



CITY OF Welland

MINUTES OF THE AUGUST 24, 2023 SPECIAL COUNCIL MEETING CIVIC SQUARE, COUNCIL CHAMBERS 60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 5:33 p.m. and in open session at 7:03 p.m. on the above date.

His Worship Mayor Frank Campion in the Chair.

Members Present:

Councillors J. Chiochio (virtual at 6:40 p.m.), T. DiMarco (until 8:11 p.m. then virtual at 8:32 p.m.), B. Fokkens, B. Green, M.A. Grimaldi (virtual until 10:15 p.m.), J. Lee (virtual), D. McLeod, S. Setaram (virtual), G. Speck and L. Van Vliet.

Members of Staff and Others Present:

Interim Chief Administrative Officer/ Director of Infrastructure Services, SM. Millar (6:50 p.m.)

City Clerk, T. Stephens

Manager of Budgets & Financial Reporting/Deputy Treasurer, E. Pankoff (7:03 p.m.)

Director of Planning and Development Services, G. Munday (7:03 p.m.)

Director of Community Services, R. Axiak (7:03 p.m.)

Manager of Human Resources, A. Daisley (until 10:33 p.m.)

Infrastructure & Asset Manager, M. Main, (7:03 p.m. - 10:33 p.m.)

Manager of Business & Community Services, A. Degazio (7:03 p.m. - 10:15 p.m.)

Capital & Payables Manager, A. Vuksan Scott (7:03 p.m. - 8:30 p.m.)

(Dasha Peregoudova, Solicitor, Aird & Berlis was present during Committee-of-the-Whole discussion regarding personal matters about an identifiable individual, including municipal or local board employees).

2023 - 375**23-25**

Moved by McLeod and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 5:33 p.m. to consider:

- personal matters about an identifiable individual, including municipal or local board employees;
 - *Personnel Matters Update.*
 - *Citizen appointment to the Committee of Adjustment.*
 - *Interim Chief Administrative Officer Update.*
 - *Interim Chief Financial Officer.*
- proposed or pending acquisition or disposition of land by the municipality or local board; and
 - *Notre Dame Rowing Club Update & Next Steps.*
 - *RBC Building.*
 - *Northern Reach Road Allowance Update.*
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - *Empire Memorandum of Understanding Update/Information*

CARRIED**2023 - 376****23-25**

Moved by Green and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:55 p.m. without report.

CARRIED**THE FOLLOWING ITEM WAS DELETED:****21-51** Report FIN-2023-18 - Empire MOU - Development Charge Credits.**PRESENTATION:**

12-96 Deborah Anshell, Integrity Commissioner and Michael Maynard, Investigator, ADR Chambers addressed Council regarding Investigation Report Complaint No. IC-22027-0123 and 2022- 2023 Annual Report.

DELEGATIONS:

23-15 Nora Reid, President and David Thomson, Central Station Education Initiative addressed Council regarding the progress on the Fire Station Restoration.

23-28 Dave Thomas, Chair, Canadian-Cuban Friendship Association (CCFA) addressed Council regarding the CCFA Niagara's Taste of Cuba BBQ.

2023 - 377**07-107**

Moved by Van Vliet and Green

THAT THE COUNCIL OF THE CITY OF WELLAND approves the amalgamation of all current agreements with the "Welland Jackfish" into one consolidated license agreement; and further

THAT Welland City Council authorizes city staff to update and renew the current license agreement to a 10-year term for the specified use of the Baseball Stadium at Quaker Road Sports Complex, commencing on May 1, 2023, and ending May 31, 2033; and further

THAT Welland City Council authorizes city staff to align the current revenue sharing agreement with the Welland Jackfish for the sale of advertising of the new scoreboard,subject to the same terms as described in R&C-2021-07; and further

THAT Welland City Council authorizes the Mayor and City Clerk to sign an updated Licence Agreement.

(Councillor Speck disclosed an interest in a matter, and did not take part in the consideration and discussion of same, as his company supplies Welland Jackfish with printed apparel).

CARRIED

2023 - 378

12-96

Moved by McLeod and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Deborah Anschell, Integrity Commissioner and Michael Maynard, Investigator, ADR Chambers regarding Investigation Report Complaint No. IC-22027-0123 and 2022- 2023 Annual Report.

