



MINUTES OF
COUNCIL MEETING, SEPTEMBER 3, 2019
CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 4:39 p.m. and in open session at 7:01 p.m. on the above date.

His Worship Mayor Frank Campion in the Chair.

Members Present:

Councillors J. Chiochio, T. DiMarco, B. Fokkens, B. Green, J. Larouche, D. McLeod (4:44 p.m.),
A. Moote, G. Speck, L. Spinosa, C. Richard and L. Van Vliet.

Members of Staff and Others Present:

Chief Administrative Officer, G. Long
Acting General Manager, Human Resources and Legislative Services/City Clerk, T. Stephens (5:31 p.m.)
Deputy Clerk, C. Radice (4:39 p.m. - 5:31 p.m.)
Chief, Fire & Emergency Services, B. Kennedy
General Manager, Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas (until 6:43 p.m.)
General Manager, Infrastructure and Development Services, T. Fitzpatrick
Manager of Development Approvals, G. Munday
Acting Manager, Human Resources, A. Daisley (4:39 p.m. - 5:31 p.m.)
Legislative Assistant, C. Viger (7:01 p.m.)

(Zaheer Lakhani, Solicitor, was present during Committee-of-the-Whole discussion on personal matters about an identifiable individual, including municipal or local board employees).

(Tom Hanrahan, Solicitor, was present during Committee-of-the-Whole discussion on litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board).

2019 - 609**19-25**

Moved by Green and Spinosa

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 4:39 p.m. to consider:

- personal matters about an identifiable individual, including municipal or local board employees;
- proposed or pending acquisition or disposition of land by the municipality or local board;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
- a trade secret or scientific, technical, commercial or financial that belongs to the municipality or local board and has monetary value or potential monetary value.

CARRIED**2019 - 610****19-25**

Moved by Mootte and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:43 p.m. without report.

CARRIED**PRESENTATIONS**

Mayor Campion and Vance Badawey, Member of Parliament presented a certificate to Lori Hayes Root regarding community recognition.

DELEGATIONS

99-99 Claire Masswohl addressed Council regarding relocation of workers' monument to Merritt Park.

2019 - 611**19-1**

Moved by Spinosa and Richard

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of August 6, 2019 as circulated.

CARRIED**2019 - 612****99-99**

Moved by Richard and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Claire Masswohl regarding the relocating of workers' monument to Merritt Park.

CARRIED**2019 - 613****99-99**

Moved by Van Vliet and DiMarco

THAT THE COUNCIL OF THE CITY OF WELLAND approves the relocation of the Workers' Monument from the former Lakeside Steel Corporation site on Dain Avenue to Merritt Park.

CARRIED**2019 - 614****99-99**

Moved by Fokkens and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND pass the resolution attached as Appendix I of R&C-2019 which authorizes the City Clerk to execute a contribution agreement with FedDev Ontario for \$500,000 in funding for the Lincoln St. Docks Area.

CARRIED

2019 - 615

99-99 Moved by Green and Spinosa

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to start a public consultation process on the design of a new park area and that a report come to General Committee by the end of 2019; and THAT the report include replacement of the current park infrastructure and enhancements due to the loss of parkland; and further

THAT Welland City Council requests the Niagara Region to pay all associated costs, which include, public notice, public consultation and reconstruction of the park, enhancements to compensate for the loss of parkland, parking and full replacement of washrooms and new facility to replace former Merritt Island building.

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99-99 Moved by Fokkens and McLeod

THAT Welland Council requests the Niagara Region to pay for the replanting of the 150th Canada Legacy Memorial trees”.

