



**MINUTES OF THE  
MARCH 7, 2023 COUNCIL MEETING  
CIVIC SQUARE, COUNCIL CHAMBERS  
60 EAST MAIN STREET**

Council met in Committee-of-the-Whole closed to the public at 6:07 p.m. and in open session at 7:00 p.m. and again in committee-of-the-whole at 8:31 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 (virtual), J. Lee,  
D. McLeod, A. Moote, C. Richard (virtual), S. Setaram (virtual), G. Speck, and L. Van Vliet (virtual).

**Members of Staff and Others Present:**

Chief Administrative Officer, S. Zorbas  
City Clerk, T. Stephens  
Director of Finance/CFO/Treasurer, S. Fairweather  
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 Economic Development, L. DeChellis  
Economic Development Officer, L. Allen (until 9:50 p.m.)

**2023 - 168****23-25**

Moved by Green 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 6:07 p.m. to consider:

- proposed or pending acquisition or disposition of land by the municipality or local board; and
  - *Northern Reach Update.*
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - *Notre Dame Rowing Club Lease Agreement.*

**CARRIED****2023 - 169****23-25**

Moved by Fokkens and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:58 p.m. without report.

**CARRIED****THE FOLLOWING ITEM WAS ADDED:**

- 23-13** A By-law to authorize entering into a Transfer Payment Agreement with his Majesty the King in Right of Ontario as represented by the Minister of Transportation for the safe restart agreement phase 4 funding for municipal transit.

**DELEGATIONS**

- 05-50** James Takeo, Resident addressed Council regarding the Downtown Cultural and Heritage District recognition.

**2023 - 170****23-1**

Moved by McLeod and Moote

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

**CARRIED****2023 - 171****98-82**

Moved by Moote and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND approves the concept design for the outdoor Civic Square Urban Park Redevelopment, as outlined in Report CS-2023-05; and further That Welland City Council approves the inclusion of the Civic Square Urban Park Redevelopment, for Council's consideration, as part of the 2024 budget process.

**YEAS:** Green, Chiocchio, McLeod, Grimaldi, Setaram, Moote and Mayor Campion.

**NAYS:** Lee, Speck, DiMarco, Richard, Fokkens and Van Vliet.

**CARRIED**

**2023 - 172**

**02-160**

**12-96** Moved by Van Vliet and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND imposes a suspension of the remuneration paid to Councillor DiMarco in respect to his services as a member of Council for a period of 90 days; and further THAT Welland City Council recommends that the parties give some consideration to addressing this incident via direct mediation, so that Councillor DiMarco can understand the effect of his actions on staff, and to try and air out their concerns to constructively create a positive working environment going forward, rather than increasing distrust through positional actions.

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**02-160**

**12-96** Moved by Speck and Lee

THAT Welland City Council Challenges the Chair on the ruling that a Councillor was referring to past Integrity Commissioner reports was not out of order when speaking to the recommendation presented in the Integrity Commissioner report.

**LOST**

**02-160**

**12-96** Moved by Speck and Chiocchio

THAT Welland City Council requests to call the question regarding the Integrity Commissioner report.

**CARRIED**

**FOLLOWING THE VOTE TO CALL THE QUESTION, THE MAIN MOTION WAS PUT AND .....**

**YEAS:** McLeod, Grimaldi, Moote and Van Vliet.

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

**LOST**

**02-160**

**12-96** Moved by McLeod and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND imposes a suspension of the remuneration paid to Councillor DiMarco in respect to his services as a member of Council for a period of 14 days; and further THAT Welland City Council recommends that the parties give some consideration to addressing this incident via direct mediation, so that Councillor DiMarco can understand the effect of his actions on staff, and to try and air out their concerns to constructively create a positive working environment going forward, rather than increasing distrust through positional actions.

**YEAS:** Green, McLeod, Grimaldi, Fokkens, Moote and Mayor Campion.

**NAYS:** Lee, Speck, Chiocchio, Richard, Setaram and Van Vliet.

**LOST**

**2023 - 173**

**02-160**

Moved by McLeod and Grimaldi

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information, Report CLK-2023-07: Information provided for in-camera/closed to the public meetings of Council.

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**02-160**

Moved by Fokkens and Speck

THAT staff will provide staff reports, power point presentations and documentation at In-Camera meetings.

**CARRIED**

**2023 - 174**

**05-50** Moved by Setaram and Lee

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by James Takeo, Resident re: Downtown Cultural and Heritage District recognition; and further THAT Welland City Council requests staff bring back information related to Cultural Heritage in the Downtown and throughout Welland.

**CARRIED**

**2023 - 175**

**05-50** Moved by Fokkens and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Town of Grimsby dated February 27, 2023 regarding changes to the Municipal Heritage Register.

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**05-50** Moved by Fokkens and DiMarco

THAT Welland Council includes "and endorses" and "will forward the endorsement to the province" in the motion.

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**05-50** Moved by McLeod and Moote

THAT Welland City Council refers the correspondence from the Town of Grimsby regarding changes to the Municipal Heritage Register back to staff.

**CARRIED**

**2023 - 176**

**05-100** Moved by Chiocchio and Green (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND approves the additional funding required for the Courthouse Fire Alarm System Upgrade and Panel Replacement (Capital Project #10-442- 21460) in the amount of \$33,197.32 from the Courthouse Maintenance Reserve Fund; and further THAT Welland City Council awards to Mario's Electric for the replacement of the Welland Courthouse Fire Alarm Panel at a total cost of \$ 39,450 + applicable HST.

