46) AND ZONING BY-LAW AMENDMENT (2023-06) SUBMITTED BY CULTURE DEVELOPMENTS INC. ON BEHALF OF 1000421434 ONTARIO INC. FOR LANDS LOCATED ON THE SOUTH SIDE OF QUAKER ROAD, WEST OF NIAGARA STREET

**AUTHOR: CAITLIN KOVACS, B.URPI
DEVELOPMENT PLANNER**

**APPROVING SUPERVISOR: TAYLOR MEADOWS, B.URPI
PLANNING SUPERVISOR - DEVELOPMENT**

**APPROVING DIRECTOR: GRANT MUNDAY, B.A.A, MCIP, RPP
DIRECTOR, PLANNING AND DEVELOPMENT SERVICES**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report P&B 2023-51 regarding applications for Official Plan Amendment (OPA No. 46), Zoning By-law Amendment (2023-06), and Draft Plan of Vacant Land Condominium (26CD-14-23004) for lands on the south side of Quaker Road, west of Niagara Street, and east of St. Lawrence Drive, municipally known as 91, 103, 109 Quaker Road.

RELATIONSHIP TO STRATEGIC PLAN

This recommendation is aligned to Council's strategic priority of ensuring "**Economic Growth**" for creating a diverse economy through partnerships and emerging markets to ensure sustainable growth and quality employment.

This recommendation is aligned to Council's strategic priority of ensuring "**Liveability**" by creating a sense of belonging while enhancing mobility by improving access to recreation and community events, ensuring adequate housing options, encouraging job growth, and improving ways to efficiently move people throughout the city.

ORGIN AND BACKGROUND

Application for Draft Plan of Vacant Land Condominium was submitted by Culture Developments Inc. on behalf of 1000421434. on July 27, 2023. The application was deemed complete on August 24, 2023.

The purpose of the application for Draft Plan of Vacant Land Condominium is to create thirty (30) vacant land condominium units for townhouse dwellings and two (2) vacant land condominium units to be developed with standard condominiums in the future. A total of 97 parking spaces, and 22 bicycle parking spaces are anticipated for the site.

Applications for Official Plan Amendment and Zoning By-law Amendment were submitted by Culture Developments Inc. on behalf of 1000421434. on July 27, 2023. The applications were deemed complete on August 24, 2023.

The purpose of the application for Official Plan Amendment is to the subject lands from Low Density Residential to Medium Density Residential. The amendment is intended to facilitate the desired low-rise built form of stacked townhouses and permit a density range of 25 dwelling units per hectare to 60 dwelling units per hectare.

The application for Zoning By-law Amendment has been submitted to rezone the subject lands from Residential Low Density 1 – RL1 to Site Specific Residential Medium Density – RM-124. The requested site-specific amendment is:

- To permit a minimum rear yard of 1 metre where 6 metres is required.

The purpose of the applications for Official Plan Amendment and Zoning By-law Amendment are to permit the construction of 30 townhouse dwelling units, 11 stacked townhouses (22 dwelling units). 97 parking spaces, and 22 bicycle parking spaces.

COMMENTS AND ANALYSIS:

A Virtual/In-Person Public Information Meeting was held on September 27, 2023 to gain public input regarding the proposed applications. Six members of the public participated at the Public Information Meeting, and no comments were made.

The Statutory Public Meeting under the Planning Act is being held on October 17, 2023. The Public Meeting provides an opportunity for the Applicant to make a presentation regarding the applications and proposal, for interested parties to make comment and/or raise concerns, and for Council members to inquire about the applications.

The report is intended to provide Council with background information on the applications. Staff will bring a Recommendation Report for Council's consideration at a future meeting.

FINANCIAL CONSIDERATION:

All costs with the development of the property will be the responsibility of the developer.

OTHER DEPARTMENT IMPLICATIONS:

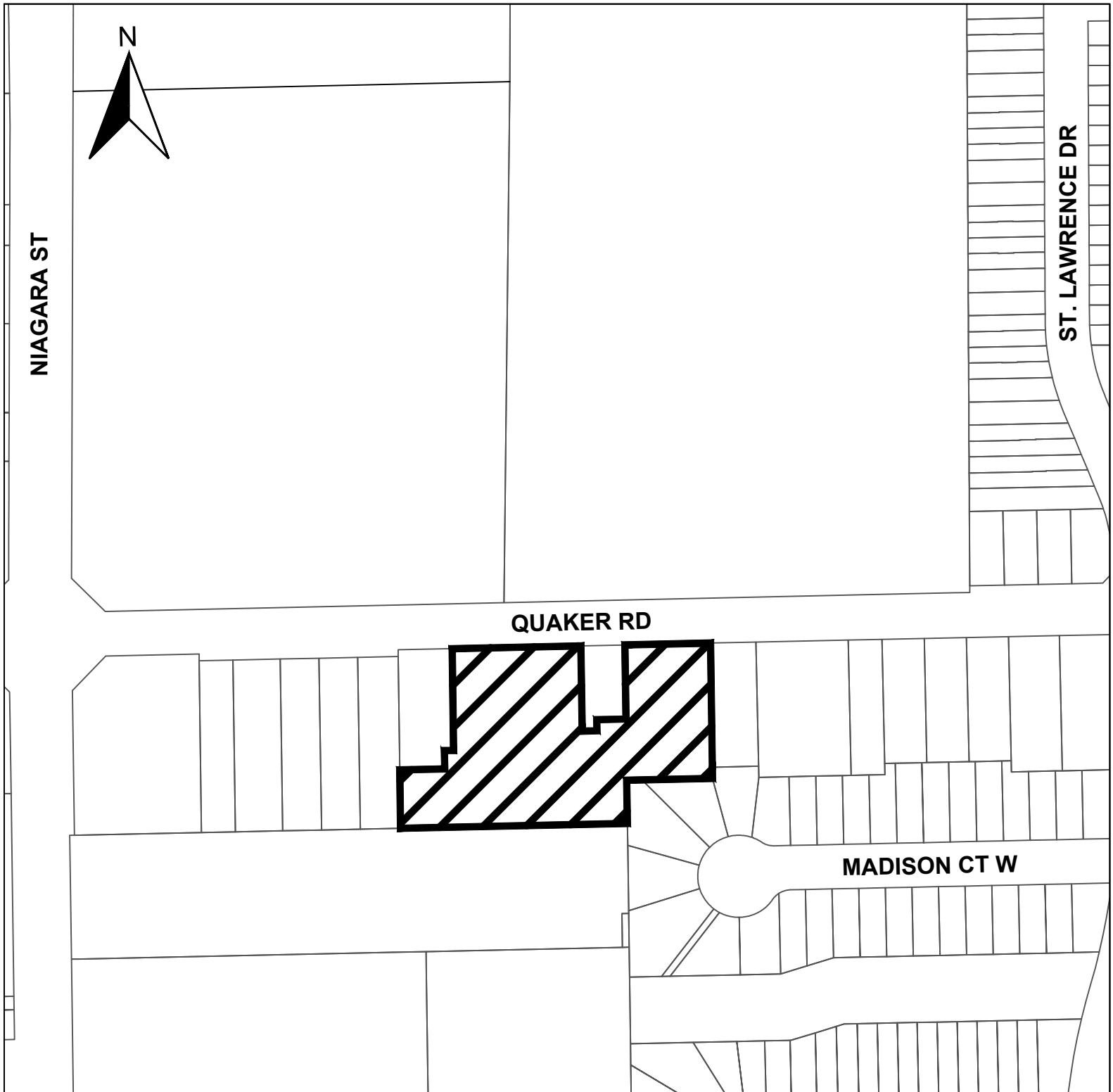
Other City Divisions have been circulated the application for review and comment. Any comments, requirements, and/or recommendations received will be incorporated into the final Recommendation Report.

SUMMARY AND CONCLUSION:

The Planning Act requires a Statutory Public Meeting to be held to provide an opportunity for public input and discussion regarding the applications. This report is intended to provide background information for the Public Meeting.

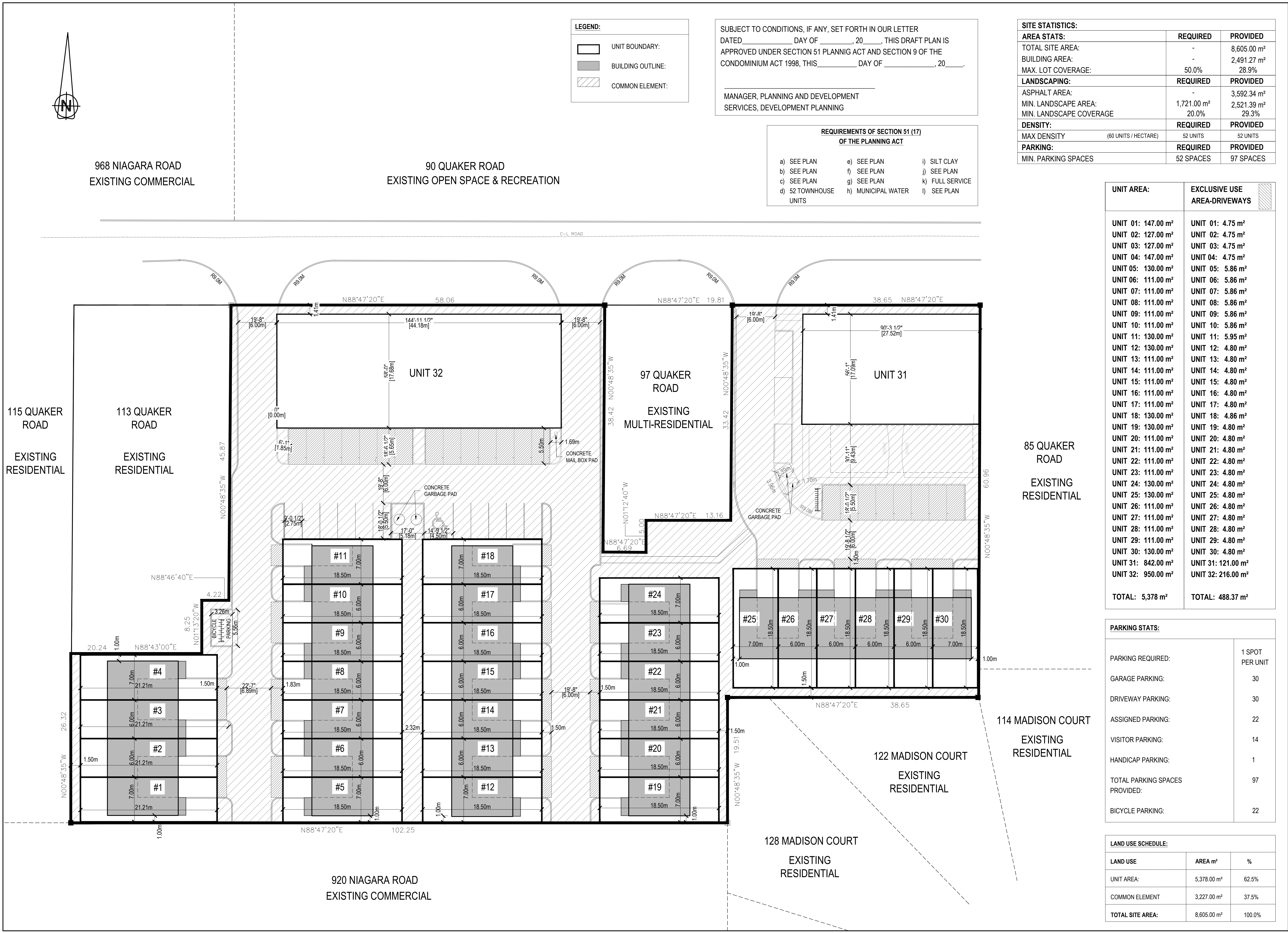
ATTACHMENTS:

- Appendix I - Key Map
- Appendix II - Draft Plan of Vacant Land Condominium
- Appendix III - Preliminary Site Plan

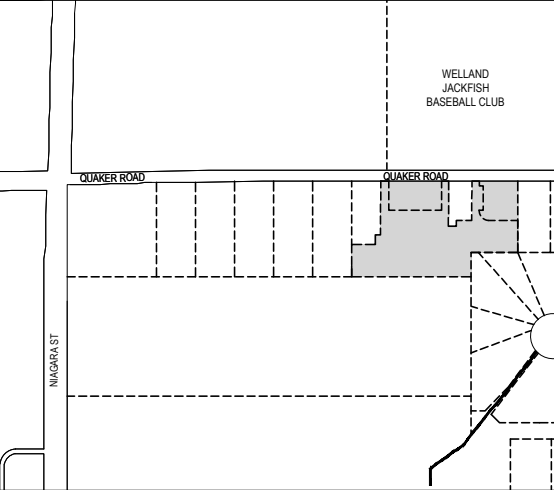


KEY MAP

 Subject Lands



KEY PLAN: N.T.S.



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARY OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE CORRECTLY SHOWN

JULY 21, 2023
DATE
HAROLD D. HYDE, OLS
RASCHE & HYDE LTD.
COPYRIGHT, RASCHE & HYDE LTD., OLS, 2022

OWNERS CERTIFICATE
I CRAIG DEVRIES OF CULTURE DEVELOPMENTS INC. AM AUTHORIZED TO SUBMIT THIS DRAFT PLAN OF CONDOMINIUM ON BEHALF OF THE OWNER

JULY 20, 2023
DATE
CRAIG DEVRIES, MANAGING PARTNER
CULTURE DEVELOPMENTS INC.

LEGAL DESCRIPTION
PART TWP LT 230 THOROLD; CITY OF WELLAND

NOTE:
GENERAL CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS AT THE PROJECT SITE.

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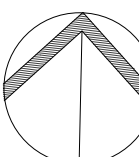
JUL.17.2023	11	ISSUED FOR CLIENT REVIEW	DO
JUL.13.2023	11	ISSUED FOR CLIENT REVIEW	DO
JUL.06.2023	10	ISSUED FOR CLIENT REVIEW	SH
JUN.22.2023	9	ISSUED FOR CLIENT REVIEW	AJ
MAY.31.2023	8	ISSUED FOR CLIENT REVIEW	AJ
MAR.23.2023	7	ISSUED FOR CLIENT REVIEW	DO
OCT.27.2022	6	ISSUED FOR CLIENT REVIEW	GY
JUL.20.2022	5	ISSUED FOR CLIENT REVIEW	SH
JUN.24.2022	4	ISSUED FOR CLIENT REVIEW	GY
JUN.20.2022	3	ISSUED FOR CLIENT REVIEW	SH
JUN.13.2022	2	ISSUED FOR CLIENT REVIEW	SH
MAY.06.2022	1	ISSUED FOR CLIENT REVIEW	LM
DATE	NO.	DESCRIPTION	BY

REVISIONS
FINAL DATE ABOVE SUPERSEDES ALL PREVIOUS ISSUES

KEY TO DETAIL LOCATION
DETAIL NOTATION
DRAWING NUMBER

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE JOB AND REPORT ANY DISCREPANCIES TO THE ARCHITECTS BEFORE PROCEEDING WITH THE WORK
DRAWINGS ARE NOT TO BE SCALE.