CARRIED

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

CARRIED

2019 - 616

03-59

19-22 Moved by Moote and Spinosa

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information REportTRAF-2019-13: Proposed changes to the Clean Yards By-law to address the use of bird feeders; and further

THAT Welland City Council approves the proposed changes to the Clean Yards By-law contained within this report; and further

THAT Welland City Council directs the City Clerk to add APPENDIX I – Schedule “A” – Set Fine Schedule to the Clean Yards By-law; and further

THAT Welland City Council directs the City Clerk to amend the Clean Yards By-law 10727 as follows:

ADD the following to **Section 3 – GENERAL PROVISIONS APPLICABLE TO ALL PROPERTIES**

- 3.10 No person shall be permitted to have more than three (3) bird feeders located on any property.
- 3.11 Every owner shall maintain the ground underneath the bird feeder by regularly removing and disposing off the bird food/ birdseeds.
- 3.12 No person shall throw or place, or permit to be thrown or placed, any type of food, in a yard for the purposes of feeding any birds.
- 3.13 Section 3.12 of this By-law shall not apply to bird feeders that are suspended off the ground, dispense commercially available bird food such as seeds and nectars.

DELETE Section 4.7.1 from **Section 4 – ADMINISTRATION, ENFORCEMENT AND RIGHT OF ACCESS**

ADD the following to **Section 4 – ADMINISTRATION, ENFORCEMENT AND RIGHT OF ACCESS**

- 4.7.1 The By-law enforcement Officer may give notice requiring the owner to, within a specified time:
 - (a) Remove all refuse or refuse material from the identified land or structure.
 - (b) Fill in any yard or opening in any yard.
 - (c) Cut, trim or remove any grass and weeds exceeding six (6) inches in height.
 - (d) Remove all injurious insects, termites, rodents, vermin or other pests from the identified land or structure.
 - (e) Remove all refrigerators, freezers, appliances, and other containers that could trap a child from the identified land or structure.
 - (f) Remove any bird feeder from the identified land or structure.
 - (g) Remove any type of food, in a yard for the purposes of feeding any birds.

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03-59

19-22 Moved by Fokkens and Larouche

THAT Welland City Council requests that and nectars be removed from the main motion.

CARRIED

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

CARRIED

2019 - 617

03-59

Moved by Green and DiMarco

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to review the Clean Yards By-law and to forward a report to General Committee on any possible changes. Further to focus specifically on additional fines and immediate action for repeat offenders for both long grass and refuge on property.

CARRIED

2019 - 618

04-47

Moved by Fokkens and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND approves and the requested renovations at the Welland Public Library as set out in its letter of 20 August, 2019; and further THAT Welland City Council directs the City Clerk to advise the Welland Public Library accordingly.

(Councillor Spinosa disclosed an interest in this matter, and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his business has catered this space in the past 12 months).

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04-47

Moved by DiMarco and

THAT Welland City Council refers the requested renovations at the Welland Public Library to the Budget Review Committee.

NOT PUT

FOLLOWING THE ATTEMPT TO REFER THE MOTION, THE MAIN MOTION WAS PUT IN ITS ORIGINAL FORM AND CARRIED

(Councillor DiMarco asked to be recorded as opposed to the resolution)

CARRIED

2019 - 619

05-50

Moved by McLeod and Spinosa

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the request by the City of Welland Heritage Welland to designate the Feeder Canal Junction Lock as having Cultural Heritage Value to the City of Welland.

CARRIED

2019 - 620

11-108

Moved by Chiocchio and Spinosa

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Downtown and Health and Wellness Cluster Community Improvement Plan Application for property municipally known as 139 East Main Street for the Tax Increment Grant Program in the estimated amount of \$13,500.85; and further THAT Welland City Council supports the circulation of this Report to Niagara Region to request the Region's participation in the Tax Increment Grant Program; and further THAT Welland City Council directs staff to prepare the required By-law and Agreement; and further THAT Welland City Council authorizes the Mayor and City Clerk to execute any documentation required to satisfy conditions related to participation in the Downtown and Health and Wellness Cluster Incentive Program.

CARRIED

2019 - 621

18-96

Moved by Green and DiMarco

THAT THE COUNCIL OF THE CITY OF WELLAND pursuant to Section 42(1.4) of the Planning Act, authorizes applications for Minor Variance for the subject lands prior to the second anniversary of the Site Specific Zoning By-law Amendment.