CARRIED

2023 - 379

19-36

Moved by Fokkens and Green (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the direct appointment of GM BluePlan Engineering Limited to provide professional services for the 2023 Asset Management Plan Update as per their proposal dated June 6, 2023, for the amount of \$171,610.00 excluding HST; and further THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to enter into a contract with GM BluePlan Engineering Limited to complete the described work; and further THAT Welland City Council authorizes the Mayor and Clerk to execute all necessary documents and agreements for the contracts.

CARRIED

2023 - 380

21-30

Moved by Green and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CS-2023-23, 2023 Seasonal Emergency Homeless Shelter Pilot Review, as noted in the Notice of Motion #21-30, and further

THAT Welland City Council approves the discontinuation of the Welland Seasonal Emergency Homeless Shelter program, and further

THAT Welland City Council directs staff to pursue opportunities to work collaboratively with the Region of Niagara and service organizations on other Homeless Shelter options and to report back to Welland Council for consideration.

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21-30

Moved by Setaram and VanVliet

THAT Welland City Council directs staff to work with the Niagara Region to approach all people living in tents in the City of Welland to determine the number of additional beds required for this winter season.

CARRIED

FOLLOWING THE VOTE ON THE AMENDING MOTION, THE MAIN MOTION WAS SPLIT AS AMENDED

THAT Welland City Council approves the discontinuation of the Welland Seasonal Emergency Homeless Shelter program.

YEAS: Councillors McLeod and Mayor Campion.

NAYS: Councillors Lee, Green, Speck, Chiochio, DiMarco, Grimaldi, Setaram, Fokkens, and Van Vliet.

LOST

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CS-2023-23, 2023 Seasonal Emergency Homeless Shelter Pilot Review, as noted in the Notice of Motion #21-30, and further

THAT Welland City Council directs staff to pursue opportunities to work collaboratively with the Region of Niagara and service organizations on other Homeless Shelter options and to report back to Welland Council for consideration.

YEAS: Lee, Green, Speck, Chiocchio, McLeod, DiMarco, Grimaldi, Setaram,
Van Vliet and Mayor Campion.

NAYS: None.

UNANIMOUSLY CARRIED

2023 - 381

21-64 Moved by Fokkens and Green (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated July 20, 2023 regarding support for Ontario's Wine Industry.

CARRIED

2023 - 382

23-4 Moved by Speck and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND approves the updates to the Budget Review Committee Terms of Reference as identified in this report.

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23-4 Moved by McLeod and Setaram

THAT Welland City Council amends Duties and Functions, second bullet to "set and review debt management strategy".

CARRIED

23-4 Moved by Speck and Chiocchio

THAT Welland City Council amends Quorum to be seven (7) members of Council including the Chair.

CARRIED

23-4 Moved by Speck and Chiocchio

THAT Welland City Council refers Report FIN-2023-16 back to staff.

Action Items/Direction to Staff:

- Quarterly budget meetings where variance reports and future requests for budget amounts
- Presentations that would be processed through the budget process at year end
- Requests from council to change budget process for the upcoming year for input and feedback
- Post budget review
- Recommendations for the new budget to be considered.

CARRIED

2023 - 383

23-4 Moved by Fokkens and Green (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the Capital Project Close-out report listed in Appendix A as attached to Report FIN-2023-19; and further

THAT Welland City Council approves the recommended transfers to/from the respective reserves and recommended projects as outlined in Appendix A as attached to Report FIN-2023-19.

CARRIED

2023 - 384

23-4

Moved by Green and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the 2023 Q2 year to-date variance and capital progress report (FIN-2023-21) dated August 15, 2023.

CARRIED

2023 - 385

23-15

Moved by McLeod and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Nora Reid, President and Dave Thomson, Central Station Education Initiative regarding the progress on the Fire Station Restoration and update on activities.

CARRIED

2023 - 386

23-24

Moved by Lee and Setaram

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report HR-2023-02 Chief Administrative Officer (CAO) Recruitment; and further THAT Welland City Council provides direction regarding the recruitment of the CAO to Human Resources

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23-24

Moved by Green and Lee

THAT Welland City Council approves Option 1 – Request for Proposal to select an Executive Search Firm.

