



**MINUTES OF THE
NOVEMBER 16, 2021 COUNCIL MEETING
CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET**

Council met in Committee-of-the-Whole closed to the public at 6:32 p.m. and in open session at 7:10 p.m. and again in Committee-of-the-Whole closed to the public at 9:39 p.m. on the above date.

His Worship Mayor Frank Campion in the Chair.

Members Present:

Councillors J. Chiochio, T. DiMarco (7:28 p.m.), B. Fokkens, B. Green, M.A. Grimaldi, J. Larouche, D. McLeod, A. Moote, C. Richard, G. Speck, and L. Van Vliet.

Members of Staff and Others Present:

Chief Administrative Officer, 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

Manager of Human Resources, A. Daisley (until 10:00 p.m.)

Transit Manager, E. Zahra (until 10:00 p.m.)

Supervisor Customer Service/Administration, Recreation & Culture, A. Degazio

Chief Building Official, J. Tosta (7:10 p.m. - 9:20 p.m.)

Supervisor of Festivals and Events, E. Carl (7:10 p.m. - 9:39 p.m.)

2021 - 341

21-25 Moved by McLeod and Richard

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:32p.m. to consider:

- A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and
 - *Grand Canal and Welland Community Wellness Complex Reciprocal Agreement.*
 - *Lease with Niagara Catholic District School Board.*
- Personal matters about an identifiable individual, including municipal or local board employees;
 - *ATU Negotiations Update.*

CARRIED

2021 - 342

21-25 Moved by McLeod and Grimaldi

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:08 p.m. without report.

CARRIED

PRESENTATION

13-117 Drew Toth and Leslie Bellingham, Members, Welland Affordable Housing Task Force addressed Council regarding the Welland Affordable Housing Task Force.

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

05-120

20-38 Public Meeting to increase permit fees under Section 7 of the *Building Code Act*.

- No one spoke.

There being no speakers, the public meeting was concluded.

2021 - 343

21-1 Moved by Larouche and Grimaldi

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of November 2, 2021, as circulated.

CARRIED

2021 - 344

99-90

99-99- Moved by Fokkens and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to extend the existing contract with the Welland Downtown BIA for a one (1) year contract extension (2022); and

THAT Welland City Council directs the City Clerk to prepare all the necessary and appropriate By-laws to enter into an agreement with the Welland Downtown BIA; and further

THAT Welland City Council approves the release of a Request for Proposal (RFP) to be issued in 2022 to provide a new and robust Concerts on the Canal series.

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99-90

99-99 Moved by Fokkens and
THAT Welland City Council RFP issued in 2022 to 2 year with option to 5 extend to 5.

NOT PUT

99-90

99-99 Moved by Richard and Fokkens
THAT Welland City Council RFP issued in 2022 for years.

LOST

**FOLLOWING THE LOST VOTE ON THE AMENDING MOTION, THE
MAIN MOTION WAS PUT IN ITS ORIGINAL FORM AND**

CARRIED

2021 - 345

02-85 Moved by McLeod and Grimaldi (in block)
THAT THE COUNCIL OF THE CITY OF WELLAND appoints Councillor John Mastroianni to the
Accessibility Advisory Committee for the term November 16, 2021 to November 14, 2022.

CARRIED

2021 - 346

03-147 Moved by McLeod and Grimaldi (in block)
THAT THE COUNCIL OF THE CITY OF WELLAND approves the exemption request by 842701 Ontario
Limited, for its Application for Condominium Approval for converting an existing commercial building into
four (4) individual condominium units located at 547 Thorold Road in accordance with Section 9 (7) of the
Condominium Act, Chapter 4, 1998, as amended; and further
That staff be authorized to prepare any necessary By-laws.

CARRIED

2021 - 347

05-120
21-38 Moved by McLeod and Richard
THAT THE COUNCIL OF THE CITY OF WELLAND receives Report P&B-2021-66: Proposed Increases
for Building Permits and Inspection Services - Fees - Statutory Public Meeting as information.

