



CITY OF Welland

MINUTES OF THE

December 19, 2023 COUNCIL MEETING

**CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET**

Council met in Committee-of-the-Whole closed to the public at 5:04 p.m. and in open session at 7:22 p.m. on the above date.

His Worship Mayor Frank Campion in the Chair.

Members Present:

Councillors J. Chiochio, B. Fokkens, B. Green, M.A. Grimaldi (virtual), D. McLeod, A. Moote, C. Richard, S. Setaram (5:09 p.m.), G. Speck (until 6:18 p.m.), and L. Van Vliet (virtual until 7:12 p.m. and in-person at 7:35 p.m.).

Members of Staff and Others Present:

Chief Administrative Officer, R. Axiak (7:22 p.m.)

City Clerk, T. Stephens

Interim Director of Finance/Chief Finance Officer/Treasurer, E. Pankoff (7:22 p.m.)

Director of Infrastructure Services, SM. Millar (7:22 p.m.)

Manager of Human Resources, A. Daisley (until 7:12 p.m.)

Manager of Facility Operations & Development, F. Pearson (7:22 p.m. – 8:48 p.m.)

Revenue Service Manager, M. Lostracco (7:22 p.m. - 8:45 p.m.)

Planning Supervisor-Development, T. Meadows (7:22 p.m.)

2023 - 535**23-25**

Moved by Fokkens and Grimaldi

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 5:04 p.m. to consider:

- personal matters about an identifiable individual, including municipal or local board employees;
 - *Harassment Matter.*

CARRIED**2023 - 536****23-25**

Moved by Richard and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:12 p.m. without report.

CARRIED**DELEGATIONS**

23-28 Jason Snyder and Mike Britton, Crimestoppers Niagara addressed Council regarding Crimestoppers Program.

AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORTS

99-90 Jesse D'Hulster, Chair, Kaitlyn Joaquin, Treasurer, and Kelly Jones, Past Chair, Welland Downtown Business Improvement Area (WDBIA) addressed Council regarding an update on its activities and 2024 Budget.

PUBLIC MEETING PURSUANT TO SECTIONS 357/358 OF THE MUNICIPAL ACT, 2001 - TAX WRITE-OFFS

- No one spoke.

There being no speakers, the public meeting was concluded.

2023 - 537**23-1**

Moved by Richard and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of November 21, 2023 and Special Council Meetings of November 6 as amended and November 27, 2023, as circulated.

CARRIED**2023 - 538****99-90**

Moved by Setarem and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Jesse D'Hulster, Chair, Kaitlyn Joaquin, Treasurer and Kelly Jones, Past Chair, Welland Downtown Business Improvement Area (WDBIA) regarding an update on its activities; and

THAT Welland City Council approves the 2024 budget from the Welland Downtown Business Improvement Area Board as recommended by their board in the amount of \$119,413; and further

THAT Welland City Council authorizes the Interim Director of Financial/CFO/Treasurer to make arrangements to levy an amount of \$119,413 against the business operations within the defined area on condition that the required financial statements are submitted to the satisfaction of the City.

(Councillor McLeod disclosed an interest in a matter, and did not take part in the consideration and discussion of same, as he has an interest in a building which pays the WDBIA Levy).

CARRIED

2023 - 539

99-90

Moved by Chiocchio and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and approves the Welland Downtown Board Business Improvement Area (WDBIA) slate of Officers and Directors for term of 2024-2026.

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99-90

THAT Welland City Council refers to the Council Meeting of January 16, 2024.

CARRIED

2023 - 540

02-85

Moved by Green and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND approves the award to The Herrington Group Ltd. for the provision of the assessment and recommendations to meet AODA 2025 AODA compliance regulations, as detailed in RFP23-20; and further

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

CARRIED

2023 - 541

02-160

Moved by McLeod and Van Vliet

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.

YEAS: McLeod, Moote, and Van Vliet.

NAYS: Green, Speck, Chiocchio, Richard, Grimaldi, Setaram, Fokkens and Mayor Campion.

LOST

2023 - 542

02-160

Moved by Chiocchio and Setaram

THAT THE COUNCIL OF THE CITY OF WELLAND establish or amend a By-law to allow Councillor questions and presentations proceed to exceed from 5 minutes to 8 minutes to accommodate Councillor questions that pertain to development and other important issues by the City.

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02-160

Moved by Fokkens and Moote

THAT Welland City Council requests this recommendation be included in the procedural by-law review for consideration.