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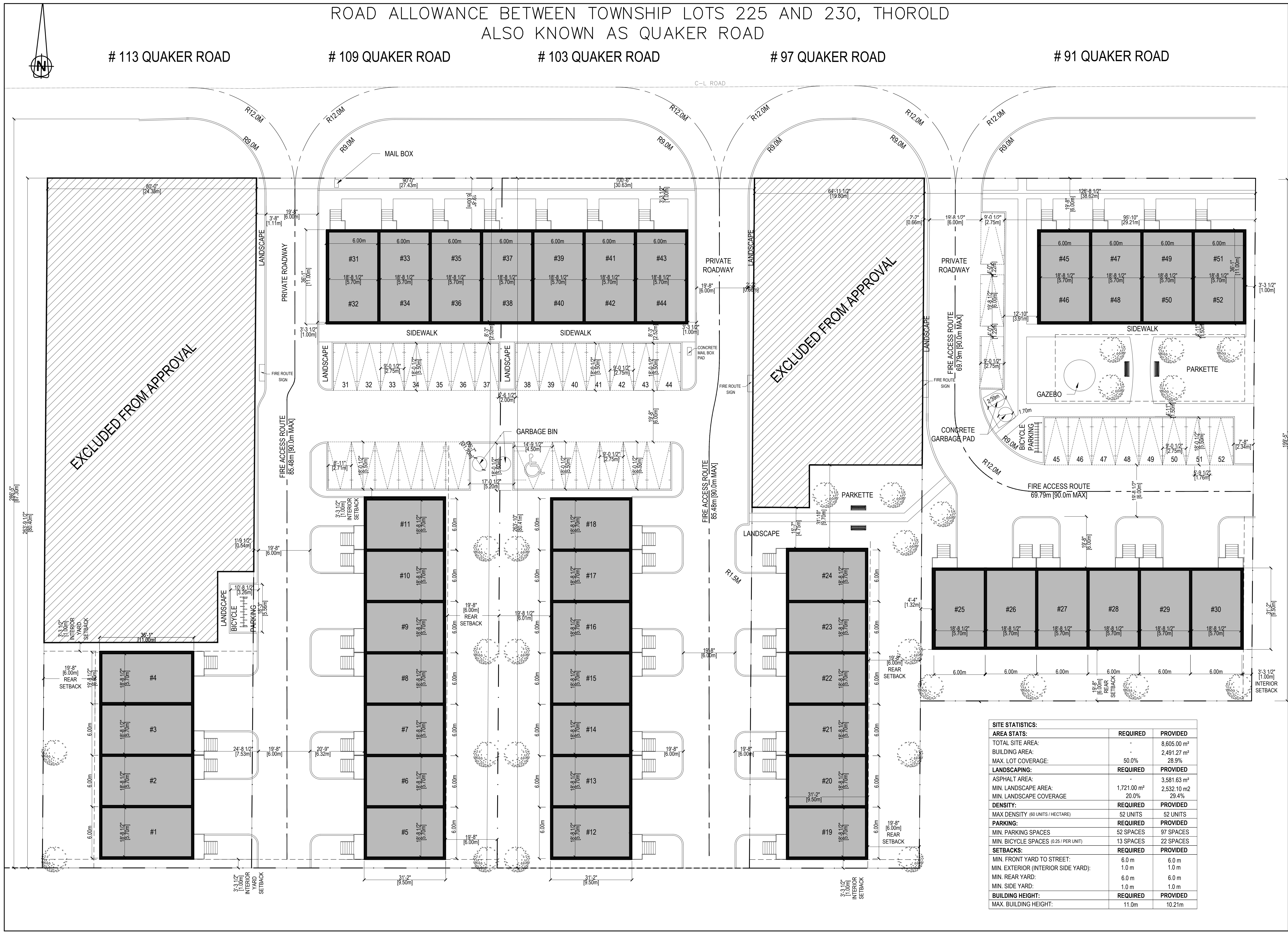


91-97-103-109-113 QUAKER ROAD
WELLAND, ON

THE HIRAM
TOWNHOUSE DEVELOPMENT

DRAFT PLAN OF VACANT
LAND CONDOMINIUM

SCALE
3/64"=1'-0"
DRAWN
SH/DO
CHECKED
LM
DATE
MAY.06.2022
PROJ. NO.
2021-74
DRAWING NO.



SITE STATISTICS:		
AREA STATS:	REQUIRED	PROVIDED
TOTAL SITE AREA:	-	8,605.00 m²
BUILDING AREA:	-	2,491.27 m²
MAX. LOT COVERAGE:	50.0%	28.9%
LANDSCAPING:	REQUIRED	PROVIDED
ASPHALT AREA:	-	3,581.63 m²
MIN. LANDSCAPE AREA:	1,721.00 m²	2,532.10 m²
MIN. LANDSCAPE COVERAGE	20.0%	29.4%
DENSITY:	REQUIRED	PROVIDED
MAX DENSITY (60 UNITS / HECTARE)	52 UNITS	52 UNITS
PARKING:	REQUIRED	PROVIDED
MIN. PARKING SPACES	52 SPACES	97 SPACES
MIN. BICYCLE SPACES (0.25 / PER UNIT)	13 SPACES	22 SPACES
SETBACKS:	REQUIRED	PROVIDED
MIN. FRONT YARD TO STREET:	6.0 m	6.0 m
MIN. EXTERIOR (INTERIOR SIDE YARD):	1.0 m	1.0 m
MIN. REAR YARD:	6.0 m	6.0 m
MIN. SIDE YARD:	1.0 m	1.0 m
BUILDING HEIGHT:	REQUIRED	PROVIDED
MAX. BUILDING HEIGHT:	11.0m	10.21m

KEY PLAN: N.T.S.

LEGAL DESCRIPTION

PART TWP LT 230 THOROLD, PART 1 S9R492, AS IN R2023/054, AS IN R2017/5332, PT 1 S9R12/195, PT 5 S9R7/66, CITY OF WELLAND

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DATE	NO.	DESCRIPTION	BY
MAR.23.2023	7	ISSUED FOR CLIENT REVIEW	DO
OCT.27.2022	6	ISSUED FOR CLIENT REVIEW	GY
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JUN.20.2022	3	ISSUED FOR CLIENT REVIEW	SH
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DRAWINGS ARE NOT TO BE SCALED.

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NIAGARA FALLS, ON L2E 2L3
www.culturedevelopments.ca

91-97-103-109-113 QUAKER ROAD
WELLAND, ON

THE HIRAM
TOWNHOUSE DEVELOPMENT

SITE PLAN

SCALE 1/16"=1'-0"

DRAWN SH/DO

CHECKED LM

DATE MAY.06.2022

PROJ. NO. 2021-74

DRAWING NO. A1-1

David Street Outlet Stormwater Master Plan

City of Welland

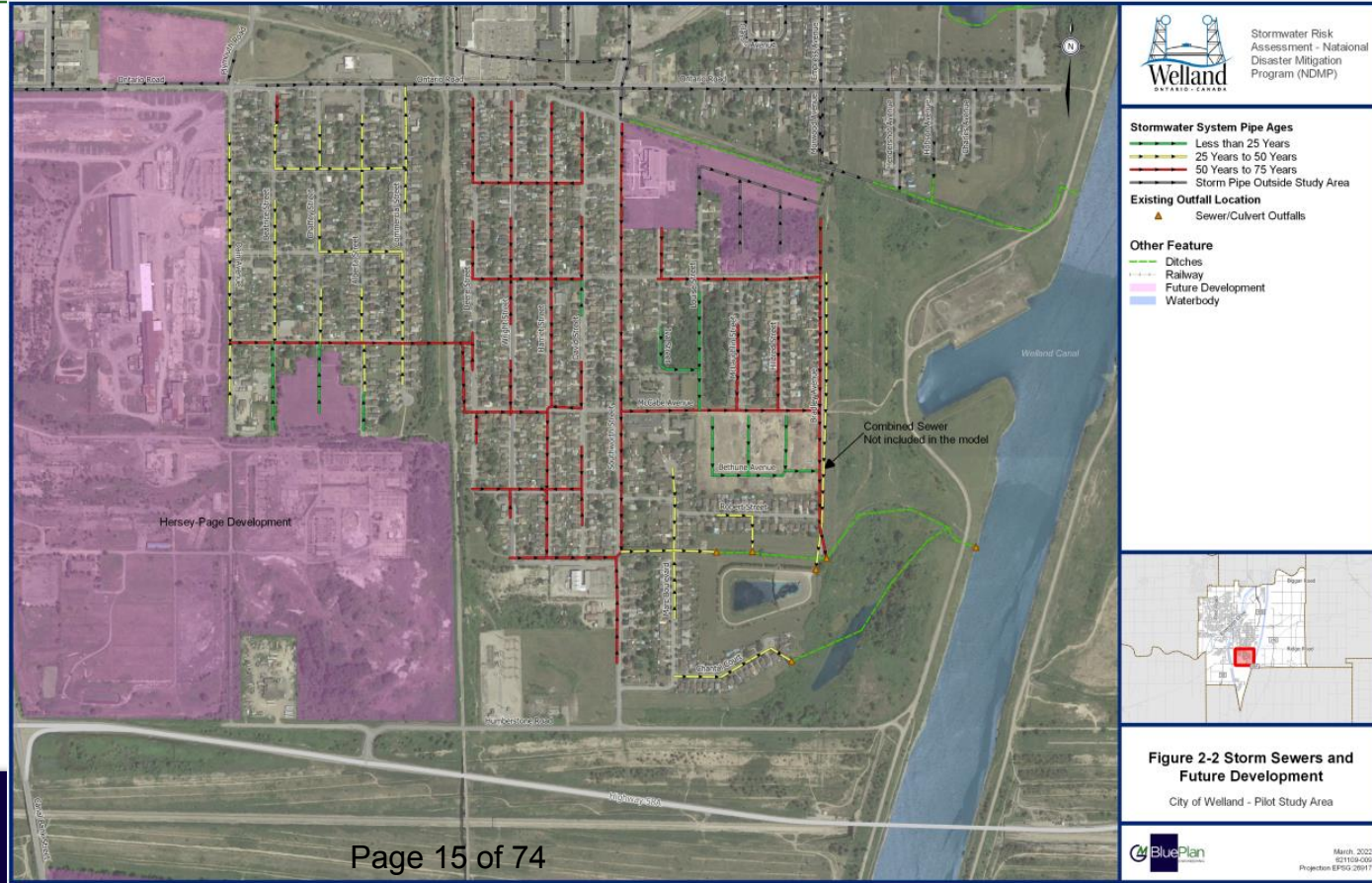
October 17th 2023

City Council Meeting

David Street Outlet Stormwater System Overview

2

- South of Ontario Road and North of Humberston Road
- Outlet to Welland Canal via Ditch at Seaway Park
- Majority of System is 50-75 years Old and Without Stormwater Management
- Herse-Page Development to the West



City Wide Stormwater Risk Assessment

3

- 2021-2022 Study funded by Public Safety Canada National Disaster Mitigation Program
- Project Objectives
 - Quantify the stormwater system performance
 - Identify the areas at most risk of flooding
 - Provide information to development appropriate short-term mitigation plan to address the highest risk areas
 - Quantify the magnitude of upgrades required to support an enhanced performance
 - Provide a prioritization of upgrades based on magnitude of risk
- Project Included City-Wide Stormwater Model Development
- David Street Outlet Master Plan – Pilot Study Using Risk Assessment Outcomes

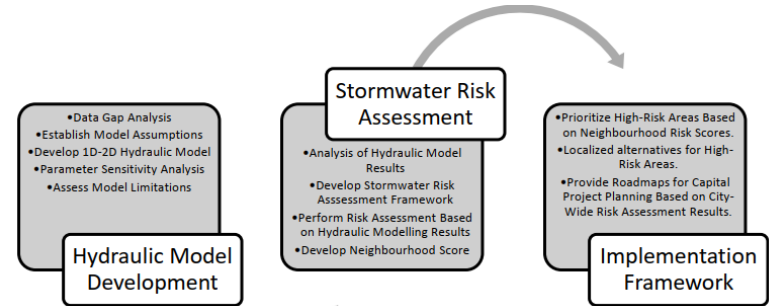


Figure 3-1 General Project Approach

Stormwater System Performance – Risk Management Approach

Table 4-1 System Performance Levels of Service

Type	Existing LOS	Long Term LOS Objective
Minor system	No surcharging to surface in 2 year existing storm	No surcharging to surface in 10 year climate change storm
Major System RoW	Allow overland flow within RoW up to 0.6 m depth	Limit overland flow within the RoW to <0.3 m depth.
Major System Culverts	Conveys the 100 year existing storm	Conveys the 100 year climate change storm
Major System Ditches	Conveys the 100 year existing storm without overtopping	Conveys the 100 year climate change storm without overtopping
Stormwater Management Ponds	Contains the 100 year existing storm	Contains the 100 year climate change storm
Wastewater System	Contains 10 year climate change storm below 1.8 m freeboard	Contains 10 year climate change storm below 1.8 m freeboard
Overflows	Sanitary overflows occur in 2 year storms at some locations. The system must meet F-5-5 Regulation: no overflow in dry weather and 90% of wet weather flow contained between April and November	No sanitary overflows in 10 year climate change storm