CARRIED

2021 - 348

13-117 Moved by Moote and Larouche
That Welland City Council receives for information the recommendations contained in the Report
presented by the Affordable Housing Task Force and request that the City Clerk establish a Committee of
Council to advise Council on Affordable Housing matters including the providing comment on the Official
Plan Review and the creation of an Affordable Housing Community Improvement Plan.

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

NAYS: None.

CARRIED

2021 - 349

18-87 Moved by Green and McLeod
THAT THE COUNCIL OF THE CITY OF WELLAND receives Report P&B-2021-62 for information; and
further
THAT Welland City Council approves an Amendment to Zoning By-law 2017-117 to amend the provisions
for Medical Marihuana Facilities now referred to as Cannabis Production Facilities; and further
THAT Welland City Council approves an amendment to Site Plan Control By-law 9973 to address
Cannabis Production Facilities.

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18-87 Moved by Fokkens and Green
THAT Welland City Council amends “and requires city staff to notify the public within 150 metres of the Proposed subject lands”.

CARRIED

18-87 Moved by Speck and DiMarco
THAT Welland City Council amends “Sensitive Land Use - Grade School, Secondary School, Daycare, Playground, Sporting Venue, Residential Use, Place of Worship or Community Centre”.

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

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

LOST

18-87 Moved by Speck and DiMarco
THAT Welland City Council amends “j) All residents and property owners within 300 metres of the property line of the proposed Cannabis Production Facility must be notified of the proposed site plan including details of their proposed air control system and be provided with 14 day period to review and comment on the proposed site plan and air treatment control system. Deficiencies shall be addressed by the Cannabis Production Facility prior to approval of the site plan”.

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

NAYS: Councillors Larouche, McLeod and Moote.

CARRIED

18-87 Moved by Speck and McLeod
THAT Welland City Council amends “k) Cannabis Production Facility must enter into a site plan agreement with the City of Welland that ensures the proposed air treatment control system will be effective in mitigating nuisance odors at the property line which provides a mechanism for the city to enforce mitigation efforts and take action if the mitigation requirements outlined the agreement are not effective”.

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

NAYS: Councillors Larouche and Van Vliet.

CARRIED

18-87 Moved by Speck and Richard
THAT Welland City Council amends “l) The Cannabis Production Facility must install light control such as shades or other technology to eliminate light emissions from sundown to sunup”.

CARRIED

18-87 Moved by Moote and Speck
THAT Welland City Council update motion from “eliminate” to “mitigate”.

CARRIED

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

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

NAYS: Councillors Larouche and DiMarco.

CARRIED

2021 - 350**21-15**

Moved by Moote and Grimaldi

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report F&ES-2021-09: Fire Station 1 Environment Stewardship for information.

CARRIED**2021 - 351****21-38**

Moved by McLeod and Grimaldi (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the memorandum identifying updates to LGL-2021: Annual Review of Fees and Charges for Various Services and Use of Municipal Facilities/Amendment to By-law 2006-193 - Appendix I-2022 Fees and Charges for all divisions.

CARRIED**2021 - 352****21-133**

Moved by Richard and Fokkens

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CLK-2021-25: Council Compensation Review Committee; and

THAT Welland City Council approves the establishment of a Council Compensation Review Committee for the 2022 to 2026 Term of Council; and

THAT Welland City Council approves the Terms of Reference as attached as "Appendix I"; and further

THAT Welland City Council directs the City Clerk to begin recruitment for the Council Compensation Review Committee in January 2022.

YEAS: Councillors Larouche, Green, McLeod, Richard, Grimaldi, Fokkens, Moote and Mayor Campion.

NAYS: Councillors Speck, Chiochio, DiMarco and Van Vliet.