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23-24

Moved by Fokkens and McLeod

THAT Welland City Council amends option 1 to state “that all members of council will be invited to interview the final three (3) candidates, prior to making their final decision.”

CARRIED

23-24

Moved by Fokkens and Green

THAT Welland City Council directs staff to prepare a report to appoint subcommittee at September 5th Council Meeting.

CARRIED

23-24

Moved by McLeod and Grimaldi

THAT Welland City Council defer to the 1st meeting in November 2023.

LOST

**FOLLOWING THE AMENDMENTS TO THE FIRST AMENDMENT,
THE FIRST AMDNEMENT WAS PUT AS AMENDED AND.....**

YEAS: Councillors Lee, Green, Speck, Chiocchio, McLeod, DiMarco, Setaram, and Fokkens.

NAYS: Councillors Grimaldi, Van Vliet and Mayor Campion.

CARRIED

**FOLLOWING THE VOTES ON THE AMENDING MOTIONS, THE MAIN
MOTION WAS PUT AS AMENDED**

CARRIED

2023 - 387

23-28

Moved by Chiocchio and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Dave Thomas, Chair, Canadian-Cuban Friendship Association (CCFA) regarding the CCFA Niagara's Taste of Cuba BBQ.

CARRIED

2023 - 388**23-34**

Moved by

THAT THE COUNCIL OF THE CITY OF WELLAND approves the amendments to the Mayor and Councillors Expense Policy FIN-001-0018 as identified in this report; and further THAT Welland City Council increase the Councillors conference budget from \$22,135 to \$60,000 with funding to be provided from the operating surplus.

NOT PUT**23-34**

Moved by Van Vliet and Fokkens

THAT Welland City Council refers Report FIN-2023-20: Mayor & Councillors Expense Policy Update (FIN-001-0018) to the September 19th Council Meeting.

CARRIED**2023 - 389****23-46**

Moved by Fokkens and Green (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the purchase of one (1) complete, new 2024 GMC Sierra 3500HD from Niagara Motors complete with aluminum dump body as approved in the 2023 Capital Fleet budget process.

CARRIED**2023 - 390****23-101**

Moved by Fokkens and Green (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Town of Thorold, dated August 2, 2023 regarding Paul Bernardo.

CARRIED**2023 - 391****23-102**

Moved by Fokkens and Green (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the City of Thorold regarding petition to enhance access to nutritional food and support local agriculture in Niagara Region.

CARRIED**2023 - 392****23-104**

Moved by Speck and Chiochio

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Town of Fort Erie dated July 26, 2023 regarding controls on Airbnb, VRBO and other which affect municipal rentals.

CARRIED**2023 - 393****23-105**

Moved by Fokkens and Green (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND approves Draft Plan of Subdivision for lands described as Part of Township Lot 229 Thorold Designated as Parts 1,2,3,4,5,6,7,8,9,10,11,12, 59R-17062. Part of Township Lots 229 & 230 Thorold Designated as Parts 13 and 14, 59R-17062. Part Township Lot 229, Thorold Designated as Parts 19, 20, 21, 22, 23 and 24, 59R-17062; Part Block F Plan M75 Designated as Parts 19, 20, 21, 22, 23 and 24, 59R-17062; Part Block G Plan M75 Designated as Parts 25, 26 and 27, 59R-17062; Welland S/T RO743059 Over Parts 2, 3 and 4, 59R-17062; S/T RO357511 Over Part 3, 59R-17062; S/T RO345094 Over Parts 7, 8 and 9, 59R-17062; S/T LT16884 Over Parts 21 and 22, 59R-17062; S/T Easement in Favour of Welland Hydro-Electric System Corp. Over Parts Over Parts 4, 5, 8 and 11, 59R-17062 as in RO778444 and Over Parts 17 and 18, 20, 22, 24, and 26 as in SN19072, City of Welland, municipally known as 205 Lancaster Drive, for the creation of a one (1) block subdivision to be further developed with approximately 1300 dwelling units, internal streets, parks and small-scale commercial uses, subject to the following conditions:

1. That the Owner enter into a Subdivision Agreement with the City of Welland;
2. That all development must conform to the City of Welland Municipal Standards, as amended;