Review System Performance Level of Service and Identify Long-Term Objectives

Use System Performance Level of Service to Identify Flooding Risk

Stormwater System Performance – Risk Management Approach

5

Risk Classification	Stormwater Sewer Minor System	Ditch	Major System Culvert	SWM Pond	Surface Ponding Residential Parcel	Other Land Use Types	Wastewater Minor System Wastewater/ Combined Sewers	System Overflows
Level 1	Storm sewers can contain drainage below surface in 10-year climate change storm.	Freeboard more than 0.3m in 100-year climate change storm.	Freeboard to edge of roadway elevation more than 0.3m in 100-year climate change storm.	Contains the 100-year climate change storm with 0.3 m freeboard.	The representative ponding depth within the parcel equal to 0m under 100-year climate change storm.		Contains 10-year climate change storm below 1.8 m freeboard.	Overflow in 10-year climate change storm
Level 2	Storm sewers can contain drainage below surface in 5-year climate change storm.	Freeboard less than 0.3m in 100-year climate change storm.	Freeboard to edge of roadway elevation less than 0.3m in 100-year climate change storm.	Contains the 100-year climate change storm.	The representative ponding depth within the parcel less than or equal to 0.15m under 100-year climate change storm.		Contains 10-year climate change storm with less than 1.8 m freeboard.	
Level 3	Storm sewers can contain drainage below surface in 2-year climate change storm.	Maximum flood level overtops the top of bank by less than 0.3m in 100-year climate change storm.	Overtop edge of roadway by less than 0.3m in 100-year climate change storm.	Overflow depth less than 0.3m in 100-year climate change storm.	Residential parcels with risk level 3 will be escalated to Risk Level 4. The representative ponding depth within the residential parcel less than or equal to 0.3m under 100-year climate change storm.	The representative ponding depth within the parcel less than or equal to 0.3m under 100-year climate change storm.	Basement flooding in 10-year climate change storm.	Overflow in 2-year climate change storm
Level 4	Storm sewer surcharging to surface in 2-year climate change storm with less than 0.15m ponding depth	Maximum flood level overtops the top of bank by less than 0.6m in 100-year climate change storm.	Overtop edge of roadway by less than 0.6m.	Overflow depth less than 0.6m in 100-year climate change storm.	The representative ponding depth within the residential parcel less than or equal to 0.3m under 100-year climate change storm.	The representative ponding depth within the parcel less than or equal to 0.6m under 100-year climate change storm.	Basement flooding in 5-year climate change storm.	
Level 5	Storm sewer surcharging to surface in 2-year climate change storm with more than 0.15m ponding depth	Maximum flood level overtops the top of bank by more than 0.6m in 100-year climate change storm.	Overtop edge of roadway by more than 0.6m in 100-year climate change storm.	Overflow depth more than 0.6m in 100-year climate change storm.	The representative ponding depth within the residential parcel larger than 0.3m under 100-year climate change storm.	The representative ponding depth within the parcel larger than 0.6m under 100-year climate change storm.	Basement flooding in 2-year climate change storm.	

David Street Outlet Performance & Objectives

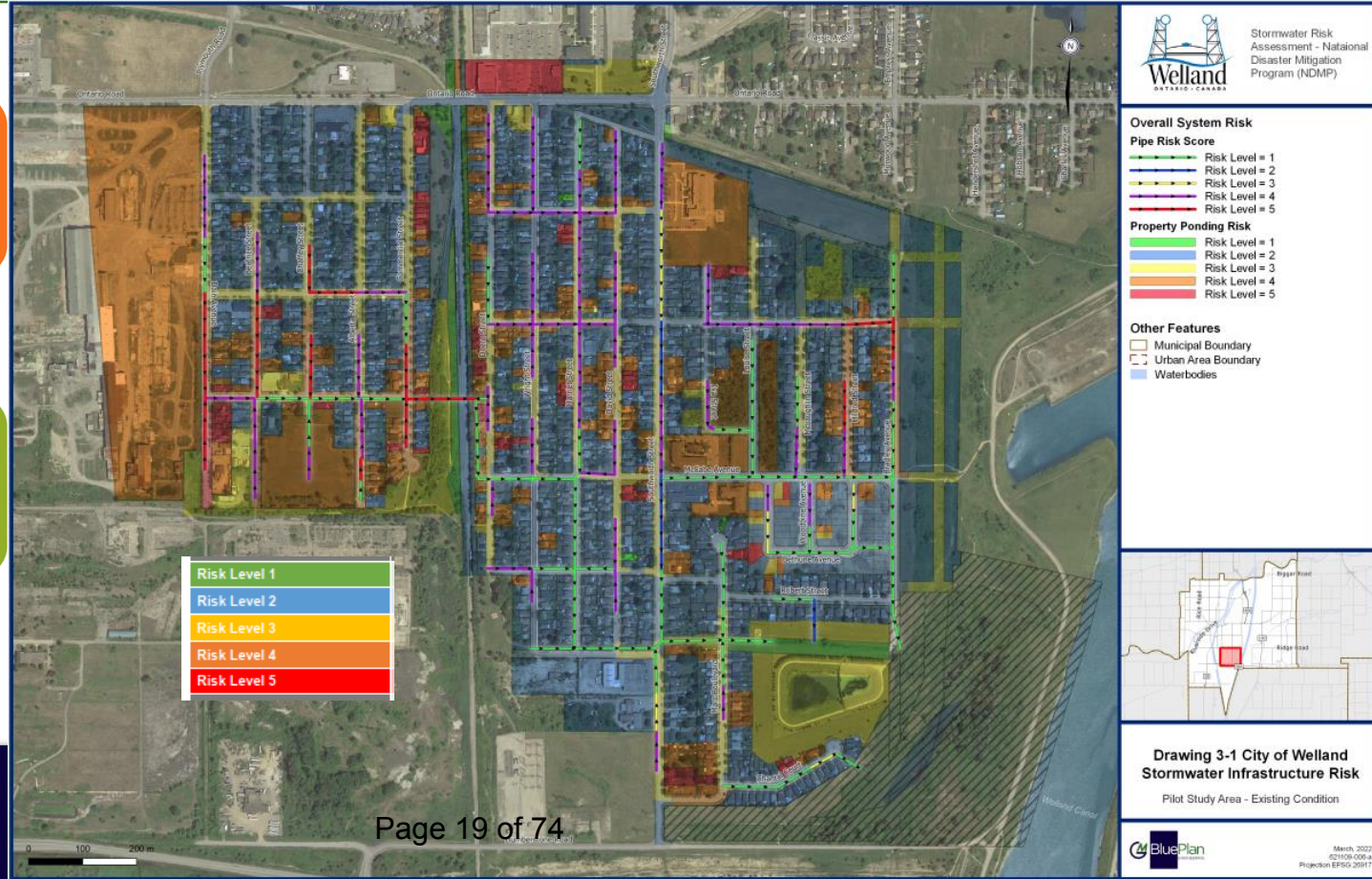
6

Objectives

- Reduce Risk Level to 3 or Less

New Infrastructure

- Design to Achieve Risk Level of 1



David Street Outlet – Challenges

7

System Age = No Flow Management

Existing Soils

Small Catch Basins

Flat Topography

Existing Outlet Capacity

Rail Corridor



Figure 3-6: Upstream View of Bradley Culvert



Figure 3-7: Downstream Channel View of David Street Storm Outlet east of Marc Avenue



Figure 3-4: Existing Catch basin on David Street vs. Standard Catch Basin with OPSP 400.010 Grate (Source: Satellite Imagery @ 2022 Google)



David Street Outlet – Opportunities

8

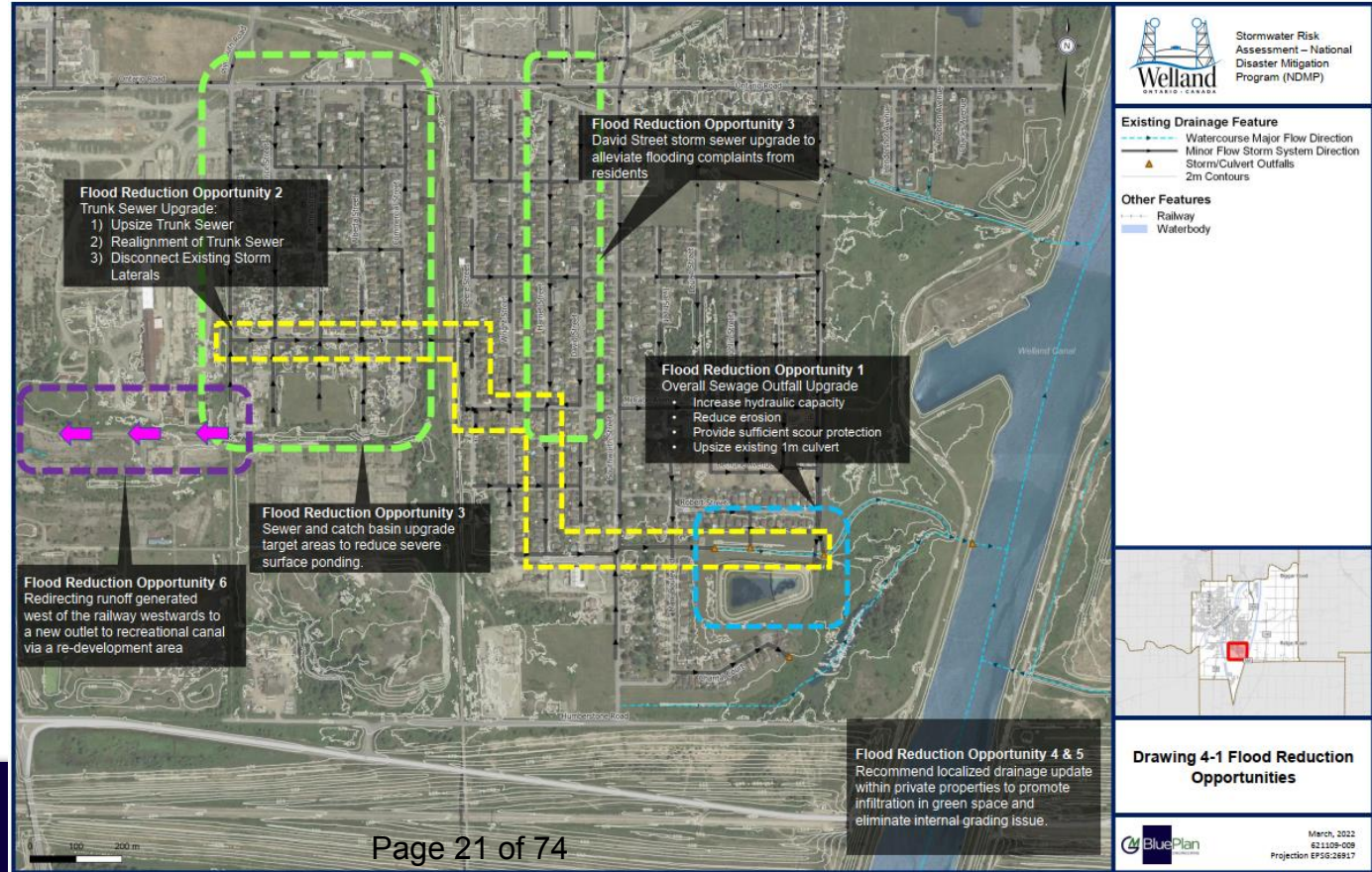
Outlet Upgrades

Sewer Upgrades

Catch Basin Upgrades

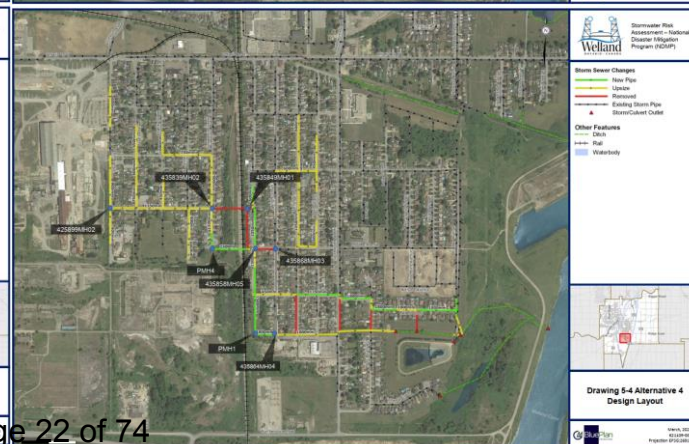
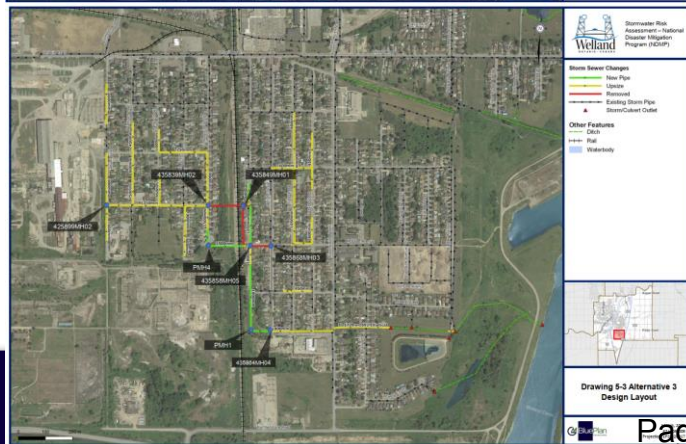
Local Grading Improvements

Flow Re-Direction



Upgrade Options

9



Improvement Potential Limited

- Outlet Capacity
- Topography
- Cost

Noticeable Improvement Under Alternative 1

Negligible Improvement with Further Upgrades

Re-direction of Western Neighborhood Potential Benefits

- Requires new outlet
- Coordination with new development
- Unknown impact of development infrastructure

Recommendation and Action Plan

11

Short-Term

- Upgrade existing Outlet Ditch (Seaway Park)
- Flow Diversion Feasibility Study

Long-Term

- Sewer Upgrade in East
- Re-Direction and New Outlet



Costing

12

Short-Term Cost

- Targeted upgrades
- Further explore feasibility of west diversion

Long-Term Cost East

- Further investment beyond what is identified provides limited benefit

Long-Term Cost West

- Need to be coordinate with adjacent development

	Project Description	Cost Estimate
Short-Term	David Street Sewer Outlet Upgrade	\$720,000
	Feasibility Study to re-direct neighborhood drainage westwards	\$210,000
Sub-total Short Term		\$930,000
Long-Term East of Rail Crossing	Upsize and Realign Trunk Sewers along Deere Street and Gordon Street	\$8,220,000
	Sewer and CB Upgrade on David and Harriet Street	\$2,515,000
Sub-total East		\$10,735,000
Long-Term West of Rail Crossing	Sewer and CB Upgrades in neighbourhood west of rail crossing	\$4,475,000
	New Trunk Sewer 1500-1800 mm Westward to Recreational Canal	\$8,770,000*
Sub-total West		\$13,245,000*
Total		\$24,910,000*

Thank You

Questions and Discussion



Julien Bell Julien.Bell@gmbblueplan.ca

COUNCIL
INFRASTRUCTURE SERVICES/ENGINEERING

REPORT ENG-2023-31
October 17, 2023

**SUBJECT: DAVID STREET OUTLET STORMWATER MASTER PLAN
 – COUNCIL PRESENTATION**

**AUTHOR: MATTHEW MAIN, P. ENG.
 INFRASTRUCTURE AND ASSET MANAGER**

**APPROVING: SHERRI-MARIE MILLAR, P. ENG.
 INTERIM CAO**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND received for information the report ENG 2023-31 David Street Outlet Stormwater Master Plan – Council Presentation.

