



COUNCIL MEETING AGENDA

Tuesday, March 7, 2023

7:00 P.M.

COUNCIL CHAMBERS – CIVIC SQUARE

All Meetings can be viewed at:

City of Welland website: <https://www.welland.ca/Council/LiveStream.asp>

YourTV: The meeting will be aired live on Channel 700

1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) - 6:00 P.M.
 - 1.1 PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD:
 1. Northern Reach Update.
 - 1.2 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD:
 1. Notre Dame Rowing Club Lease Agreement.
2. ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA)
3. OPEN COUNCIL MEETING - 7:00 P.M.
 - 3.1 NATIONAL ANTHEM
 - 3.2 OPENING REMARKS
 - 3.3 ADDITION/DELETIONS TO AGENDA
 - 3.4 ADOPTION OF MINUTES
 1. Regular Council Meeting of February 21, 2023 and Special Council Meeting of February 27, 2023.
 - 3.5 CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE (IN-CAMERA) ITEMS TO BE ADDED TO THE AGENDA BLOCK
 - 3.6 DISCLOSURES OF INTEREST
 - 3.7 COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM THE BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN)
4. ORAL REPORTS AND DELEGATIONS
 - 4.1 PRESENTATIONS

4.2 LEGISLATED PUBLIC HEARINGS/MEETINGS

4.3 DELEGATIONS

1. James Takeo, Resident re: Downtown Cultural and Heritage District recognition. Ref. No. 05-50
(Background information included in Council Members packages)

4.4 AGENCIES, BOARDS, COMMISSIONS AND COMMITTEE REPORTS

5. COMMITTEE-OF-THE-WHOLE (OPEN)/AGENDA BLOCK

- 5.1 ENG-2023-04 - West Main Street Area Infrastructure Improvements - Phase 2 - Contract Award. Ref. No. 23-36 (See By-laws 7.1 & 7.2)
- 5.2 ENG-2023-06 - 2022 Infrastructure Renewals 1 - Tender Award. Ref. No. 23-54 (See By-laws 7.3 & 7.4)
- 5.3 CLK-2023-06 - Lottery Licenses - Ecole Secondaire Catholique Saint-Jean-De-Brebeuf and Ecole Elementaire Catholique Saint-Francois-D'Assise. Ref. No. 23-3
- 5.4 CLK-2023-07 - Information Provided for In-Camera/Closed to the Public Meetings of Council. Ref. No. 02-160
- 5.5 CLK-2023-08 - Health Care Committee. Ref. No. 08-143
- 5.6 CS-2023-05 - Civic Square Urban Park Redevelopment Referral to Staff Response. Ref. No. 98-82
- 5.7 CS-2023-11 - Court House Fire Alarm System Upgrade - Panel Replacement. Ref. No. 05-100

6. NEW BUSINESS

- 6.1 Deborah C. Anschell and Jeffrey Shapiro, Integrity Commissioners re: Report to Council. (Integrity Commissioner recommendations from report that was presented on February 21, 2023) Ref. No. 02-160/12-96

RECOMMENDATION:

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.

- 6.2 Bonnie Nistico-Dunk, Town Clerk, Town of Grimsby re: Barriers for Women in Politics. Ref. No. 23-53

RECOMMENDATION:

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.

- 6.3 **Bonnie Nistico-Dunk, Town Clerk, Town of Grimsby re: Changes to the Municipal Heritage Register. Ref. No. 05-50**

RECOMMENDATION:

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.

- 6.4 **Ann-Marie Norio, Regional Clerk, Region of Niagara re: Motion Respecting Declarations of Emergency for Homelessness, Mental Health and Opioid Addiction. Ref. No. 21-30**

RECOMMENDATION:

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.

7. BY-LAWS

- 7.1 **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. Ref. No. 23-36**

(See Report ENG-2023-04)

- 7.2 **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. Ref. No. 23-36**

(See Report ENG-2023-04)

- 7.3 **A By-law to authorize entering into contract with Nexterra Substructures Incorporated for the 2022 Infrastructure Renewals 1 Project. Ref. No. 23-54**

(See Report ENG-2023-06)

- 7.4 **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. Ref. No. 23-54**

(See Report ENG-2023-06)

- 7.5 **A By-law to amend appointment By-laws 2018-48, 2018-49 and 2018-50. Ref. No. 23-22**
(By-law appointment for new Municipal Law Enforcement Officer).

