



MINUTES OF
COUNCIL MEETING, SEPTEMBER 21, 2021
CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:16 p.m. and in open session at 7:07 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, M.A. Grimaldi, J. Larouche, D. McLeod, J. Mastroianni, A. Moote (7:00 p.m.), C. Richard, G. Speck, and L. Van Vliet.

Members of Staff and Others Present:

CAO/Director Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas
City Clerk, T. Stephens
Fire Chief & Community Emergency Management Coordinator, A. Eckhart
Director of Infrastructure Services, SM. Millar
Director of Planning and Development Services, G. Munday
Director of Community Services, R. Axiak
Transit Manager, E. Zahra (7:07 p.m. - 10:51 p.m.)
Manager of Human Resources, A. Daisley
Facilities Maintenance Supervisor, F. Pearson (7:07 p.m. - 10:20 p.m.)
Manager of Economic Development, L. DeChellis (6:16 p.m. - 7:04 p.m.)
Manager of Budgets & Financial Reporting/Deputy Treasurer, E. Pankoff (7:07 p.m.)
Policy Planner, N. Aiello (7:07 p.m. - 9:29 p.m.)

2021 - 229**21-25**

Moved by Grimaldi and Mastroianni

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:16 p.m. to consider:

- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - *TO2015 Update.*
 - *Aqueduct - Legal Update.*

CARRIED**2021 - 230****21-25**

Moved by Richard and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:04 p.m. without report.

CARRIED**LEGISLATED PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT**

Councillor Van Vliet presided as Chair of the Public Hearing:

21-122 A complete application has been made by UPPER CANADA CONSULTANTS on behalf of SILVERSTAR DEVELOPMENTS INC. for Draft Plan of Subdivision Approval for lands PART OF LOT 237, GEOGRAPHIC TOWNSHIP OF THOROLD, IN THE CITY OF WELLAND, REGIONAL MUNICIPALITY OF NIAGARA, without a municipal address at the eastern end of Stoneybrook Court, on the north side of the street. The subject lands are designated URBAN AREA in the Regional Official Plan, as LOW DENSITY RESIDENTIAL in the City of Welland Official Plan, and zoned RESIDENTIAL LOW DENSITY 1 – RL1 by By-law 2017-117.

Grant Munday confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

William Heikoop, Upper Canada Consultants, 30 Hanover Drive, St. Catharines, ON L2W 1A3 on behalf of applicant.

In support of the application:

- No one spoke.

There being no persons present to speak in support of the application, the Chair asked for those opposing the application.

In opposition of the application:

- No one spoke.

There being no persons present to speak in opposition to the application, the hearing was concluded.

21-123 Complete applications have been made by IBI GROUP on behalf of HAMOUNT INVESTMENTS LTD. to redesignate and to rezone Lots 148, 149, 150, 152, 153, 154, 207 & 208 Part of Lots 151 & 209. Registered Plan No. 655, City of Welland, Regional Municipality of Niagara, for lands at 3, 11 & 17 Rice Road, 306 & 308 Thorold Road and 12 Rose Avenue from the existing Residential Low Density 1 - RL1 and Community Commercial Node – CC1 to Site Specific Community Commercial Node - CC1 in Zoning By-law 2017-117. The purpose of the amendment is to permit the construction of three stand-alone commercial buildings, including one drive-through restaurant establishment. The Official Plan designation is Low Density Residential and Community Commercial Node. An application for Official Plan Amendment (File No. OPA 35) was also submitted for this property.

Grant Munday confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

Julia Redfearn and Scott Arbuckle, IBI Group Inc., 360 James Street North, Unit 200, St. Catharines, ON L8C 1H5 on behalf of the applicant.

In support of the application:

- No one spoke.

There being no persons present to speak in support of the application, the Chair asked for those opposing the application.

In opposition of the application:

- Dave Stam, 22 Rose Avenue, Welland, ON L3C 2W7
- Bob Pettigrew, 21 Rose Avenue, Welland, ON L3C 2W8

There being no further persons present to speak in opposition to the application, the hearing was concluded.

18-87 The City of Welland is proposing to amend Zoning By-law 2017-117 to further address Cannabis Production Facilities. The amendment would include updating the definition for Medical Marihuana Production Facilities to Cannabis Production Facilities and updating it to apply to all licensed facilities under the Cannabis Act and any type of use permitted to grow more than four cannabis plants. Indoor Cannabis Production Facilities would be permitted in both Agricultural and Industrial/Employment Zones. More specifically the Agricultural (A1), Rural Employment (RE), Light Industrial (L1), General Industrial (G1), and Gateway Economic (G commending a 150 metre separation distance from sensitive land uses.

Grant Munday confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

Nicolas Aiello, City of Welland, spoke on behalf of applicant.

In support of the application:

- Eleanor Canna, 5 Peacock Bay, St. Catharines, ON L2M 7N8

There being no other persons present to speak in support of the application, the Chair asked for those opposing the application.

In opposition of the application:

- Tom May, 2747 Effingham Street, St. Catharines, ON L2R 6P7

There being no further persons present to speak in opposition to the application, the hearing was concluded.