3. That all necessary easements required for utility and servicing purposes be granted to the appropriate authority free and clear of all encumbrances;
4. That the following clause be included in the subdivision agreement:

“If deeply buried or previously undiscovered archaeological remains and/or resources are found during development activities on the subject lands, all activities must cease immediately, people must not disturb and must move away from the find, and the area must be secured to prevent site disturbance. The following agencies must be immediately contacted:

- a) *Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (MCM) in Toronto (416-212-8886).*
- b) *City of Welland Planning Division (905-735-1700 ext. 2251); and,*
- c) *Interested indigenous communities of the closest cultural affiliation if it is an indigenous archaeological find.*

The project proponent must consult a licensed consultant archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

No further development or site alteration (including but not limited to grading, overburden deposition, soil compaction or other soil disturbances shall take place, which may impact the archaeological site on the property prior to the MCM confirming through the City of Welland/Niagara Region that all archaeological resource concerns have met licensing and resource conversation requirements.

Once the extent of the archaeological site is determined, City/Regional planning staff, the project proponent, licensed consultant archaeologist and MCM staff will consult on the next steps to enable development that will not negatively impact the archaeological site to proceed.”

“If human remains are encountered during development activities, all activities must cease immediately. People must not disturb and must move away from the remains. Contact the police and coroner. Do not allow anyone to approach the remains until the police arrive and take control of the scene. Police or the coroner will secure the site. The coroner and police may determine that the remains are the result of criminal activity.

The project proponent must then inform the following agencies:

- a) *Minister of Public and Business Service Delivery Registrar (1-800-889-9768 or FBCSARegistrar@ontario.ca)*
- b) *City of Welland Planning Division (905-735-1700 ext. 2251); and,*
- c) *Interested indigenous communities of the closest cultural affiliation if it is an indigenous archaeological site.*

5. *Refer to the Niagara Region Archaeological Management Plan; Appendix C Contingency Plan for the Protection of Archaeological Resources in Urgent Situations (Section 3 The Discovery of Human Remains – Best Practices Protocol) for further detail.”;*
6. That the owner shall submit a written acknowledgement to the Niagara Region stating that draft approval of this development does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner;

7. That the owner shall submit a written undertaking to the Niagara Region stating that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration, shall contain a clause indicating that servicing allocation for the development will not be assigned until the plan is registered, and a similar clause be inserted in the condominium agreement.
8. That the owner submits the design drawings [with calculations] for any new municipal sanitary and storm sewers required to service this development and obtain the necessary Environmental Compliance Approval(s) under the Transfer Review Program or through the Consolidated Linear ECA approval process.
9. That design drawings related to the Regional force main and manhole on Lancaster Avenue be prepared to the satisfaction of Niagara Region.
10. That the owner enters into an agreement for and pay \$500,000.00 towards community service improvements in the general area in lieu of the \$500,000.00 payment which was originally approved towards construction of a new transit terminal.
11. That prior to granting approval for the Final Plan, the City of Welland will require written notice from the following upon their respective conditions having been met satisfactorily:

Region of Niagara: 4 – 9
12. That if final approval is not given to this Plan within three (3) years of the approval date and no extensions have been given, Draft Approval shall lapse. If the owner wishes to request extension to Draft Plan Approval, a written request with reasons why the extension is required and the applicable application fee, must be received by the City prior to the lapsing date; and further,

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

CARRIED

2023 - 394

23-106 Moved by Green and Setaram

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to prepare the necessary By-law(s) to lay out, establish and name the 0.3 metre Reserve described as Block 15, Plan 59M-231 as Waterview Court.

CARRIED

2023 - 395

23-107 Moved by Lee and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND approves extension to Red-Line Draft Plan of Vacant Land Condominium for the Fusion Homes Phase 2 Vacant Land Condominium (file no. 26CD-14-20001) for an additional three (3) years to November 10, 2026.

THAT THE COUNCIL OF THE CITY OF WELLAND approves a policy amendment to allow for the Red-Line Draft Plan of Vacant Land Condominium for the Fusion Homes Phase 2 Vacant Land Condominium Approval for three (3) years which exceeds the one (1) year extension provided through Policy SER-012-0014.