8. NOTICES OF MOTION

- 8.1 **COUNCILLOR MATTERS DISCUSSED WITH STAFF FOR REPORTING PURPOSES**

- 8.2 **NOTICES OF MOTION (PREVIOUSLY SUBMITTED FOR DISCUSSION)**

1. (Councillor Van Vliet)
WHEREAS, The City of Welland has been known historically for their world class manufacturing expertise. This resulted in the highest quality production of steel, graphite products, hydraulic components, and agricultural equipment; and
WHEREAS, thousands of Welland residents have been employed in these facilities; and
WHEREAS, generations of Welland residents have participated in the production of world class products; and further
WHEREAS, the Province of Ontario has enacted Resource Recovery and Circular Economy legislation.
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND recognizes the efforts of generations of Welland Residents employed in these industries and supports all efforts to recover all such items that may be repurposed. These efforts will increase the economic growth of Welland, employment opportunities, and aid in the environmental cleanup of such lands currently deemed brownfields. Ref. No. 22-97
2. (Councillor DiMarco)
WHEREAS, to qualify for upper level of government funding a municipality must show that they are growing; and further
WHEREAS, the City of Welland has done such and to this point has far exceeded its numbers to qualify for such funding.
NOW THEREFORE IT BE RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to immediately temporarily suspend the issuing of building permits for new residential builds but continue to make available permits that pertain to additions to current structures or renovations to such; and further
THAT Welland City Council directs city staff to focus on the needs and improvements in our city of current various infrastructure including but not limited to our parks, sidewalks, roadways and water/sewer infrastructure. Ref. No. 05-120
3. (Councillor Green)
WHEREAS, the City of Welland has a growing inventory of public art throughout the city; and
Whereas, this public art, tells a story of Welland's history; and further
WHEREAS, at present the City of Welland does not have a policy on the preservation, restoration and maintenance of public art nor does the City have a comprehensive inventory of public art throughout the City.
NOW THEREFORE IT BE RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND that a comprehensive inventory of public art be assembled to include art located on both private and public lands in conjunction with the Arts & Culture Committee and the Heritage committee; and
THAT a public art creation, preservation, restoration and maintenance policy be created in conjunction with the Arts & Culture committee and the Heritage committee; and further
THAT policy contain a funding model for the 10 year capital budget. Ref. No. 05-141

4. (Councillor Moote)
WHEREAS, the City of Welland is a creature of the province, and are subject to the Provincial Planning Act, and the Provincial Policy Statement and the Growth Plan; and
WHEREAS, the City has seen and continues to see significant increases in residential development; and
WHEREAS, the City does follow Planning Act and the requirements for notices to the community members; and further
BUT NONETHELESS, given concerns and frustration by residents regarding how the planning process occurs, including what authority is responsible for what, and what rights and opportunities residents have.
NOW THEREFORE IT BE RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff, specifically Planning and Communications to develop content for residents, simplifying and explaining the process to provide a better understanding for interested parties. And further, to freely provide these resources to members of the public by posting online on the City website. Ref. No. 22-152
5. (Councillor Chiocchio)
THAT THE COUNCIL OF THE CITY OF WELLAND staff prepare a report regarding having Council representation or staff on the following Committees: Committee of Adjustment, Grants and Programs and Property Standards Committee. Ref. No. 02-160
6. (Councillor Setaram)
WHEREAS, period poverty is a lack of access to menstrual products due financial constraints and is a health equity issue which disproportionately impacts vulnerable children, youth, and adults in low-income circumstances; and
WHEREAS, as the child poverty rates identified by federal riding for the City of Welland and surrounding communities in 2019 indicates that 4,360 children are in low-income circumstances or as a percentage 20.3%, or 111 out 338 ridings; and
WHEREAS, the Province of Ontario became one of four provinces to take on the issue of period poverty when it launched free menstrual products in schools in 2021; and
WHEREAS, several Ontario municipalities in central and southwestern Ontario have taken the decision to reduce period poverty and improve health equity by providing free menstrual products in city operated facilities; and further
WHEREAS, the City of Welland has an opportunity to be a leader within the Niagara Region taking concrete action to reduce period poverty and improve access to menstrual products and health equity.
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to begin a pilot program in 2023 providing free menstrual products in select women's, men's and universal washrooms and changerooms in city operated facilities; and
THAT staff aim to launch a pilot program in celebration of Menstrual Hygiene Day on May 28, 2023; and further
THAT an evaluation of the pilot program includes impact of the program, distribution methods, products distributed, and projected program costs in a report to Council by the end of 2023 for consideration of a permanent program. Ref. No. 23-32