RELATIONSHIP TO STRATEGIC PLAN:

This recommendation is aligned to Council's strategic priority of ensuring "**Environmental Stewardship**" to protect the ecosystems through a responsible approach to minimize the impact on the environment through supportive decision-making, professional processes, incentives, policies, and operational practices.

BACKGROUND:

The David Street Stormwater catchment area has a history of surface and basement flooding during wet weather events. The Stormwater Master Plan (SMP) for this area was initiated to complete a risk-based flood assessment of the area and develop a mitigation plan to reduce the risk of flooding.

The project received Federal funding from the Public Safety Canada National Disaster Mitigation Program (NDMP) and was completed by GM BluePlan Engineering Ltd. (GMBP).

DISCUSSION:

The David Street storm catchment is in the middle of the city and is bordered by Ontario Rd, Humberstone Road, and the recreational and shipping canals. Storm infrastructure in the catchment is between 50 to 75 years old. It has no stormwater

management facilities controlling stormwater quantity or quality and faces many other challenges such as the existing soil types the size of the existing catch, and the flat topography.

GMBP was contracted to investigate and develop a SMP for the catchment that accomplished the following objectives:

- Identify existing storm sewer and ditching constraints.
- Identify basement flooding risks from surface water ponding.
- Develop a vulnerability map.
- Develop a stormwater system improvement plan including any capital works and provide recommendations for future improvements/mitigation program/capital investments.

The recommendations from the stormwater master plan include short-term and long-term projects.

The short-term projects including the David Street Outlet project has been scheduled as part of the 2023 budget. The Feasibility Study to re-direct neighbourhood drainage will be proposed in the 2024 budget.

The long-term projects will be scheduled with the replacement of adjacent infrastructure within the right of way under the state of good repair programs.

FINANCIAL:

The recommendations with estimated costs are outlined below:

Short-term Projects	Cost Estimate
David Street Outlet Upgrades (Ditch and Culvert Improvements)	\$720,000.00
Feasibility Study to re-direct neighbourhood drainage westwards	\$210,000.00
Short-Term Projects Sub Total	\$930,000.00

Long-term Projects	Cost Estimate
Upsize and Realign Trunk Sewers along Deere Street and Gordon Street	\$8,220,000.00
Sewer and CB Upgrade on David and Harriet Street	\$2,515,000.00
Sewer and CB Upgrades in neighbourhood west of rail crossing	\$4,475,000.00
New Trunk Sewer 1500-1800mm westward to the recreational canal	\$8,770,000.00
Long-Term Projects Sub Total	\$23,980,000.00

Total Estimated Project Cost	\$24,910,000.00
-------------------------------------	------------------------

CONCLUSION:

The David Street stormwater catchment has a history of surface and basement flooding during wet weather events. A SMP was initiated for the area to investigate and create a mitigation to reduce the risk of future flooding.

Using Federal funding GMBP was contracted to complete the SMP. The following plan objectives were met:

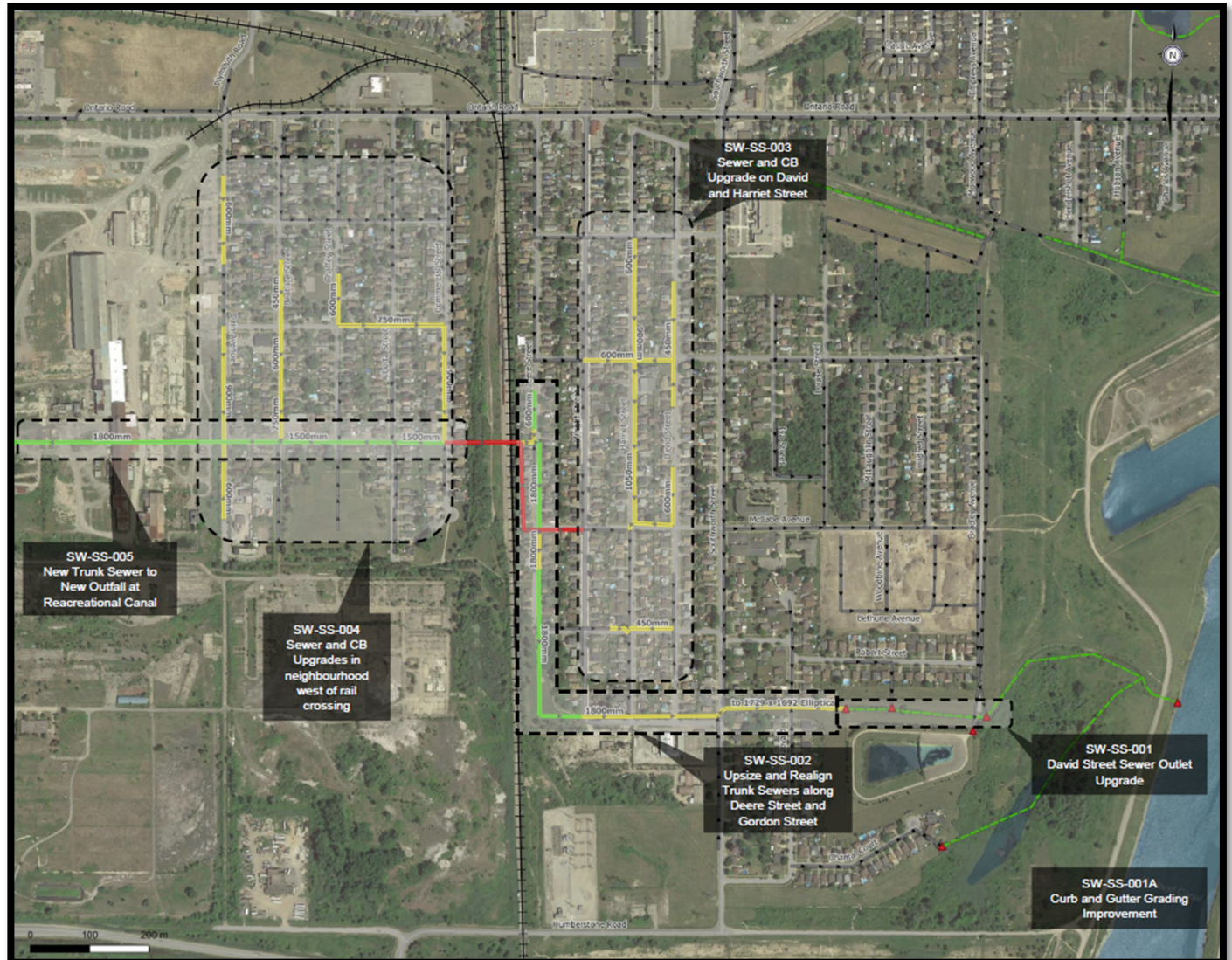
- Identify existing storm sewer and ditching constraints.
- Identify basement flooding risks from surface water ponding.
- Develop a vulnerability map.
- Develop a stormwater system improvement plan including any capital works and provide recommendations for future improvements/mitigation program/capital investments.

Recommendations from the plan were broken into short-term and long-term projects. The short-term projects have been scheduled as part of 2023 budget and will be proposed in the 2024 budget. The long-term projects will be scheduled with the replacement of adjacent infrastructure within the right of way under the state of good repair programs.

ATTACHMENT:

Appendix 1 – Recommendations Plan

Recommendations Plan



COUNCIL
FINANCE DIVISION

REPORT FIN-2023-24
October 17, 2023

SUBJECT: APPLICATION FOR TAX WRITE-OFFS – SECTIONS 357/358

AUTHOR: JANET FERLAND, TAX SPECIALIST

**APPROVING: MICHAEL LOSTRACCO, CPA, CMA
REVENUE SERVICES MANAGER
ELIZABETH PANKOFF, MBA, CPA, CGA
INTERIM DIRECTOR OF FINANCE/ CFO/ TREASURER**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the write-off of taxes in the amount of \$42,432.27 as contained in Report FIN-2023-24 for the reduction or cancellation of taxes, pursuant to Sections 357 and 358 of *The Municipal Act, 2001*.

RELATIONSHIP TO STRATEGIC PLAN

N/A – STATUTORY REQUIREMENT.

BACKGROUND:

Sections 357 and 358 provide for the cancellation, reduction or refund of taxes for conditions such as demolition, fires, class changes, errors, etc..

DISCUSSION:

Throughout the year, properties experience situations which may lead to assessment reductions. Property owners then file appeals to the Municipal Property Assessment Corporation (MPAC).

Some of the common reasons a property may experience a reduction under Sections 357 and 358 are as follows:

- ***Became Exempt*** – This situation occurs when a property is purchased by an organization that is exempt from property taxes. (City, Region, School Board)
- ***Gross or Manifest Error*** – Error or change to assessment roll by MPAC which may result from a clerical or factual error, such as transposition of figures, typographical error or creation of roll in error.
- ***Demolition*** – Property or part of property demolished.
- ***Fire*** – Property or part of property destroyed by fire.
- ***Ceased to be liable to be taxed at rate it was taxed*** – As a result of a change of event during the taxation year such as change in the use of land; an act or omission resulting in land ceasing to be in a class of property; a property is eligible to be reclassified in a different class of real property. (eg. Commercial to Residential)

Recommendations contained in the report are those approved by MPAC.

Appellants requesting adjustments other than those recommended in the report:

have the right to appeal directly to the A.R.B. (Assessment Review Board) within 35 days after Council makes its decision.

Subsequent to Council approval, notices of decision are mailed to applicants advising them of reduction or cancellation granted and status of the tax account.

FINANCIAL:

In the normal course of operations, the City processes two or three groups of 357/358 applications throughout the year. The funds allocated in the tax write-off account accommodate these adjustments.

CONCLUSION:

Approving the write-off of taxes in the amount of \$42,432.27 as contained in Report FIN-2023-24, is pursuant to Sections 357 and 358 of *The Municipal Act, 2001*.

ATTACHMENT:

Appendix I – Application to the Council for Adjustment of Taxes for the City of Welland Under Sections 357/358 of *The Municipal Act, 2001*

**APPLICATION TO THE COUNCIL FOR ADJUSTMENT OF TAXES FOR THE CITY OF WELLAND
UNDER SECTIONS 357/358 OF *THE MUNICIPAL ACT, 2001***

<u>APPLIC. NO.</u>	<u>ROLL NUMBER</u>	<u>ASSESSMENT ADJUSTMENT</u>	<u>TAX RATE</u>	<u>DOLLAR ADJUSTMENT</u>	<u>REASON</u>
23-3	30-016-12500-0000	(25,800) CT	0.03663109	(945.08)	Gross or Manifest Error
23-3	30-016-12500-0000	(94,800) CU	0.03454376	(3,274.75)	Gross or Manifest Error
23-3	30-016-12500-0000	71,600 RT	0.01757190	1,258.15	Gross or Manifest Error
23-4	10-002-00100-0000	(98,000) RT	0.01757190	(868.10)	Demolition/Razed by Fire
23-5	10-001-05100-0000	(2,358,000) CT	0.03663109	(83,536.35)	Demolition/Razed by Fire
23-5	10-001-05100-0000	1,345,000 CX	0.03454376	44,933.86	Demolition/Razed by Fire
				-	
				-	
				<u><u>(42,432.27)</u></u>	
				-	



BUDGET REVIEW COMMITTEE MEETING MOTIONS REQUIRING COUNCIL APPROVAL

Monday, October 2, 2023

5:02 p.m.

Council Chambers / Virtual ZOOM Meeting

Councillor B. Fokkens in the Chair

Members in Attendance: Councillors J. Chiocchio, B. Green, M. A Grimaldi, C. Richard, S. Setaram, and G. Speck.

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

1. 2024 BUDGET INFORMATION REPORT

THAT the Budget Review Committee direct staff to prepare a 2024 Tax Supported Operating Budget that targets an overall 2024 tax increase that minimizes the impact to taxpayers while maintaining 2023 service levels, to present Decision Units to support corporate strategic priorities that could not be accommodated within the Tax Supported Budget, to prepare a 2024 Tax Supported Capital Budget and 9 year forecast for 2025-2033 by Asset Category and that aligns with the Asset Management Plan; and further

THAT the Budget Review Committee direct staff to prepare a 2024 Rate Supported Operating Budget, to present Decision Units to support corporate strategic priorities that could not be accommodated within the Rate Supported Budget, to prepare a 2024 Rate Supported Capital Budget and 9 year forecast for 2025-2033 by Asset Category that aligns with the Asset Management Plan; and further

THAT the Budget Review Committee approves the exclusion of amortization and post-employment benefit expenses from the 2024 Budgets; and further

THAT the Budget Review Committee approve the 2024 Budget Timetable and include a debriefing meeting within the first quarter of approving the 2024 Budget, attached as Appendix I to this memorandum; and further

THAT the Budget Review Committee direct staff to provide both digital and hard copies during the 2024 Budget process.

As recommended by the Budget Review Committee at its meeting of October 2, 2023.

Date Submitted: October 17, 2023.

Submitted by Elizabeth Pankoff, Interim Director of Finance / Chief Financial Officer / Treasurer, on behalf of the Budget Review Committee.

(Signature)

COUNCIL
COMMUNITY SERVICES
PARKS AND FORESTRY DIVISION

REPORT CS-2023-27
October 17, 2023

**SUBJECT: PLYMOUTH PARK BALL DIAMOND SPORTS FIELD
LIGHTING RENEWAL – TENDER AWARD**

**AUTHOR: DAVE STEVEN, MANAGER OF PARKS, FORESTRY,
CEMETERIES, OPERATIONS & DEVELOPMENT**

APPROVER: ROB AXIAK, DIRECTOR OF COMMUNITY SERVICES

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the tender of **Nadelec Contracting Inc.** at the tendered price of **\$231,500** plus HST for the supply and installation of the Plymouth Park Ball Diamond Sports Field Lighting Renewal project; and further

THAT Welland City Council direct staff to prepare all necessary by-laws and documents to enter into an agreement with Nadelec Contracting Inc. to be signed by the Mayor and City Clerk to carry out construction.