CARRIED**2021 - 353****21-136**

Moved by Green and Richard

1. THAT THE COUNCIL OF THE CITY OF WELLAND accepts the tender of Nexterra Substructures Inc. in the amount of \$317,072.70 (plus HST) being the lowest of six (6) bid submissions received for the 2021 Culvert Replacement Program; and further

2. THAT Welland City Council directs staff to prepare the necessary By-law and documents to execute the project; and further

3. THAT Welland City Council authorizes the Mayor and Clerk to execute all necessary documents to execute the project.

CARRIED**2021 - 354****21-140**

Moved by Van Vliet and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report P&B-2021-67 for information; and

THAT Welland City Council refuses the request to repeal the Heritage Designation By-law 1992-9888; and further

THAT Welland City Council directs staff to send a copy of Council's resolution to Jenny Schultz and the City of Welland Heritage Advisory Committee.

CARRIED

2021 - 355**21-142**

Moved by Fokkens and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves an Extension to Draft Plan Approval for the Fusion Homes Subdivision Phases 2 & 3 (File: 26T-14-10002) for two (2) years to January 15, 2024; and

1. That the following revisions to conditions be added:

- Condition 6 - That the Owner agrees to implement the recommendations of the Geotechnical Engineering Report, to be prepared by the Owner's Geotechnical Engineering through the Subdividers Agreement including any applicable warning clauses:

- Condition 7 – REMOVE

2. That the following condition be replaced with:

- Condition 21 –That prior to approval of the final plan, the owners 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; and further

That Welland City Council approves a policy amendment to allow for Fusion Homes Phases 2 & 3 to be provided with an Extension to Draft Plan of Subdivision Approval for two (2) years which exceeds the one (1) year extension provided through Policy SER-012-0014.

CARRIED**2021 - 356****21-143**

Moved by McLeod and Grimaldi (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Niagara Peninsula Conservation Authority regarding Board of Directors Meeting Highlights - October 15, 2021.

CARRIED**2021 - 357****21-25**

Moved by Grimaldi and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 9:39 p.m. to consider:

- A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and
 - *Grand Canal and Welland Community Wellness Complex Reciprocal Agreement.*
 - *Lease with Niagara Catholic District School Board.*
- Personal matters about an identifiable individual, including municipal or local board employees;
 - *ATU Negotiations Update.*

CARRIED**2021 - 358****21-25**

Moved by McLeod and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 10:04 p.m. with report.

CARRIED

BY-LAWS

Moved by Larouche 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.

18-87

BYL 2021 - 183

A By-law to amend City of Welland Zoning By-law 2017-117 (City of Welland - File No. 2021-09) Cannabis.

18-87

BYL 2021 - 184

A By-law to amend By-law 9973, being a By-law respecting Site Plan Control in the City of Welland to address Cannabis Production Facilities.

99-90**99-99**

BYL 2021 - 185

A By-law to By-law to authorize entering into an agreement with the Welland Downtown Business Improvement Area to produce and manage the 2022 Concerts on the Canal Series.

21-136

BYL 2021 - 186

A By-law to authorize entering into contract with Nexterra Substructures Inc. for the 2021 Culvert Replacement Program.

CARRIED

Moved by McLeod and Grimaldi (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.

21-38

BYL 2021 - 187

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, 2022; and to repeal By-laws 2020-131 and 2020-148.

21-15

BYL 2021 - 188

A By-law to establish and regulate fees and charges for the Fire Department.

CARRIED

Moved by Grimaldi and Larouche

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.

21-144

BYL 2021 - 189

By-law to authorize entering into a Lease Agreement with the Niagara Catholic District School Board (NCDSB).

21-13

BYL 2021 – 190

A By-law to authorize entering into a Collective Agreement with the ATU Local 1633, for the period January 1, 2021 to December 31, 2024.

CARRIED

Moved by Van Vliet 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 - 191

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 16th day of November, 2021.

CARRIED

Council adjourned at 10:06 p.m.

These Minutes to be approved and adopted by Motion of Council this 21st day of December, 2021.

MAYOR

CITY CLERK