7. (Councillor Van Vliet)
 WHEREAS, the City of Welland has appointed an Integrity Commissioner whose role is to provide advice, assistance and training to Council and investigate and assess complaints regarding an alleged breach of the Council Code of Conduct; and
 WHEREAS, Welland City Council want to be open and transparent regarding Integrity Commissioner complaints.
 NOW THEREFORE IT BE RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare a report that outlines the total cost of the Integrity Commissioner and associated costs from November 2018 through to November 2022; and further
 THAT this report be presented to at a Council Meeting in March 2023. Ref. No. 02-160/12-96
8. (Councillor Van Vliet)
 WHEREAS, there is a safety concern among residents in the area of First Avenue, Linrose Avenue and Thorold Road; and
 WHEREAS, an additional stop sign has been requested by residents in the area.
 NOW THEREFORE IT BE RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to conduct a study in the area of First Avenue, Linrose Avenue and Thorold Road, and further
 THAT staff report back to Council on the results of the study in relation to a 4 way stop sign being placed at either First Avenue and Laughlin Avenue or at First Avenue and Parkway. Ref. No. 23-22
9. (Councillor DiMarco)
 THAT THE COUNCIL OF THE CITY OF WELLAND amends the previous decision from Report CS-2023-01 regarding the Infrastructure Canada Grant Award (NFC) – Community Trails Strategy Implementation approved at the January 25, 2023 special council meeting by deleting the proposed pathway outlined in Section 3: Niagara St to First Ave of the report
 Ref. No. 99-99
10. (Councillor Green)
 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare a procedure on council seating arrangements for Council review and approval. Ref. No. 02-160