CARRIED

2023 - 543

20-97

Moved by Fokkens and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND approves Redline Draft Plan of Subdivision for the Dain West Subdivision (file no. 26T-14-20007) for an additional three (3) years to May 4, 2027; and,

THAT Welland City Council approves a policy amendment to allow for the Redline Draft Plan of Subdivision for the Dain West Subdivision Approval for three (3) years which exceeds the one (1) year extension provided in Policy SER-012-0014; and,

THAT Welland City Council approves Redline Draft Plan of Subdivision for the Dain West Subdivision for lands more specifically known as Part of Lots 21, 22, 23, Concession 5, former Township of Humberstone, Part of the road allowance between Lots 22 and 23, Concession 5 (closed), Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 on 59R-15225, City of Welland, Regional Municipality of Niagara. Subject to the following additional revisions to the conditions of approval:

THAT THE COUNCIL OF THE CITY OF WELLAND approves Redline Draft Plan of Subdivision for the Dain West Subdivision (file no. 26T-14-20007) for an additional three (3) years to May 4, 2027; and,

THAT Welland City Council approves a policy amendment to allow for the Redline Draft Plan of Subdivision for the Dain West Subdivision Approval for three (3) years which exceeds the one (1) year extension provided in Policy SER-012-0014; and,

THAT Welland City Council approves Redline Draft Plan of Subdivision for the Dain West Subdivision for lands more specifically known as Part of Lots 21, 22, 23, Concession 5, former Township of Humberstone, Part of the road allowance between Lots 22 and 23, Concession 5 (closed), Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 on 59R-15225, City of Welland, Regional Municipality of Niagara. Subject to the following additional revisions to the conditions of approval:

1. "Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry Citizenship and Multiculturalism (MCM) (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.
In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."
2. That the owner provides a written acknowledgement to Niagara Region Growth Strategy and Economic Development stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
3. That the owner provides a written undertaking to Niagara Region Growth Strategy and Economic Development stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the Subdivision Agreement between the owner and the City.
4. That the owner submit a stormwater management outlet profile to Niagara Region Growth Strategy and Economic Development for review and approval. The plan shall ensure that the outlet does not negatively impact upon the proposed Regional forcemain.

CARRIED

2023 - 544

23-4

Moved by McLeod and Moote

WHEREAS, as debt and interest payments are budgeted annually; and further

WHEREAS, in times of significant lags or changes in debt configuration can affect payments and have a significant short-term gain or loss in a given budget period.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND requests finance present an updated policy which addresses lagged financial impacts in annual budgets by June 2024.

CARRIED

2023 - 545

23-4

Moved by McLeod and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND approves the write-off of taxes in the amount of \$925.67 as contained in Report FIN-2023-33 for the reduction or cancellation of taxes, pursuant to Sections 357 and 358 of The Municipal Act, 2001.

CARRIED

2023 - 545**23-13**

Moved by McLeod and VanVliet

WHEREAS, Welltrans serves those in our community with limited mobility; and further

WHEREAS, the Region of Niagara does not offer discounted fare packages for purchases on these specialized bus and instead requires that a customer with limited mobility, travel to a transit hub such as the Seaway Mall in order to purchase multi passes at discounted rates.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND requests that the Region permit discounted fare purchases for those with mobility challenges on the service buses in which they ride.

CARRIED**2023 - 546****23-28**

Moved by Fokkens and Richard

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Jason Snyder and Mike Britton regarding Crimestoppers Program.

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23-28

Moved by McLeod and Mootie

THAT THE WELLAND CITY COUNCIL receives for information the presentation by Jason Snyder and Mike Britton regarding Crimestoppers Program and refers matter to staff for report.

CARRIED**Action Items/Direction to Staff:**

- Provide a report regarding signage as requested by Crimestoppers Niagara.

BY-LAWS

Moved by Grimaldi and Mootie (in block)

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

05-120

BYL 2023 - 176

A By-law to amend By-law 2020-140, being a By-law under the Building Code Act respecting Construction, Demolition, Change of Use, Occupancy, Transfer of Permits and Inspections.

02-160

BYL 2023 - 177

A Bylaw to amend Bylaw 2017-6, being a By-law to govern the Proceeding and Conduct of Council and the Committees, amending Section 10.6 "Council Meeting Schedule"

23-109

BYL 2023 - 178

By-law to exempt certain lands from Part-Lot Control – Block 246, Plan 59M-504, Parts 1-8 (Inclusive), 59R-17780, (23, 27,31, 35, 39, 43, 47, 55 Rowlock Street), City of Welland, and to repeal By-law 2023-122.

23-135

BYL 2023 - 179

A By-Law to exempt certain lands from Part-Lot Control – Block 30, Plan 59M-486, designated as Parts 1 to 23 (Inclusive) on Plan 59R-17932, being all of PIN 64428-1059 (LT), City of Welland (6, 16, 24, 32, 40, 48, 56, 66, 74 Alvira Trail & 298, 310, 318, 326, 334, 342, 350, 358, 366, 376 Turnberry Trail).

23-38

BYL 2023 - 180

A By-Law to amend By-Law 2006-193, being a By-Law to Establish and Regulate Fees and Charges for Various Services or Activities and Use of Property as provided by the Municipality to establish rates effective January 1, 2024.

03-133

BYL 2023 -181

A By-Law to cancel City Taxes for 968 Niagara Street (File: Brown 2023-02).

CARRIED

Moved by McLeod and Moote

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

02-85

BYL 2023 -182

A By-Law to authorize entering into a contract with The Herrington Group Ltd. for the provision of the assessment and recommendations to meet AODA 2025 AODA Compliance Regulations.

CARRIED

Moved by McLeod and Fokkens

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

23-1

BYL 2023 - 183

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 19th day of December, 2023.

CARRIED

Council adjourned at 10:01 p.m.

These Minutes to be approved and adopted by Motion of Council this 9th day of January, 2024.