**CARRIED**

**2023 - 177**

**08-143** Moved by McLeod and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information, Report CLK-2023-08: Health Care Committee; and THAT Welland City Council dissolves the Health Care Committee; and further THAT Welland City Council approves all matters related to the hospital and healthcare in Welland be presented to Council for consideration.

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**08-143** Moved by McLeod and Speck

THAT a new Health Care focused committee be presented to Council for consideration by the end of April 2023.

**CARRIED**

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

**CARRIED**

**2023 - 178**

**21-30** Moved by Chiocchio and Green (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated February 24, 2023 regarding Motion Respecting Declarations of Emergency for Homelessness, Mental Health and Opioid Addiction.

**CARRIED**

**2023 - 179****23-3** Moved by Chiocchio and Green (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND approves the application for lottery licensing for École secondaire catholique Saint-Jean-de-Brébeuf and École élémentaire catholique Saint-François-d'Assise.

**CARRIED****2023 - 180****23-36** Moved by Chiocchio and McLeod

1. THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to enter into a contract with MTE Consultants Inc. for the completion of the Design for West Main Street Area Infrastructure Improvements - Phase 2 project at a cost of \$153,215.59 (excluding HST); and
2. THAT Welland City Council directs staff to enter into a Cost Share Agreement with the Regional Municipality of Niagara for the West Main Street Area Infrastructure Improvements - Phase 2 project; and
3. THAT Welland City Council directs staff to prepare the necessary By-law, documents and agreements for the contracts; and further
4. THAT Welland Council authorizes the Mayor and Clerk to execute all necessary documents and agreements for the contracts.

**CARRIED****2023 - 181****23-53** Moved by Van Vliet and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Town of Grimsby dated February 24, 2023 regarding barriers for women in politics.

**CARRIED****2023 - 182****23-54** Moved by Chiocchio and Green (in block)

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender from Nexterra Substructures Inc. in the amount of \$4,891,571.10 (plus HST) being the lowest received bid for the 2022 Infrastructure Renewals 1 construction tender; and
2. THAT Welland Council approves and accepts the proposal from R.V. Anderson Associated Limited (RVA) in the amount of \$160,660.00 (plus HST) for construction administration and inspection services for the 2022 Infrastructure Renewals 1 project; and
3. THAT Welland City Council directs staff to prepare the necessary By-law and documents to execute the contracts; and further
4. THAT Welland City Council authorizes the Mayor and Clerk to execute all necessary documents to execute the contracts.

**CARRIED****2023 - 183****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 7:25 p.m. to consider:

- proposed or pending acquisition or disposition of land by the municipality or local board; and
  - *Northern Reach Update.*
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - *Notre Dame Rowing Club Lease Agreement.*

**CARRIED****2023 - 184****23-25** Moved by Green and Lee

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 8:31 p.m. with report.

**CARRIED**

**BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE**

**2023 - 185**

**22-95**

Moved by Grimaldi and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the offer to purchase and any necessary amendments thereto from LIV Developments Ltd. for the city owned lands along the Welland Recreational Canal commonly referred to as the Northern Reach more particularly shown on Appendix 1; and further.

THAT Welland City Council directs staff to prepare all the necessary documentation and by-laws relative to the transfer; and further.

THAT the Mayor and City Clerk be authorized to execute all the necessary documents relative to the transfer.

**CARRIED**

**BY LAWS ARISING FROM COMMITTEE-OF-THE-WHOLE**

Moved by McLeod and Chiocchio

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.

**22-95**

BYL 2023 - 30

A By-law to authorize acceptance of an offer to purchase from LIV Developments Ltd. for City owned lands commonly known as the Northern Reach.

(Councillors DiMarco and Fokkens asked to be recorded as opposed to the By-law).

**CARRIED**

Moved by Grimaldi and Lee

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.

**23-55**

BYL 2023 - 31

A By-law to authorize entering into a Facility Lease Agreement with the Notre Dame Rowing Club.

**CARRIED**

**BY-LAWS**

Moved by Chiocchio and Fokkens

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.

**23-36**

BYL 2023 - 32

A By-law to authorize entering into contract with MTE Consultants Inc. for the completion of the design for West Main Street Area Infrastructure Improvements - Phase 2 Project.

**23-36**

BYL 2023 - 33

A By-law to authorize entering into a cost sharing agreement with the Regional Municipality of Niagara for the West Main Street Area Infrastructure Improvements - Phase 2 Project.

**CARRIED**

Moved by Chiocchio 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.

**23-54**

BYL 2023 - 34

A By-law to authorize entering into contract with Nexterra Substructures Incorporated for the 2022 Infrastructure Renewals 1 Project.

**23-54**

BYL 2023 - 35

A By-law to authorize entering into contract with R.V. Anderson Architecture Limited for construction administration and inspection services for the 2022 Infrastructure Renewals 1 Project.

**23-22**

BYL 2023 - 36

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

**23-13**

BYL 2023 - 37

A By-law to authorize entering into a Transfer Payment Agreement with his Majesty the King in Right of Ontario as represented by the Minister of Transportation for the safe restart agreement phase 4 funding for municipal transit.

**CARRIED**

Moved by Green and Lee

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 - 38

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 7<sup>th</sup> day of March, 2023.

**CARRIED**

Council adjourned at 10:51 p.m.

These Minutes to be approved and adopted by Motion of Council this 21<sup>st</sup> day of March, 2023.

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**MAYOR**


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**CITY CLERK**