8.3 CALL FOR NOTICES OF MOTION (TO BE INTRODUCED AT THE NEXT SCHEDULED COUNCIL MEETING)

9. CORPORATION REPORTS

9.1 MAYOR'S REPORT

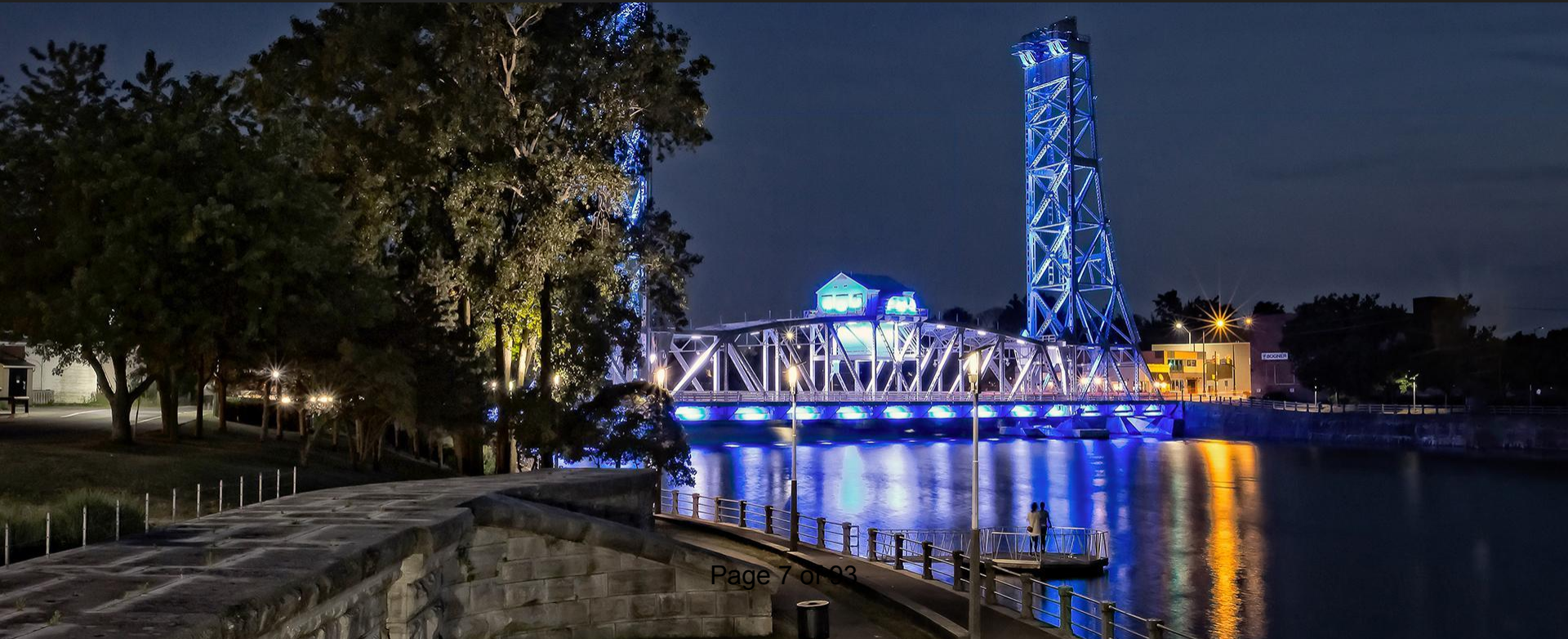
9.2 CHIEF ADMINISTRATIVE OFFICER'S REPORT

10. CONFIRMATORY BY-LAW

10.1 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 7th day of March, 2023. Ref. No. 23-1

11. ADJOURNMENT

Recognizing and Promoting a Downtown Welland Cultural and Heritage District



Why a Downtown Welland Cultural and Heritage District?

Cultural districts are designated areas within a city or town that are recognized for their unique cultural assets and resources.

Economic Benefits

Cultural districts can serve as a catalyst for economic development by attracting businesses, tourists, and residents.

They can also help to preserve and revitalize historic buildings and neighbourhoods.



Educational Benefits

Cultural districts can provide educational opportunities for both children and adults, such as access to museums, galleries, and performances.

They can also serve as a resource for schools, providing students with hands-on learning experiences and exposure to the arts and culture.



Social Benefits

Cultural districts can promote social cohesion by bringing people of diverse backgrounds together to experience and appreciate different cultures.

They can also serve as a platform for community engagement and empowerment.



Environmental Benefits

By promoting walkability, preserving historic buildings, and investing in green spaces, cultural districts can create more sustainable and livable communities.



Downtown Welland as Cultural and Heritage District

As there is a high concentration of heritage and cultural assets already present in the downtown core, this area can be recognized, promoted, and encouraged by a group effort of individuals, organizations, business, and local administration and governance.






Conclusion

Cultural districts are an important asset to any community, providing economic, social, and educational benefits. By investing in, supporting, and developing these areas, we can help to preserve and promote our cultural heritage, while also creating vibrant and thriving communities.










Downtown Welland has a concentration cultural and heritage assets that can be promoted, developed, and encouraged for the benefit of the area and for the community of Welland.