RELATIONSHIP TO STRATEGIC PLAN

This recommendation is aligned to Council's strategic priority of ensuring "**Health and Wellbeing**" to promote personal health and well-being by offering an abundance of activities that meet the diverse needs and interests all while, advocating for improved health care throughout the city, and supporting the need for safety and security.

This recommendation is aligned to Council's strategic priority of ensuring "**Environmental Stewardship**" to protect the ecosystems through a responsible approach to minimize the impact on the environment through supportive decision-making, professional processes, incentives, policies, and operational practices.

BACKGROUND:

Plymouth Park is located on Plymouth Road between Lincoln Street to the north and Ontario Road to the south. It is a popular park for baseball and soccer and is well-used by many leagues and clubs.

The remaining 50-year-old sports field lighting system on the baseball field is now at end of its useful life and cannot support the users' needs in the current condition and is beginning to fail.

In 2023, The MBTW Group was retained to oversee the design and implementation of new sports field lighting for the park, including all associated electrical requirement. The proposed design will bring the lighting up to current standard, support user group participation, and improve user experience.

During the 2022 budget deliberations, funding was requested and approved for the remaining lighting upgrades to the slo-pitch baseball diamond. The funding request is supported by recommendations within the Parks, Recreation & Culture Master Plan by continued development in sports parks.

DISCUSSION:

The tender for the work was locally listed with the Niagara Construction Association, Construction Associations, and posted on a major Canadian tendering (Biddingo) website for three weeks.

There were 13 plan takers, and 4 tenders were received on closing day, Friday, September 27, 2023. The tenders have been reviewed for accuracy and found to be compliant with the City of Welland's tender requirements and the provisions of the current Purchasing Policy.

The summary of all the tenders received, excluding taxes, is as follows:

TENDER PRICE Excluding HST	CONTRACTOR NAME AND ADDRESS
\$231,500.00	Nadelec Contracting Inc. PO Box 416 Milton, ON, L9T 4Y9
\$303,616.51	Sid Grabell Contracting Limited (Electrical) 9815 Carl Road, Port Robinson, ON, L2V 1P1
\$308,987.00	Beam Power and Utilities LTD 10 Albert St E., Suite 105 Thorold Rd, ON, L2V 1P1
\$399,397.50	Energy Network Services Inc. 2-125 West Beaver Creek Rd, Richmond Hill, ON L4B 1C6

Nadelec Contracting Inc. is an established company having successfully completed projects across the Niagara region and within the City, including the installation of the lighting at the Youngs Sports Complex in 2019, Memorial Park Ball Diamonds (M2 & M3) in 2020, and the Plymouth Park Soccer Field in 2020. Staff considers the firm's performance to be satisfactory in accordance with our specifications and standards, and therefore recommends that the firm be awarded the contract.

Work on this contract is expected to commence by early November 2023 and to be completed by May 2024, before the sports fields open.

FINANCIAL:

Plymouth Park Ball Diamond Sports Field Lighting Renewal was identified in the 2022 capital budget in account 10-410-22407, budgeted for \$300,000. The low tender price of \$231,500 plus the City's portion of the HST of 1.76%, and the estimated consulting fees of \$18,200 plus the City's portion of the HST, brings the total project cost to approximately \$254,094.72.

There are adequate funds approved in the 2022 capital budget to complete this project, and any remaining funds will be retained to cover any approved extras.

CONCLUSION:

Staff recommends awarding the contract for the supply and installation of the Plymouth Park Ball Diamond Sports Field Lighting Renewal to **Nadelec Contracting Inc.** for the low tender price of \$231,500 + HST.

ATTACHMENT:

None.

COUNCIL
COMMUNITY SERVICES
FACILITIES DIVISION

REPORT CS-2023-30
October 17, 2023

**SUBJECT: INSPECTION AND PREVENTATIVE MAINTENANCE
PROGRAM TENDER AWARD**

**AUTHOR: FRANK PEARSON, MANAGER OF FACILITIES,
OPERATIONS AND DEVELOPMENT**

APPROVING: ROB AXIAK, DIRECTOR OF COMMUNITY SERVICES

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the award to Tektum Consulting Group for the provision of the development of a Preventative Maintenance Program, as detailed in RFP23-17; and further

THAT Welland City Council approves the balance of the funding through the Capital Surplus Reserve Fund; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a contract with Tektum Consulting Group.

RELATIONSHIP TO STRATEGIC PLAN

This recommendation is aligned to Council's strategic priority of ensuring "**Health and Wellbeing**" to promote personal health and well-being by offering an abundance of activities that meet the diverse needs and interests all while, advocating for improved health care throughout the city, and supporting the need for safety and security.

BACKGROUND:

The Facilities Division of the City of Welland currently oversees the operations and maintenance of sixty (60) facilities. In 2022 a Building Condition Assessment (BCA) was completed to provide a snapshot of the current condition of the facilities. Regular inspections, preventative maintenance and repairs must be performed to maintain, and improve the state of the facilities and extend the lifespan of the facilities.

The next step needed to implement the practice of comprehensive inspections and maintenance is to develop a preventative maintenance program, as part of the approved 2023 capital project, that is specific to each of the facilities including, scheduled inspection, maintenance, and replacements.

DISCUSSION:

The City of Welland issued RFP23-17 Preventative Maintenance Program for the City of Welland Facilities competitively on Bidding July 21, 2023. The proposal closed August 22, 2023, and the City of Welland received two (2) compliant proposal submissions:

<u>Provider</u>	<u>Scoring</u>
1. GM BluePlan Engineering Limited	2nd
2. Tektum Consulting Group	1st

Staff from Community Services evaluated the compliant proposals on deliverables, project understandings, methodology, work plan, experience, and price. Based on these criteria, staff is recommending Tektum Consulting Group.

FINANCIAL:

As shown above, Tektum Consulting Group is the highest-scoring proponent and is recommended for an award by Council. Tektum Consulting Group had the lowest submitted price, which contributed to their submission receiving the highest evaluated score.

Vendor Name	Total Cost (pre-tax)	Inclusive of City Tax
Tektum Consulting Group	\$ 55,469.00	\$ 56,445.25

Funding breakdown is outlined below:

Funding Source	Budget Funding
Develop an Inspection & Preventative Maintenance Program: 10-430-23460	\$ 50,000.00
Capital Surplus Reserve Fund	\$ 6,445.25
Total	\$ 56,445.25

CONCLUSION:

It is important to properly identify and prepare for the inspections and maintenance required to operate the city-owned facilities efficiently and to extend their effective lifecycles. Staff is seeking Council approval to award the Inspection and Preventative Maintenance Program Development to Tektum Consulting Group.

ATTACHMENT:

None

COUNCIL
OFFICE OF THE CAO/ECONOMIC DEVELOPMENT

REPORT EDO-2023-16
October 17, 2023

SUBJECT: AGREEMENT OF PURCHASE AND SALE FOR CITY OWNED PROPERTY LOCATED AT 882 SCHISLER ROAD

AUTHOR: LINA DECHELLIS, MANAGER ECONOMIC DEVELOPMENT

APPROVING: SHERRI-MARIE MILLAR, P. ENG. INTERIM CAO/DIRECTOR, INFRASTRUCTURE SERVICES/CITY ENGINEER

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the offer to purchase from 613284 Ontario Limited O/A Weed Man Niagara Falls Region for the city owned property located at 882 Schisler Road; and

That Welland City Council directs staff to prepare all the necessary documentation and by-laws relative to the transfer; and

That the Mayor and City Clerk be authorized to execute all the necessary documents relative to the transfer; and further

That Welland City Council directs staff to deposit the net proceed from the sale of these lands into the Economic Development Reserve Fund.

RELATIONSHIP TO STRATEGIC PLAN

This recommendation is aligned to Council's strategic priority of ensuring "**Economic Growth**" for creating a diverse economy through partnerships and emerging markets to ensure sustainable growth and quality employment.

BACKGROUND:

At its meeting of April 5, 2022, Council declared surplus to the City's needs 882 Schisler Road. The property is 1.67 acres in size. 200' frontage and 368' depth with a 2,049 sq. ft. building. The property is designated Agriculture and Core Natural Heritage in the Official Plan and zoned A1 – Agricultural and ECA – Environmental Conservation Area. The property contains 28 lots of record 25' x

100' but would not be developable individually as the property is outside the urban area and no municipal services are available.

This building was formerly used by the Welland Fire Department, however with the completion of the new Fire Station #1 and #2 it is no longer required.

882 Schisler Road was advertised in the Civic Corner, Novae Res Urbis GTA, posted on social media and the surplus lands section of the city website and a for sale sign was erected on the site on June 10, 2022.

When the sign was originally erected on June 10, 2022, the city was accepting offers until 4:00 p.m. on September 30, 2022. These offers were presented to Council at their November 1, 2022, Committee of the Whole meeting. Council directed staff to proceed with one of the offers. Staff did proceed with the offer; however, it did not close on the scheduled closing date.

Staff again advertised in the Civic Corner, Novae Res Urbis GTA, posted on social media and the surplus lands section of the city website in July and August 2023 and the city accepted offers until 4:00 p.m. on August 31, 2023.

DISCUSSION:

Staff presented offers to Council at their September 19, 2023, Committee of the Whole meeting and Council directed staff to proceed with the offer to purchase from 613284 Ontario Limited O/A Weed Man Niagara Falls Region.

FINANCIAL:

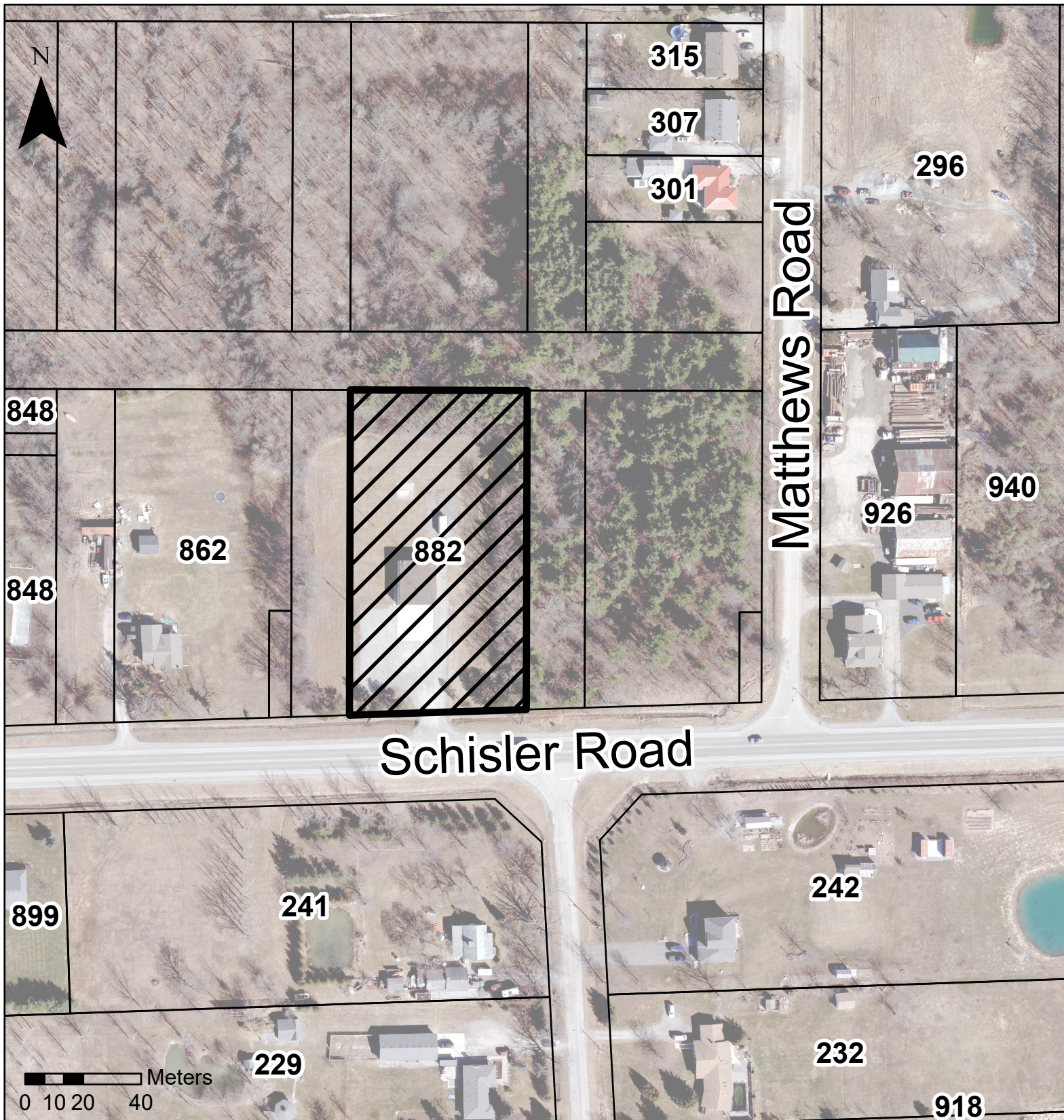
The proceeds from the sale will be transferred to the Economic Development Reserve Fund and will be used for Phase 2 of the Fire Station #3 project.

CONCLUSION:

At their September 19, 2023, Committee of the Whole Meeting Council directed staff to proceed with the offer to purchase from 613284 Ontario Limited O/A Weed Man Niagara Falls Region for city-owned property located at 882 Schisler Road.

ATTACHMENT:

Appendix 1 – Key Map



Location Map

882 Schisler Road

 Subject Lands

COUNCIL
OFFICE OF THE CAO/ECONOMIC DEVELOPMENT

REPORT EDO-2023-17
October 17, 2023

**SUBJECT: TRANSFER OF THE PROCEEDS FROM THE SALE OF
CITY OWNED LANDS COMMONLY KNOWN AS THE
NORTHERN REACH**

**AUTHOR: LINA DECHELLIS, MANAGER, ECONOMIC
DEVELOPMENT**

**APPROVING: SHERRI-MARIE MILLAR, P. ENG.
INTERIM CAO/DIRECTOR, INFRASTRUCTURE
SERVICES/CITY ENGINEER**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to deposit the proceeds from the sale of city owned lands commonly known as the Northern Reach into the Economic Development Reserve Fund.

RELATIONSHIP TO STRATEGIC PLAN

This recommendation is aligned to Council's strategic priority of ensuring "**Economic Growth**" for creating a diverse economy through partnerships and emerging markets to ensure sustainable growth and quality employment.