THAT THE COUNCIL OF THE CITY OF WELLAND approves Red-Line Draft Plan of Vacant Land Condominium for the Fusion Homes Phase 2 Vacant Land Condominium for lands more specifically known as Parts of Lots 141 to 143 (both inclusive), Part of Block "E", Part of Glenwood Parkway and Part of Woodland Drive (closed by By-law 1329, Inst. No. RO102482) Plan 821 (being part 3, Plan 59R17020), City of Welland, Regional Municipality of Niagara. Subject to the following additional conditions of approval:

1. A Photometric Analysis for the section of roadway south of Stanley Street shall be undertaken. Any required additional lighting will be at the cost of the Developer/Owner.
2. That permanent rear-lot fencing be provided for all lots bordering on the retained Environmental Protection Areas. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
3. That the Tree Saving Plan prepared in accordance with the Region of Niagara Tree and Forest Conservation By-law (By-law 30-2008) Section 1.36 be provided for Regional Planning and Development Services approval.
4. That the owner shall submit to Niagara Region and the City of Welland an updated/ revised Phase 1 Environmental Site Assessment (ESA) prepared by a qualified person in accordance with current Ministry of Environment, Conservation and Parks standards. Upon completion of the Phase 1, a Phase 2 Environmental Site Assessment report, if necessary, or Soil Sampling Investigation report and any subsequent reports, if applicable, shall be submitted to Niagara Region and City of Welland.
5. That the condominium agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with Condition above.

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23-107 Moved by Fokkens and Speck
THAT Welland City Council amends to one (1) year.

CARRIED

FOLLOWING THE MOTION TO AMEND, THE MAIN MOTION WAS PUT AS AMENDED AND

CARRIED

2023- 396

23-108 Moved by Fokkens and Speck
THAT THE COUNCIL OF THE CITY OF WELLAND approves paying for off duty police officers to patrol in the Niagara College area on move in weekend from the 2023 Advisory Committee Activity Account.

CARRIED

2023 - 397

23-25 Moved by Speck and Setaram
THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 10:33 p.m. to consider:

- Proposed or pending acquisition or disposition of land by the municipality or local board:
 - *Notre Dame Rowing Club Update.*
 - *RBC Building (verbal report).*
 - *Northern Reach Road Allowance Update.*
- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose:
 - *Empire MOU Update/Information.*

CARRIED

2023 - 398

23-25 Moved by McLeod and Van Vliet
THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 10:56 p.m. without report.

CARRIED

BY-LAWS

Moved by Fokkens and Green (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.

19-36

BYL 2023 - 119

A By-law to authorize entering into contract with GM Blueplan Engineering Limited to provide professional services for the 2023 Asset Management Plan Update.

23-22

BYL 2023 - 120

A By-law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland to enforce the Provisions of Traffic and Parking By-law 89-2000 at Seaway Mall and to Repeal By-law 2023-84.

23-22

BYL 2023- 121

A By-law to amend Appointment By-laws 2018-48, 2018-49 and 2018-50.

23-109

BYL 2023 - 122

A 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.

23-109

BYL 2023 - 123

A By-law to exempt certain lands from Part-Lot Control – Block 238, Plan 59M-504, Parts 1-8 (Inclusive), 59R-17781, (24, 28, 32, 36, Rowlock Street), City of Welland.

CARRIED

Moved by McLeod and Green

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.

11-108

BYL 2023 - 124

A By-law to further amend By-law 2016-104, being a By-law to delegate various planning and community improvement incentive approvals to staff and to adopt certain procedures for the processing of planning applications subject to delegated authority.

CARRIED

Moved by Van Vliet and McLeod

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

23-106

BYL 2023- 125

A By-law to Lay Out, Establish and Name Block 15, Plan 59M-231 being a 0.3 Metre Reserve for the City of Welland as Waterview Court.

CARRIED

Moved by McLeod and Van Vliet

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

23-1

BYL 2023 - 126

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 24th day of August, 2023.

CARRIED

Council adjourned at 10:58 p.m.

These Minutes to be approved and adopted by Motion of Council this 19th day of September, 2023.

MAYOR

CITY CLERK