Downtown Welland Cultural and Heritage District Map






Downtown Cultural Map

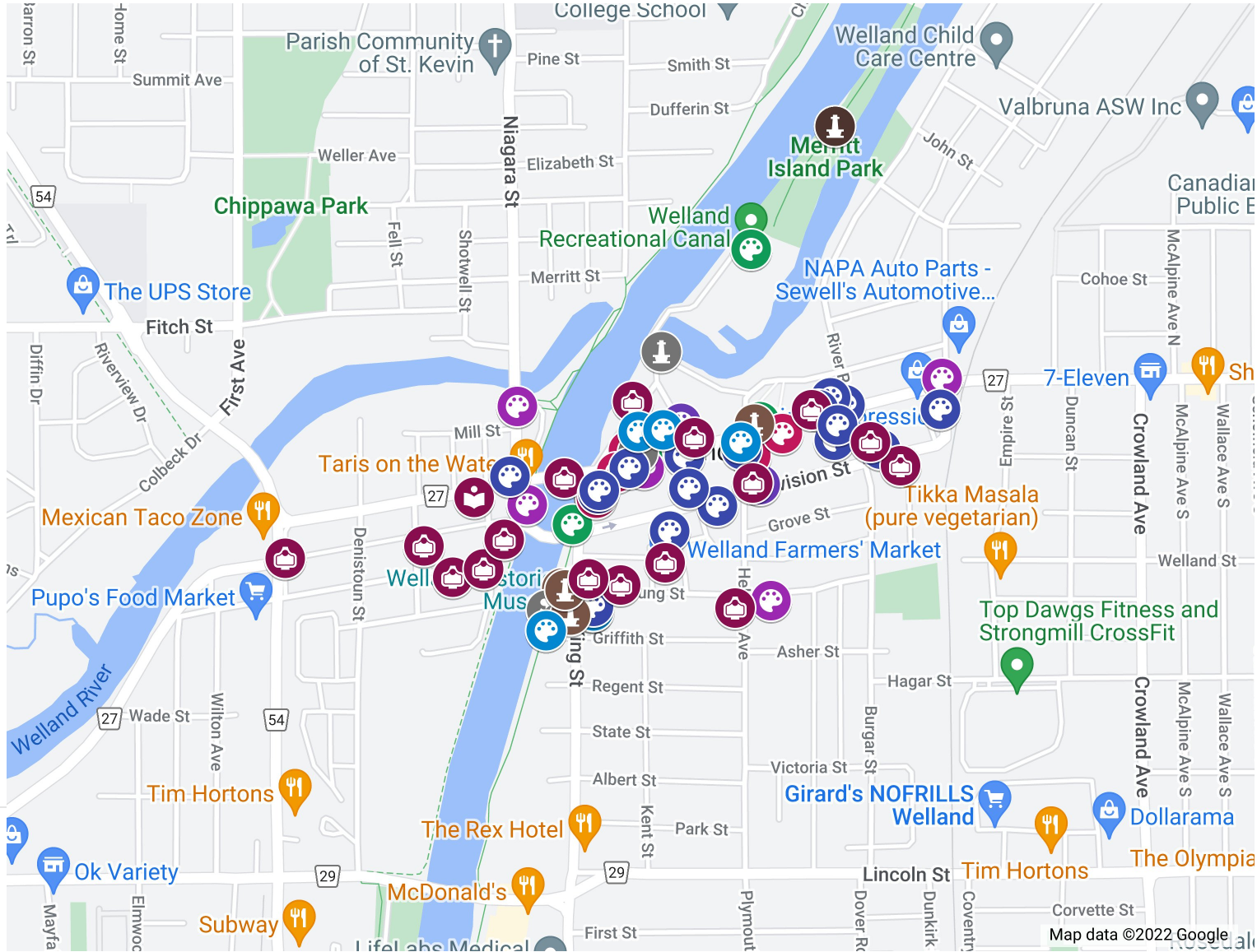
-  The Divine Inspiration
-  The Art Wall
-  Canoe Welland
-  Mosaic Mural
-  Rod Dowling Sculptures
-  Rod Dowling Sculpture
- 

Welland Canal Memorial Monument

-  Steel Workers
-  Statue of a Boy
-  Beavers
-  Wood Carvings
-  Black Sheep Mural
-  Graffiti Alley
-  Guerilla Park Gorilla
-  Maritime Mural
-  Community Garden Mural


Art Canoe Project

-  Ship Saudades
-  Star Constellations
-  Serenity Found
-  Rose City
-  History of Welland Canal





Locations of all public artworks/cultural assets, and cultural and heritage venues in Downtown Welland