This recommendation is aligned to Council's strategic priority of ensuring "**Liveability**" by creating a sense of belonging while enhancing mobility by improving access to recreation and community events, ensuring adequate housing options, encouraging job growth, and improving ways to efficiently move people throughout the city.

BACKGROUND:

At the March 7, 2023, Council meeting Council approved a bylaw to authorize the acceptance of an offer to purchase from LIV Developments Ltd. for city owned lands commonly known as the Northern Reach.

DISCUSSION:

At this meeting staff indicated that they would report back to Council regarding the transfer of the proceeds into a reserve account which was to be determined.

FINANCIAL:

The proceeds from the sale will be transferred to the Economic Development Reserve Fund.

CONCLUSION:

Staff is recommending that the proceeds from the sale of the city owned lands commonly known as the Northern Reach be transferred to the Economic Development Reserve Fund.

ATTACHMENT:

None.

COUNCIL
FINANCE DIVISION

REPORT FIN-2023-25
October 17, 2023

SUBJECT: PURCHASE OF ONE (1) VACUUM TYPE STREET SWEEPER

AUTHOR: ADAM BERES, MANAGER OF PURCHASING

APPROVING: ELIZABETH PANKOFF, MBA, CPA, CGA
DIRECTOR: INTERIM DIRECTOR OF FINANCE, CFO, TREASURER

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the purchase of one (1) complete, Bucher V65T Vacuum type street sweeper from Nexgen Municipal Inc.; and further

THAT Council, authorizes Purchasing to issue a Purchase Order to secure the described equipment in accordance with the City's standard contractual terms and conditions.

RELATIONSHIP TO STRATEGIC PLAN – LIVABILITY

This recommendation is aligned to Council's strategic priority of ensuring "Liveability" by creating a sense of belonging while enhancing mobility by improving access to recreation and community events, ensuring adequate housing options, encouraging job growth, and improving ways to efficiently move people throughout the city.

BACKGROUND:

The replacement of Unit 175-0, a failing sweeper within our current fleet complement was authorized by City Council for replacement in July of 2023. The present unit is beyond its service life and costly to maintain.

DISCUSSION:

Purchasing gathered specifications from three different dealers that sell and support this type of specialized equipment. Operators and technicians from Public Works were able to view three different product offerings to arrive at the recommended purchase which demonstrates excellent value at a competitive price, with features that staff found as a benefit for daily operations. Staff also indicated the unit offered a roomier cab, simplified controls and added safety features to keep the operator and public safe during operation. The recommended unit is a low-hour demonstrator now authorized to be sold which will still have a full factory warranty.

FINANCIAL:

This unit received per-approval to purchase from Council via 10-323-24304 Pre-Approved 2024 Fleet Capital Replacements.

Dealer	Manufacturer	Model	*Budget	Price Inclusive of City portion of tax
Nexgen	Bucher	V65T	\$430,000	\$383,514
Cubex	Scarab	M6		\$442,656
Joe Johnson	Elgin	Whirlwind 1		\$467,078

CONCLUSION:

That Council approves the recommendation to purchase the above-named replacement sweeper from Nexgen Municipal Inc. and authorizes Purchasing to issue a Purchase Order to secure the described unit from the named dealership.

ATTACHMENT:

None.

COUNCIL
FINANCE DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

REPORT FIN-2023-25
OCTOBER 17, 2023

SUBJECT: PURCHASE OF ONE (1) VACUUM TYPE STREET SWEEPER

AUTHOR: ADAM BERES, MANAGER OF PURCHASING

APPROVING DIRECTOR: ELIZABETH PANKOFF, MBA, CPA, CGA
INTERIM DIRECTOR OF FINANCE, CFO, TREASURER

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the purchase of one (1) complete, Bucher V65T Vacuum type street sweeper from Nexgen Municipal Inc.

THAT THE COUNCIL OF THE CITY OF WELLAND, authorizes Purchasing to issue a Purchase Order to secure the described equipment in accordance with the City's standard contractual terms and conditions.

ORIGIN AND BACKGROUND:

The replacement of Unit 175-0, a failing sweeper within our current fleet complement was authorized by City Council for replacement in July of 2023. The present unit is beyond its service life and costly to maintain.

COMMENTS AND ANALYSIS:

Purchasing gathered specifications from three different dealers that sell and support this type of specialized equipment. Operators and technicians from Public Works were able to view three different product offerings to arrive at the recommended purchase which demonstrates excellent value at a competitive price, with features that staff found as a benefit for daily operations. Staff also indicated the unit offered a roomier cab, simplified controls and added safety features to keep the operator and public safe during operation. The recommended unit is a low-hour demonstrator now authorized to be sold which will still have a full factory warranty.

FINANCIAL CONSIDERATION:

This unit received per-approval to purchase from Council via 10-323-24304 Pre-Approved 2024 Fleet Capital Replacements.

Dealer	Manufacturer	Model	*Budget	Price Inclusive of City portion of tax
Nexgen	Bucher	V65T	\$430,000	\$383,514
Cubex	Scarab	M6		\$442,656
Joe Johnson	Elgin	Whirlwind 1		\$467,078

OTHER DEPARTMENT IMPLICATIONS:

This recommendation has been reviewed and supported by Public Works staff.

SUMMARY AND CONCLUSION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the recommendation to purchase the above-named replacement sweeper from Nexgen Municipal Inc.

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes Purchasing to issue a Purchase Order to secure the described unit from the named dealership.

ATTACHMENTS:

None.

COUNCIL
HUMAN RESOURCES

REPORT HR-2023-04
October 17, 2023

SUBJECT: Anti-Nepotism Policy

AUTHOR: Andrea Daisley, Manager of Human Resources

APPROVING: SHERRI-MARIE MILLAR, INTERIM CHIEF ADMINISTRATIVE OFFICER

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information report HR-2023-04 Anti-Nepotism Policy.

RELATIONSHIP TO STRATEGIC PLAN

This recommendation is aligned to Council's strategic priority of ensuring "**Economic Growth**" for creating a diverse economy through partnerships and emerging markets to ensure sustainable growth and quality employment.

BACKGROUND:

At the June 18, 2019 Council meeting, Council approved a motion to refer the development of a Hiring Policy and Anti-Nepotism Policy to the Human Resources Committee. Following the approved motion of Council, staff and the Human Resources Committee conducted a review of the current Hiring Policy and updated the Hiring Policy and created an Anti-Nepotism Policy accordingly.

At the February 18, 2020 Council meeting, Council approved the Hiring Policy and referred the Anti-Nepotism Policy back to staff.

At the January 26, 2021 Council meeting, a revised Hiring Policy was presented. This policy included anti-nepotism language. Council referred the revised Hiring Policy back to staff.

At the April 20, 2021 Council meeting Council approved the revised Hiring Policy, which included reference to anti-nepotism principles.

At the September 19, 2023 Council meeting Council requested the Anti-Nepotism Policy be brought back to Council.

DISCUSSION:

The current hiring policy was updated to include anti-nepotism language.

FINANCIAL:

N/A

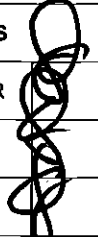
CONCLUSION:

Staff continue to recommend that anti-nepotism language within the Hiring Policy eliminates the need for a stand-alone policy.

ATTACHMENT:

Anti-Nepotism Policy
HR-2021-04 – Hiring Policy

COUNCIL
CORPORATE SERVICES
HUMAN RESOURCES

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT HR-2021-04
April 20, 2021

SUBJECT: HIRING POLICY

AUTHOR: ANDREA DAISLEY, MANAGER OF HUMAN RESOURCES

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

RECOMMENDATION:

1. THAT THE COUNCIL OF THE CITY OF WELLAND receives for information report HR-2021-04 Hiring Policy, and;
2. THAT THE COUNCIL OF THE CITY OF WELLAND approves the Hiring Policy.

ORIGIN AND BACKGROUND:

At the June 18, 2019 Council meeting, Welland City Council approved a motion to refer the development of a Hiring Policy and Anti-Nepotism Policy to the Human Resources Committee. Following the approved motion of Council, staff and the Human Resources Committee conducted a review of the current Hiring Policy and updated the Hiring Policy and created an Anti-Nepotism Policy accordingly.

At the February 18, 2020 Council meeting, Welland City Council approved the Hiring Policy and referred the Anti-Nepotism Policy back to staff.

At the January 26, 2021 Council meeting, a revised Hiring Policy was presented. This policy included anti-nepotism language. Council referred the revised Hiring Policy back to staff.

COMMENTS AND ANALYSIS:

The previous Hiring Policy referenced anti-nepotism, therefore staff took the updated anti-nepotism language from the stand-alone policy and updated the most recent Hiring Policy, approved in February 2020, to include reference to anti-nepotism principles.

FINANCIAL CONSIDERATION:

There is no financial impact associated with the adoption of the policy.

OTHER DEPARTMENT IMPLICATIONS:

N/A

SUMMARY AND CONCLUSION:

Staff have reviewed both the draft Anti-Nepotism Policy as well as the most recent version of the Hiring Policy and have included the anti-nepotism language within the Hiring Policy. Adding anti-nepotism language to the Hiring Policy, eliminates the need for a stand-alone policy.

ATTACHMENTS

Appendix 1 – Revised Hiring Policy

CITY OF WELLAND



POLICY ON ANTI-NEPOTISM

POLICY STATEMENT

The City of Welland ("the City") makes all hiring and employment related decisions based on transparency, equitable opportunity, and an overall emphasis on merit. This schedule aims to eliminate the influence of nepotism in City hiring and employment related decisions to maintain confidence in the integrity of the City's hiring and employment practices.

The purpose of this policy is to ensure that employment related decisions concerning existing or potential City employees are free from any real or perceived improper influence based on family member or significant social relationships. At the same time, it is recognized that existing family member and significant social relationships with City employees should not unduly or unfairly restrict or enhance an individual's opportunity to pursue employment or changes in employment at the City.

INTENT

The City is committed to eliminating nepotism in any employment related decisions to preserve employee moral; to provide the highest quality service possible to citizens and businesses the City services; to ensure equitable opportunities; and to preserve real and perceived integrity in the recruitment process.

SCOPE OF THIS POLICY

This schedule is in accordance with the Ontario *Human Rights Code*. S. 24 (1) (d) of the *Code* states that the right under section 5 to equal treatment with respect to employment is not infringed where an employer grants or withholds employment or advancement in employment to a person who is the spouse, child or parent of the employer or an employee.

The hiring process is intended to promote equitable opportunity, and candidates are selected and employment decisions made in accordance with the City's hiring policy and procedures, collective agreements, as well as any other applicable City policies or legislation.

No employee shall attempt to use a family or significant social relationship for his or her personal benefit or gain. This includes an employee misusing their authority to influence or make an employment related decision. Employment related decisions where a benefit may be gained or authority may be misused include but are not limited to the following:

- the approval/denial of compensation increases;
- hire, transfer, promotion, demotion decisions;
- performance rating, discipline or termination;
- the assignment and approval of overtime;
- the assignment or direction of work assignments;
- approval of leaves of absences;
- the negotiation of salary level.

No employee shall attempt to improperly influence a recruitment or selection decision to benefit a family member or someone with whom they have a significant social relationship.

All job applicants will be requested to disclose the names of any spouse, child or parent who is a current employee or elected official of the City. Job applicants will be asked whether they are aware of any family or significant social relationships currently working as a City employee or elected official by disclosing a “yes” or “no” response. With the exception of a spouse, child, or parent relationship, applicants will not be requested to provide the names of any other family member or significant social relationships, in accordance with the Ontario *Human Rights Code*.

A spouse, child or parent of a current City employee or City elected official shall not be considered for employment, or changes in employment, if placement would create a direct or indirect reporting relationship with the above mentioned family members.

No employee shall be in a direct or indirect reporting relationship; or be placed in a position of influence over an employed family member or significant social relationship.

Employees who become involved in a spousal relationship, significant social relationship, or who become related over the course of their employment may continue as employees if no direct reporting or indirect reporting relationship exists between such employees. If there is a direct reporting or indirect reporting relationship the City will attempt to find a suitable job to transfer one of the affected employees. If the City is unable to transfer the employee or the employee is unable to find alternative employment, then a decision will be made, in consultation with Human Resources, as to appropriate next steps.

Family members of City employees and City elected officials will be considered for employment or advancement provided they

- have made application in accordance with established procedure;
- have been considered in accordance with established procedure;
- possess the necessary qualifications; and
- are considered to be the most suitable candidate.

RESPONSIBILITIES UNDER THIS POLICY

Employee

Immediately notify supervisor in writing of any conflict of interest. This includes the existence or formation of a direct or indirect reporting relationship with a family member or person for whom there is a significant social relationship.

Inform General Manager or Human Resources directly, if the employee has knowledge of a reporting relationship where an undisclosed conflict of interest exists.

Supervisor

Do not knowingly place employees in positions where their duties could create a conflict of interest with a family member or significant social relationship.

Where conflict of interests exist, notify the department's General Manager, who, in consultation with Human Resources, shall determine whether the employee has breached or may potentially become in breach of this Policy.

General Manager

If a real or apparent conflict exists, and it is duly reported, such that the employee is or may be or may become in breach of this schedule and the Code of Conduct, instruct the employee, in writing, to withdraw from participation in any dealings or decision making processes relative to the issue at hand. If the employee has knowingly or willfully breached the Policy, determine the appropriate disciplinary measure in consultation with Human Resources.

Where a direct or indirect reporting relationship exists between family members or a significant social relationship, in consultation with Human Resources and the manager or supervisor, make reasonable efforts to transfer one of the employees to a different division or department.

Human Resources

Provide consultation, as requested, from employees on this Policy and specific situations involving a conflict of interest.

DEFINITIONS

Conflict of Interest

A conflict of Interest, as defined in Schedule A of the Code of Conduct for Employees policy, is a situation in which an employee has personal or private interests that may compete with the public interests of the City of Welland. Such competing interests can make it difficult to fulfill his or her duties impartially. A Conflict of Interest can create an appearance of impropriety or a perception of bias that can undermine confidence in the person and in the City of Welland generally. A conflict exists even if no unethical or improper act results from it. A Conflict of Interest can either be an apparent conflict or a real conflict.

Apparent Conflict

Exists where an informed and reasonable person reviewing the matter and having thought the matter through could conclude that a Conflict of Interest exists.

Real Conflict

Exists where a personal interest exists and that interest:

1. is known to the employee; and
2. has a connection to the employee's duties that is sufficient to influence the exercise of those duties.