CARRIED

2019 - 622

19-26 Moved by Green and Spinosa

THAT THE COUNCIL OF THE CITY OF WELLAND directs the Chief Financial Officer to transfer the required funds to pay Regional Municipality of Niagara invoice 1000620380 for work completed on East Main Street in 2013/2014.

CARRIED

2019 - 623

19-26 Moved by Green and DiMarco

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of Catalina Excavating Inc. as detailed in Report ENG-2019-32 for the 2019 Sidewalk Construction and Replacement Part 2; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to enter into contract with Catalina Excavating Inc. and execute the construction.

CARRIED

2019 - 624

19-91 Moved by Spinosa and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND creates a volunteer recognition wall at a municipal site that highlights the dedicated people and groups that donate their time and resources to this community; and further

THAT Council directs staff to create a report on criteria for nomination.

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19-91 Moved by McLeod and Fokkens

THAT Welland City Council refers the motion to staff for a report back to the next General Committee Meeting.

LOST

19-91 Moved by Spinosa and Larouche

THAT Welland City Council amends the wording to the main motion to explores creating a volunteer recognition wall at a municipal site that highlights the dedicated people and groups that donate their time and resources to this community.

CARRIED

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

CARRIED

2019 - 625

19-92 Moved by McLeod and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND requests the following: an updated declaration and sale of surplus land policy; a purchasing process for surplus lands be clearly defined in policy and be readily available to the public; and further

THAT the policy identify how it will maximize public communication of the declaration, sale and purchase of public lands.

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19-92 Moved by Green and Chiocchio

THAT Welland City Council requests staff to provide Council with a listing of all the lands that have been declared surplus and are available surplus”.

CARRIED

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

CARRIED

2019 - 626**19-93**

Moved by McLeod and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND requests that staff provide a service level review of snow removal and identify areas of improvement, providing costs associated with increase service delivery.

CARRIED**2019 - 627****19-99**

Moved by Spinosa and Chiochio

THAT THE COUNCIL OF THE CITY OF WELLAND approves Report ENG-2019-33 in regards to the acceptance of the existing gates in the Gaiser Road Storm Water Management Facility fencing.

CARRIED**BY-LAWS**

Moved by Spinosa and McLeod

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.

11-108

BYL 2019 - 101

A By-law to authorize execution of an agreement for tax increment grant program (Community Improvement Plan) for 139 East Main Street (File No. DHWC 2019-11).

03-59

BYL 2019 - 102

A By-law to amend By-law 10727, being a By-law to provide regulations for maintaining land in a clean and clear condition (Clean Yards By-law).

19-26

BYL 2019 - 103

A By-law to enter into contract with Catalina Excavating Inc. for the 2019 Sidewalk Construction and Replacement - Part 2.

CARRIED

Moved by Larouche and Van Vliet (in block)

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.

19-100

BYL 2019 - 104

A By-law to authorize acceptance of an offer from Centennial Developments (Niagara) Inc. for the sale of vacant land on north of Sauer Avenue.

CARRIED

Moved by Larouche 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.

19-1

BYL 2019 - 105

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 3rd day of September, 2019.

CARRIED

Councillor Chiochio gave Notice of Motions to the following issues to be presented to Council at the September 17, 2019 Regular Council Meeting.

99-99 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to purchase and install an inflatable water park prototype, similar to others in Ontario for 2020 season for the Lincoln Street docks. All costs associated with set up safety and staffing to come from the \$500,000 federal grant; and further THAT staff report back on installation dates.

19-102 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to purchase and install holiday decorations and Christmas lights for the downtown core for this holiday season 2019. Staff to include costs up to \$25,000 to come from the Economic Initiative Fund.

Councillor Green gave Notice of Motion to the following issue to be presented to Council at the September 17, 2019 Regular Council Meeting.

19-103 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to create a report on possible enhancements to the public notification process for Committee of Adjustment hearings.

Council adjourned at 9:51 p.m.

These Minutes to be approved and adopted by Motion of Council this 17th day of September, 2019.

MAYOR

CITY CLERK