2021 - 231

21-1 Moved by McLeod and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of September 7, 2021 and Special Council Meeting of September 14, 2021, as circulated.

CARRIED

2021 - 232

98-82 Moved by Green and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Mario Patitucci, Founder and Principal Landscape Architect, Adesso Design Inc. regarding Civic Square Redevelopment.

CARRIED

2021 - 233

98-82 Moved by Speck and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND refers Report R&C-2021-17 back to staff to present an updated design to an upcoming General Committee Meeting, based on the comments from members of Council.

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

NAYS: Councillors Speck, DiMarco, Richard and Fokkens.

CARRIED

2021 - 234

02-160 Moved by McLeod and Mastroianni

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CLK-2021-21: Follow up - in person Attendance and Hybrid Council Meetings; and further THAT Welland City Council approves members of Council returning to the Council Chamber on a rotating basis, as required, as outlined in this report.

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02-160 Moved by McLeod and Grimaldi

THAT the attendance to be present in person be four (4) Councillors (rotating basis), four (4) staff and one (1) Head of Council.

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

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

CARRIED

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

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

NAYS: Councillors Larouche, Speck and Mastroianni.

CARRIED

2021 - 235

02-160 Moved by Green and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CLK-2021-20: Electric Participation - After COVID 19; and further THAT Welland City Council requests electronic participation be included as a suggested change to the Procedural By-law when it is reviewed at a future General Committee meeting.

CARRIED

2021 - 236

18-87 Moved by Chiocchio and DiMarco

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report P&B 2021-54 regarding an application for Zoning By-law Amendment (File No. 2021-09) to further amend the provisions for Medical Marihuana Facilities now referred to as Cannabis Production Facilities.

CARRIED

2021 - 237

21-4 Moved by McLeod and Mastroianni
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the 2021 Q2 Year-to-Budget Variance Report FIN-2021-26 from the Manager of Budgets and Financial Report/Deputy Treasurer dated September 21, 2021.

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21-4 Moved by Green and Fokkens
THAT Welland City Council refers Report FIN-2021-26 back to staff.

YEAS: Councillors Green, Speck, Chiochio, DiMarco, Richard and Fokkens.

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

LOST

FOLLOWING THE LOST VOTE ON THE AMENDMENT, THE MAIN MOTION WAS PUT IN ITS ORIGINAL FORM AND.....

CARRIED

(Councillor Fokkens asked to be recorded as opposed to this Resolution).

2021 - 238

21-13 Moved by McLeod and Grimaldi
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report TRANS-2021-13: Operator Protection Barriers; and further
THAT Welland City Council authorizes the Mayor and Clerk to execute all necessary By-laws and agreements.

CARRIED

2021 - 239

21-13 Moved by McLeod and Van Vliet
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report TRANS-2021-14: Automatic Passenger Counters; and further
THAT Welland City Council authorizes the Mayor and Clerk to execute all necessary By-laws and agreements.

CARRIED

2021 - 240

21-19 Moved by Speck and Chiochio
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report R&C 2021-18 regarding the timeline adjustment for Memorial Park Pool.

CARRIED

2021 - 241

21-19 Moved by McLeod and Van Vliet
THAT THE COUNCIL OF THE CITY OF WELLAND approves the award to Duomax Developments Limited in the amount of \$340,000.00 plus applicable taxes for the provision of Design and Construction for the Maple Park Enhancement Project; and further
THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to enter into a contract with Duomax Developments Limited.

CARRIED

2021 - 242**21-122**

Moved by Larouche and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report P&B 2021-52 regarding an application for Draft Plan of Subdivision (File No. 26T-14-21004) for lands on the west side of Clare Avenue, north of Woodlawn Road, east of South Pelham Road, south of Heritage Lane legally described as Part of Lot 237, Geographic Township of Thorold, Now in the City of Welland, Regional Municipality of Niagara, without any municipal address.

CARRIED**2021 - 243****21-123**

Moved by Mastroianni and Richard

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report P&B 2021-53 regarding applications for Official Plan Amendment (OPA No. 35) and Zoning By-law Amendment (2021-05) for lands on the east side of Rose Avenue, north of Thorold Road, west of Rice Road, municipally known as 3, 11, 17 Rice Road; 306 and 308 Thorold Road; and 12 Rose Avenue.

CARRIED**2021 - 244****21-124**

Moved by Green and Larouche (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the correspondence from the City of Thorold dated September 14, 2021 regarding Stiffer Penalties for Infractions relating to the Importation, Production or Distribution of Fentanyl.

CARRIED**2021 - 245****02-160**

Moved by Grimaldi and Speck

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

LOST**BY-LAWS**

Moved by McLeod and Grimaldi

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

21-13

BYL 2021 - 151

A By-law authorize procurement and installation of plastruct polyzone barriers for transit buses.

21-13

BYL 2021 - 152

A By-law to authorize procurement and installation of software and hardware for automatic passenger counters for transit buses.

CARRIED

Moved by Grimaldi 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.

21-1

BYL 2021 - 153

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 21 day of September, 2021.

CARRIED

Council adjourned at 10:52 p.m.

These Minutes to be approved and adopted by Motion of Council this 5th day of October, 2021.

MAYOR

CITY CLERK