Direct Reporting Relationship

Involves a reporting relationship where an individual has the authority to: direct and control the activities and work assignments of another employee; review or approve performance reviews; approve wage and salary adjustments; administer disciplinary action; and recommend or approve the hiring or firing of an employee.

Family Member

Includes the following family relationships:

- spouse (includes married and common-law of the same or opposite sex)
- mother, father, or legal guardian (foster or step)
- son, daughter (foster or step)
- sister, brother, step-sister, step-brother
- aunt, uncle, niece and nephew
- mother-in-law, father-in-law, sister-in-law, brother-in-law,
- son-in-law or daughter-in-law
- grandchild, grandparent, step-grandparent, step-grandchild
- child, mother or father in a relationship where the role of parent has been assumed

Indirect Reporting Relationship

Exists between the employee and the second-removed manager.

Nepotism

Favoritism granted to a family member or individual of significant social relationship, usually in the form of hiring practices or other employment decisions without regard or with lesser regard to the individual's merit, qualifications or performance.

Significant Social Relationship

An emotional association, personal relationship or strong friendship that is not defined by blood or legal bonds e.g. godchild

COMPLIANCE

Every employee is expected to be aware of and act in compliance with the Code of Conduct for Employees Policy and the related Schedules. Any employee under investigation may be suspended with or without pay or be re-assigned to other duties pending completion of the investigation, depending on the particulars of the case and the best interests of the City. Where there is a serious wrongdoing, as defined in the Whistleblower By-law, that By-law applies. Violations of this Schedule may result in appropriate disciplinary measures, up to and including dismissal.

REVIEW

The City will review this policy when necessary.

Issue Date:	July, 2019
Revision Date:	N/A

COUNCIL/SPECIAL
PLANNING AND DEVELOPMENT SERVICES
TRAFFIC DIVISION

REPORT TRAF-2023-47
October 17, 2023

SUBJECT: PROPOSED BY-LAW TO REGULATE THE
DISTRIBUTION OF PRINTED MEDIA

AUTHOR: JAMES CRONSHAW, MLEO (C), C.P.S.O
SENIOR BY-LAW ENFORCEMENT OFFICER

APPROVING: GRANT MUNDAY, B.A.A., MCIP, RPP
DIRECTOR OF PLANNING AND DEVELOPMENT
SERVICES

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information
REPORT TRAF-2023-47 By-law to Regulate the Distribution of Printed Media; and
further

That THE COUNCIL OF THE CITY OF WELLAND adopts By-Law 2023-XX; a
By-law to Regulate the Distribution of Printed Media, as set out in Appendix I of
this report.

RELATIONSHIP TO STRATEGIC PLAN

This recommendation is aligned to Council's strategic priority of ensuring "**Health and Wellbeing**" to promote personal health and well-being by offering an abundance of activities that meet the diverse needs and interests all while, advocating for improved health care throughout the city, and supporting the need for safety and security.

BACKGROUND:

At the April 12, 2022, Special Council meeting, the following motion was approved:

WHEREAS newsprint media thrown onto public or private property is a
blight on the City;

WHEREAS many residents have tried to opt out from receiving free publications unsuccessfully.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND bans the practice of distributing newsprint or flyers by any other method other than placing the reading material in a mailbox or other intended receptacle belonging to the intended recipient.

In a report submitted to Council on July 19, 2022, staff recommended to work with Metroland Media on delivery complaints. A process that has been successful for the City of St Catharines, the City of Thorold and the Town of Fort Erie.

At the August 18, 2022, Special Council meeting, report TRAF-2022-41-Distribution of Advertising Flyers and Newspapers was referred back to staff. Council directed staff to review the City of Fort Erie and Thorold by-laws to ascertain any similar provisions we can consider for the City of Welland.

DISCUSSION:

The proposed by-law to regulate the distribution of printed media is attached to this report. The by-law imposes obligations on distributors of flyers and newspapers and requires them to be placed in a mailbox, mail slot, doorstep or another receptacle designed for flyers and/or newspapers.

Distributors are prohibited from delivering flyers and newspapers to residential properties where an owner/ occupant has posted a sign indicating “No Flyers”, “No Newspapers”, “No Junk Mail” or similar sign. The sign does not have to be a specific sign provided by the municipality. Residents may craft their own sign, provided it is visible at the entrance to the property.

Where a resident posts a sign and delivery occurs, this constitutes an offence under this by-law. Enforcement of this by-law will be complaint driven as is the case with by-law enforcement practices.

FINANCIAL:

There are no financial implications at this time.

CONCLUSION:

The proposed by-law will mitigate the adverse effects caused by the improper delivery of flyers and newspapers by minimizing the distribution of unwanted materials and requiring all materials to be delivered to an appropriate location.

ATTACHMENT:

Appendix I – A copy of proposed bylaw

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER _____

**A BY-LAW TO REGULATE THE DISTRIBUTION OF
PRINTED MEDIA**

WHEREAS section 8 of the Municipal Act, S.O. 2001, c.25 ("Municipal Act, 2001") provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipalities ability to respond to municipal issues;

AND WHEREAS section 11 of the Municipal Act, 2001 provides that a lower-tier municipality has the authority to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property;

AND WHEREAS section 128 of the Municipal Act, 2001 provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS Section 128(2) of the Act states that the opinion of Council under Section 128 of the Act, if arrived at in good faith, is not subject to review by any court;

AND WHEREAS section 425 of the Municipal Act, 2001 provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the statute is guilty of an offence;

AND WHEREAS section 436 of the Municipal Act, 2001 authorizes a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with, among other things, a by-law, direction or order of the municipality;

AND WHEREAS Section 446 of the said Act, authorizes, among other things, entry onto land, recovery of costs and addition of costs to the tax roll;

AND WHEREAS Section 391 of the Act provides that a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it, and which by-law may provide for interest charges and other penalties, including the payment of collection costs, for fees and charges that are due and unpaid;

AND WHEREAS the Council of the Corporation of the City of Welland deems it necessary and expedient to use the powers granted to it pursuant to the aforementioned Sections of the Municipal Act:

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
CITY OF WELLAND ENACTS AS FOLLOWS:**

SECTION 1 - SHORT TITLE

- 1.1 This By-law may be referred to as the "Print Media Distribution By-law".

SECTION 2 - DEFINITIONS

For the purposes of this By-law all words shall have their normal and customary meaning save and except for those hereinafter defined:

- 2.1 "By-Law Enforcement Officer" means a person appointed by The Corporation of the City of Welland for the purposes of enforcement of its By-laws.
- 2.2 "City" means The Corporation of the City of Welland.
- 2.3 "Distributor" means any person, which distributes, permits to be distributed or causes to be distributed any Flyer and/ or Newspaper;
- 2.4 "Flyer" means any printed or written matter, and includes a circular, leaflet, pamphlet, paper, booklet, postcard, coupon, or any other printed or otherwise reproduced matter;
- 2.5 "Newspaper" means any printed material that contains news, articles, features and/ or advertising;
- 2.4 "owner" means and includes an owner, lessee or occupant.
- 2.5 "person" means an owner, individual, corporation or other entity.
- 2.6 "premises" means the external surface of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any building or buildings;
- 2.7 "Residential Property" means property or part thereof used or intended to be used for residential purposes, but does not include the portion of a hotel, motel used for the purpose of lodging for the public;

SECTION 3 - GENERAL PROHIBITIONS

- 3.1 No Distributor shall distribute, deposit or deliver or cause to be distributed, deposited or delivered any Flyer and/ or Newspaper except in accordance with this By-law.
- 3.2 No Owner of a Residential Property shall cause or permit the presence of any Flyer and/ or Newspaper on the said property except in accordance with this by-law.

SECTION 4 – DISTRIBUTION OF FLYERS, NEWSPAPERS AND UNSOLICITED PRINT MATERIAL

- 4.1 The Owner of a Residential Property may post a sign or notice at the property stating that they do not want to receive any Flyers and/ or Newspapers.
- 4.2 A sign or notice stating the owner does not want to receive Flyers and/ or Newspapers shall be posted in a manner such that the sign or notice is visible at the entrance to the Residential Property.
- 4.3 No Distributor shall deliver or cause to be delivered any Flyers and/ or Newspapers at or on a Residential Property if such a sign or notice has been posted.

- 4.4 No Distributor shall deliver or cause to be delivered any Flyers and/ or Newspapers on Residential Property other than:
- a) In a mailbox;
 - b) In a mail slot;
 - c) On a doorstep; or
 - d) In a receptacle designated for this purpose.
- 4.5 No Distributor shall deliver or cause to be delivered any Flyers and/ or Newspapers to a Residential Property where the Flyers and/or Newspapers have not been taken in for two consecutive weeks.

SECTION 5 – ADMINISTRATION, ENFORCEMENT AND RIGHT OF ACCESS

- 5.1 This By-law shall be administered and enforced by the City and the By-law Enforcement appointed or otherwise delegated the authority of administration and enforcement.
- 5.2 A By-law Enforcement Officer designated to perform inspections pursuant to this by-law may at all reasonable times, enter upon any land for the purpose of carrying out an inspection to determine whether or not this By-law is being complied with.
- 5.3 The By-law Enforcement Officer shall have inspection powers described in Section 436 of the Act.
- 5.4 No person shall obstruct or hinder, or attempt to obstruct or hinder, a By-law Enforcement Officer, in the exercise of a power or the performance of a duty under this by-law.
- 5.5 No person shall refuse to produce any documents or things required by a By-law Enforcement Officer under Sections 5.2 and 5.3 of this By-law, and every person shall assist with entry, inspection, examination, or inquiry by a By-law Enforcement Officer.
- 5.6 No person shall knowingly furnish false information in any form to the By-law Enforcement Officer with respect to this by-law.
- 5.7 If there is a conflict between a provision of this By-law and a provision of any other City By-law, the provision in this by-law shall apply.
- 5.8 It is hereby declared that notwithstanding that any part of this By-law, or parts thereof, may be found by any Court of law to be invalid or beyond the power of Council to enact such a section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this By-law are separate and independent there from and enacted as such.
- 5.9 Pursuant to the provisions of Sections 23.1 to 23.5 of the Act, the Clerk of the City of Welland is hereby authorized to effect any minor modifications or corrections of an administrative, numerical, grammatical, semantical or descriptive nature or kind to this By-law as may be necessary after the passage of this By-law.

SECTION 6 – PENALTY

- 6.1 Any person who contravenes any provision of this By-law is guilty of an offence.
- 6.2 A person convicted of an offence contrary to a provision of this By-law in a proceeding commenced under Part III of this Provincial Offences Act, R.S.O. 1990, c. P.33, is liable to a fine of no more than Ten Thousand Dollars (\$10,000.00).

SECTION 7 – EFFECTIVE DATE

- 7.1 This By-law comes into force and effect on January 1, 2024.

SECTION 8 – EXEMPTIONS

- 8.1 This By-law does not apply to:
 - a) Addressed mail, including addressed advertising materials;
 - b) Any election materials produced in the course of a campaign for elected office including materials from election officials, political parties and/ or electoral candidates;
 - c) Newspapers delivered to paid subscribers;
 - d) Information circulars and/ or mailings in the public interest from government departments or agencies at the Federal, Provincial and/ or Municipal level.

____ READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS
DAY OF **OCTOBER, 2023**.

Mayor

City Clerk

COUNCIL
Fire and Emergency Services

REPORT FES-2023-04
October 17, 2023

SUBJECT: FES-2023-04: FIRE DEPARTMENT PORTABLE RADIO PURCHASE

AUTHOR: ADAM ECKHART, MPS, BPSA, ECFO

**APPROVING: ADAM ECKHART, MPS, BPSA, ECFO
FIRE CHIEF AND COMMUNITY EMERGENCY
MANAGEMENT COORDINATOR**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the purchase of portable radios and related equipment from Five-9 Solutions Inc., for a total cost of \$187,628.59 including HST as quoted through the competitive bid process.

RELATIONSHIP TO STRATEGIC PLAN

This recommendation is aligned to Council's strategic priority of ensuring "**Health and Wellbeing**" to promote personal health and well-being by offering an abundance of activities that meet the diverse needs and interests all while, advocating for improved health care throughout the city, and supporting the need for safety and security.

BACKGROUND:

The Fire Department issues portable radios to each staff who are assigned to operate in a hazardous condition. These radios operate on the frequencies assigned to the department and other agencies, providing communication to the Incident Commander and others. This is their critical lifeline to call for help for the people they care for, and for themselves.

The Fire Department is currently operating Motorola XTS portable radios, that have reached the end of their service life. Motorola has stopped manufacturing repair parts and replacement parts. The supply of OEM batteries and parts has been nearly depleted. These radios must be replaced, and Council has approved the capital funds for 2023.

WFES staff have been provided several portable radios of various makes and models to trial and they have provided feedback on the key features that they

believe will meet their operational needs and preferences. One of their recommendations is the equipment recommended in this report.

DISCUSSION:

The L3Harris XL-185 equipment is state of the art and has the technical ability to operate on Welland's current equipment, located in Welland, and at the Fire Communications Center, located in Tillsonburg. It meets and exceeds the applicable safety standards, and performs well under hazardous conditions that firefighters experience. It is very rugged equipment and has the ability to be updated and enhanced as the needs of the department and firefighting industry evolve.

The recommended vendor is familiar with Welland's radio equipment and is capable of programming important features to improve connectivity and information sharing. This includes a new feature for WFES of having Mayday communications at the touch of a button. A safety improvement for staff.

FINANCIAL:

The purchase value of this equipment is \$187,628.59, including HST. Council has approved \$400,000 for this project in 2023. Adequate funding is available for the various parts and labour required to install the equipment in the vehicles. A surplus is forecasted for this account.

CONCLUSION:

Portable radios are a life safety tool for firefighters and the L3Harris™ product is tested and proven to meet and exceed the testing standards. The proposed equipment is interoperable with Welland's current equipment and it comes with a two-year warranty.

ATTACHMENT:

NIL

September 25, 2023

CL 13-2023, September 21, 2023

CSC 9-2023, September 13, 2023

CSC-C 18-2023, September 13, 2023

DISTRIBUTION LIST

SENT ELECTRONICALLY

Motion – Equity, Diversity and Inclusion and the Damaging Impacts of Hate and Intolerance

CSC-C 18-2023

Regional Council, at its meeting held on September 21, 2023, passed the following recommendation, as amended, of its Corporate Services Committee:

WHEREAS respect for the views and opinions of others is a hallmark of civil discourse in our society;

WHEREAS freedom of expression is a fundamental value of a free and democratic society;

WHEREAS speech that threatens violence, intimidates, abuses or bullies is not and should not be protected as free expression;

WHEREAS there have been many recent instances of violence, threats of violence, intimidation, abuse, and bullying by some individuals in the Niagara region against others for a variety of reasons other than legitimate differences of political views or opinions;

WHEREAS some elected officials in Niagara have been the subject of violent attacks, online harassment, and physical intimidation over the past several months;

WHEREAS Regional Council approved on February 17, 2022, a Resolution at the Corporate Services Committee that condemned those acts of violence, harassment, and intimidation against members of Regional Council and local area municipal councils, all public servants, and all health care providers;

WHEREAS elected officials are obligated to adhere to the provisions of codes of conduct that regulate their behaviour when serving the public; and

WHEREAS there is no excuse for bad behaviour by any individual against another.

NOW THEREFORE BE IT RESOLVED:

1. That Regional Council **AFFIRMS** that equity, diversity, and inclusion are core values that it supports and will continue to promote;
2. That the Niagara Regional Police Service **BE REQUESTED** to consider the implementation of training and look to update protocols with respect to responding to complaints of threats of violence, intimidation, and bullying of elected officials and members of local appointed committees in Niagara;
3. That staff **BE DIRECTED** to investigate the following and provide a report to the Corporate Services Committee as soon as reasonably practical:
 - a) Creation of a program to educate the public on the benefits of equity, diversity and inclusion and conversely the damaging impacts of hate and intolerance;
 - b) Whether Council should consider the creation of a residents or citizens code of conduct to guide individuals engaging elected officials or attending meetings of Regional Council and its Committees and various advisory committees;
 - c) Any further information, data or recommendations that Council should consider to alleviate incidents of hate and intolerance in Niagara;
4. That the Provincial Government **BE REQUESTED** to develop legislation and/or policies to protect elected officials and members of local appointed committees from violence, threats of violence, intimidation, abuse, and bullying by other individuals; and
5. That a copy of this Resolution **BE SENT** to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the Association of Municipalities of Ontario, all municipalities in Niagara, all Niagara MPPs and MPs, and the Chief of the Niagara Regional Police Service for consideration and support.

Yours truly,



Ann-Marie Norio
Regional Clerk

:kl
CLK-C 2023-109

Motion – Equity, Diversity and Inclusion and the Damaging Impacts of Hate and
Intolerance

September 25, 2023

Page 3

Distribution List:

The Honourable Doug Ford, Premier of Ontario
The Honourable Paul Calandra, Minister of Municipal Affairs and Housing
The Association of Municipalities of Ontario (AMO)
Local Area Municipalities
Jeff Burch, Member of Provincial Parliament, Niagara Centre
Wayne Gates, Member of Provincial Parliament, Niagara Falls
Sam Oosterhoff, Member of Provincial Parliament, Niagara West
Jennie Stevens, Member of Provincial Parliament, St. Catharines
Dean Allison, Member of Parliament, Niagara West
Vance Badawey, Member of Parliament, Niagara Centre
Tony Baldinelli, Member of Parliament, Niagara Falls
Chris Bittle, Member of Parliament, St. Catharines
B. MacCulloch, Chief of Police, Niagara Regional Police Services



Legislative Services

September 26, 2023

File #120203

Sent via email: ann-marie.norio@niagararegion.ca

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way, P. O. Box 1042
Thorold, ON L2V 4T7

Dear Ms. Norio:

Re: Region's 2024 Operating Budget Levy Approval

The Municipal Council of the Town of Fort Erie at its Special meeting of September 25, 2023 passed the following resolution:

Whereas the Niagara Region taxes form a significant portion of the overall tax bill that is issued by the local area municipality; and

Whereas the Niagara Region approved a 7.58% increase to the Regional Operating Budget Levy, 8.59% increase to the Water and Wastewater Levy, and a 5.5% increase to the Waste Management Levy, which outpaced the ability to pay and affordability of our local taxpayers; and

Whereas Niagara Region and Local Area Municipalities recognize that the post-pandemic economy, market inflation and housing shortages are a reality which have driven up costs for basic housing and food above the means of many residents.

Therefore be it resolved that the Niagara Regional Council be requested to ensure that the Region's 2024 Operating Budget Levy be approved at or below the current rate of inflation 3.7%, as a responsible, affordability measure for the residents of Niagara; and

That: This resolution be circulated to the Region and all local area municipalities for their support and endorsement.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

Peter Todd,
Manager, Legislative Services / Town Clerk

ptodd@forterie.ca

PT-dlk

c.c. LAM's

Mailing Address:

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 711-1800 FAX: (905) 871-4022

Web-site: www.forterie.ca



Catherine Fife

MPP Waterloo

CITY OF WELLAND
RECEIVED

OCT 07 2023

MAYOR'S OFFICE

Frank Campion
Mayor of City of Welland
60 Main St. E., Welland, ON, L3B 3X4

RE: Requesting your support for Bill 21, Fixing Long-Term Care Amendment Act (Till Death Do Us Part), 2022

September 25, 2023

Dear Mayor Campion,

I am writing to you today to share an update on Bill 21, Fixing Long-Term Care Amendment Act (Till Death Do Us Part), 2022, and to request your support for this important legislation.

Bill 21 amends the Residents' Bill of Rights set out in section 3 of Fixing Long-Term Care Act, 2021 by adding the right of residents not to be separated from their spouse upon admission but to have accommodation made available for both spouses so they may continue to live together.

The Act was inspired by Cambridge resident Jim McLeod, who will have been separated from his wife of 65 years Joan, on September 17, 2023. Nearly 6 years later, Jim continues to champion spousal reunification. He often says that he will talk to anyone and has two giant binders full of his advocacy work on the Bill. Last week, he told me that his heart is breaking because of his separation from Joan. He has brought other seniors who are separated from their spouses into the advocacy – you cannot sit with these folks for any amount of time and not care deeply about this legislation.

I know that you value the many contributions that older adults have made to Waterloo Region, and care deeply that they can live their final years with dignity and love. **I am hoping you will consider bringing a motion forward to your Council, in support of the Till Death Do Us Part Act.** Your support will help us to keep attention on this important legislation, so that it can finally be called to the Standing Committee on Social Policy – one step closer to Royal Assent.

I would be happy to discuss the Bill with you further, via phone call or an in-person meeting at your convenience. Thanks in advance for considering my request.

Sincerely,

Catherine Fife, Waterloo MPP
Finance & Treasury Board Critic

Constituency Office
100 Regina St. S., Suite 220
Waterloo, ON N2J 4A8
Ph: 519-725-3477 | Fax: 519-725-3667
Email: cfife-co@ndp.on.ca

Queen's Park Office
Room 154, Main Legislative Bldg.
Queen's Park, Toronto ON M7A 1A5
Ph: 416-325-6913 | Fax: 416-325-6942
Email: cfife-qp@ndp.on.ca

BACKGROUND:

On November 15, 2022, the Till Death Do Us Part Act, passed second reading in the Ontario legislature after being [introduced for the third time in September 2022](#). The bill was then referred to the Ontario Legislature's Social Policy Committee. You can view highlights of the second reading debate here: <https://www.youtube.com/watch?v=mYRIgQgDe2k>

I have been pushing for the Standing Committee on Social Policy to schedule a time to begin the work of reviewing Bill 21 since November 2022. **Today marks 286 days since the Act passed second reading at the Legislative Assembly of Ontario.** Unfortunately, the Bill has yet to be called to committee.

Bill 21, which was formerly Bill 153 and 95, respectively, had passed second reading and was sent to the Justice Committee in December 2019, but was wiped off the order paper when Premier Ford prorogued the house in 2021. It was reintroduced early 2022 but did not have time to progress before the election.

Since I first introduced this Bill in 2019, the number of people who've reached out to my offices with heartbreaking stories of couples entering long-term care who are torn apart has skyrocketed. Simply put, Ontario seniors deserve dignity in care and should have the right to live with their partner as they age. Of note, Nova Scotia passed similar legislation, titled the [Life Partners in Long-Term Care Act](#) in 2021.

Following many meetings with stakeholders, it's clear that "care campuses" which offer different levels of care (independent, assisted living and long-term care) are the progressive model for investing in quality care for Ontario's aging population. Care campuses are an essential element to keeping couples together as they often age at different rates. This level of choice has been brought to my attention as especially important to rural and northern municipal leaders across Ontario. The care campus model for seniors housing that builds different levels of care has unique financial savings that will be critical as we grapple with a rapidly aging province.

We need the Bill to be called to the Standing Committee on Social Policy as soon as possible. We know that couples who are separated across Ontario cannot wait any longer for this legislative change to be made.

Here are the links to recent media coverage of the Till Death Do Us Part Act, which provide more specific insights into the lived experiences of older adults who are separated from their spouses:

- [CTV News Kitchener: Ontario seniors separated in long-term care pushing for the right to remain together](#)
- [CityNews Kitchener: Waterloo MPP appeals for seniors bill to be brought forward](#)
- [Waterloo Region Record: Cambridge senior calls for end to separating couples in long-term care](#)

October 5, 2023

CL 13- 2023, September 21, 2023

DISTRIBUTION LIST

SENT ELECTRONICALLY

Motion - Recommendations from the Renfrew County Inquest and Declaration of Intimate Partner Violence as an Epidemic and Declaration of Intimate Partner Violence as an Epidemic

Regional Council, at its meeting held on September 21, 2023, passed the following recommendation:

WHEREAS the jury that adjudicated the Carol Culleton, Anastasia Kuzyk, and Nathalie Warmerdam Inquest (The Renfrew County Inquest) issued 86 recommendations to the Province of Ontario on Intimate Partner Violence;

WHEREAS Recommendation #1 of the Inquest is for the Province of Ontario to declare Intimate Partner Violence an epidemic;

WHEREAS every six days in Canada a woman is killed by her intimate partner;

WHEREAS on any given night in Canada, more than 6,000 women and children sleep in shelters because it is not safe for them at home;

WHEREAS this past year in Ontario, 52 women or one every week, were victims of femicide;

WHEREAS violence against Indigenous women (including but not restricted to intimate partner violence) is a national crisis, as evidenced by the findings of the National Inquiry into Missing and Murdered Indigenous Women and Girls, with Indigenous women (61%) experiencing some form of intimate partner violence in their lifetime compared with non-Indigenous women (44%);

WHEREAS gender- and sexually-diverse Indigenous women are particularly at risk, being five times more likely than non-Indigenous gender- and sexually-diverse women to experience intimate partner violence in their lifetime;

WHEREAS in Niagara Region in 2022, there were 5,160 Intimate Partner Violence calls for service made to Niagara Regional Police Service and 1,143 of those calls involved criminal investigations;

WHEREAS for the 2022-2023 fiscal year, Victim Services Niagara provided service to 749 victims of intimate partner violence, including 31 children; developed 91 safety plans for victims and had to revise 55 of those safety plans due to breaches;

WHEREAS for the 2022-2023 fiscal year, Victim Services Niagara provided service to 227 victims of sexual violence;

WHEREAS for the 2022-2023 fiscal year, Birchway Niagara received 2,571 crisis calls; supported 575 women through outreach services; 233 women and children stayed in shelter; and 278 women were turned away due to a lack of space;

WHEREAS for the 2022-2023 fiscal year, Gillian's Place received 10,383 crisis calls; supported 2,017 people through outreach services; 166 adults and 127 children lived in shelter; and 431 people were turned away due to lack of space;

WHEREAS violence against women costs the national justice system, health care systems, social service agencies, and municipalities nearly \$10 billion dollars per year; and municipalities are on the front lines in addressing gender-based violence;

WHEREAS more than 40 municipalities and regions across Ontario have declared a gender-based violence and/or intimate partner violence epidemic;

WHEREAS on August 16, 2023, Justice Minister Arif Virani described gender-based violence as an epidemic and stated this his government is committed to ending the gender-based violence epidemic "in all its forms, and is working to address any gaps in the Criminal Code to ensure a robust justice system response;"

WHEREAS on August 20, 2023, Ontario Big City Mayors (OBCM) and Mayors and Regional Chairs of Ontario (MARCO) passed a motion declaring intimate partner violence and gender-based violence epidemic; called on the Federation of Canadian Municipalities (FCM), the Association of Municipalities of Ontario (AMO), and all municipalities and regions in Ontario and Canada to do the same; and called for changes to the Criminal Code; and

WHEREAS Niagara Regional Council recognizes that issues of gender-based violence and intimate partner violence are matters of local importance, including public health, EMS, community services, and community safety, in all of our communities.

NOW THEREFORE BE IT RESOLVED:

1. That Niagara Region **RECOGNIZE** the issues of gender-based violence and intimate partner violence in Niagara as serious to the health and wellness of local residents and their families;
2. That Niagara Region **COMMIT** to engaging with community partners to educate and support our residents about the seriousness and long-term danger of violence in our communities;
3. That Niagara Regional Council **DECLARE**, in accordance with Recommendation #1 of the Renfrew County Inquest, that intimate partner violence and gender-based violence are an epidemic;

4. That the Regional Chair **WRITE** a letter to The Honourable Doug Ford, Premier of Ontario, requesting that the Province of Ontario re-consider their previous decision and declare intimate partner violence and gender-based violence as epidemic and act on all of 86 Recommendations from The Renfrew County Inquest;
5. That a copy of this motion **BE SENT** to each of Niagara's 12 Local Area Municipalities requesting they endorse the declaration of intimate partner violence and gender-based violence as an epidemic; and
6. That a copy of this motion **BE SENT** to The Honourable Arif Virani, Minister of Justice; The Honourable Doug Ford, Premier of Ontario; The Honourable Charmaine A. Williams, Associate Minister of Women's Social and Economic Opportunity; The Honourable Parm Gill, Minister of Red Tape Reduction; Niagara four MPs; Niagara's four MPPs; the Association of Municipalities of Ontario (AMO); the Federation of Canadian Municipalities (FCM); Mayors and Regional Chairs of Ontario (MARCO); and Ontario's Big City Mayors (OBCM).

Yours truly,



Ann-Marie Norio
Regional Clerk

:kl

CLK-C 2023-117

Distribution List:

- Local Area Municipalities
- Premier of Ontario
- Minister of Justice
- Associate Minister of Women's Social and Economic Opportunity
- Minister of Red Tape Reduction
- Local Members of Parliament
- Local Members of Provincial Parliament
- Association of Municipalities of Ontario (AMO)
- Federation of Canadian Municipalities (FCM)
- Mayors and Regional Chairs of Ontario (MARCO)
- Ontario Big City Mayors (OBCM)