Festival of Arts Murals

-  Little Helper
-  Downtown Welland
-  Welland Trolley
-  Main Street
-  Working Women
-  Steam Engine
-  Tugboats
-  The Welland Club
-  Three Historical Scenes
-  Canal Construction
-  New World
-  The Cordage Community
-  The Welland Fair
-  Upbound at Midnight
-  Education
-  Wagons
- 


Tell Me About the Olden Days

Bell Box Murals

















-  Tribute to Ross Beard
-  Bridge 13

Venues and Places

-  Merritt Park Amphitheatre
- 
- Welland Public Library - Main Branch
-  Welland Historical Museum
-  Art is Hell

-  The Bank Art House
 -  Cory Cruise Music
 -  Rose City Comedy Collective
 - 
- James Takeo Tattoos & Visual Arts
-

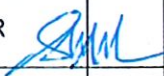
Heritage Designations

-  Welland Courthouse
 -  Glasgow-Fortner House
 -  Central United Church
 -  Welland Farmers' Market
 - 
- Saint Andrew's Presbyterian Church Office
- 
- Lawrence-Singer House – The Gingerbread House
-  Morwood House
 -  Hooker House
 -  Central Fire Hall
 -  Reilly-Coulson House
 - 
- Catharine Street – The Brick Road
-  Welland Canal Bridge 13
 -  Gordon Marshall House
 -  Tuckey-Lee Building
 - 
- Welland Canal Second Aqueduct
-  Brookfield Cupido House

 King-Hill House

 Carnegie Building

COUNCIL
INFRASTRUCTURE SERVICES
ENGINEERING DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

23-36

REPORT ENG-2023-04
MARCH 7, 2022

SUBJECT: WEST MAIN STREET AREA INFRASTRUCTURE IMPROVEMENTS
– PHASE 2 – CONTRACT AWARD

AUTHOR: JADE ANEMA, P.ENG., PMP, MBA
SENIOR PROJECT MANAGER

AUTHOR: LIVIA MCEACHERN, P.ENG.
MANAGER OF ENGINEERING

APPROVING DIRECTOR: SHERRI-MARIE MILLAR, P.ENG.
DIRECTOR OF INFRASTRUCTURE SERVICES / CITY ENGINEER

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND direct 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 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 Council directs staff to prepare the necessary by-law, documents and agreements for the contracts; and further
4. THAT Council authorizes the Mayor and Clerk to execute all necessary documents and agreements for the contracts.

ORIGIN AND BACKGROUND:

Kerry T. Howe Engineering Ltd. (KTH) was retained by the City in 2019 to complete a phasing plan for infrastructure improvements in the West Main Street area. KTH has provided the City with a multi-phased plan to complete the work.

Phase I will include the replacement of all aging underground municipal infrastructure and road reconstructions on Mill Street, Franklin Street, Albina Street and Frazer Street as well as the realignment of the Region's sanitary trunk from to West Main Street via Mill Street Park and Albina Street. Phase I has been awarded to Peters Construction Group and will begin construction in Spring 2023.

Phase II will include full road reconstruction and replacement of aging infrastructure along West Main Street, as well as the extension of the sanitary trunk sewer along West Main Street to Prince Charles Drive. Phase II will also include the replacement of aging underground municipal infrastructure and full road reconstruction of Denistoun Street. Phase II will be cost shared with both the Regional

Transportation and Water-Wastewater departments. Design proposals have been received and are further discussed in this report. Appendix I includes a location plan illustrating the Phase 2 area.

Phase III will include combined sewer separation work on Prince Charles Drive, as well as replacement of all aging underground municipal infrastructure. Phase III will also include the final abandonment of the original trunk sewer and sewer overflow along the Welland River. Design of these works is forecasted for funding in 2024.

COMMENTS AND ANALYSIS:

Staff prepared and released RFP22-24 for qualified and experienced consultants to undertake the engineering design for West Main Street Area Infrastructure Improvements – Phase 2 on Thursday, December 15, 2022, for a five (5) week period. Four (4) capable consultants from the Niagara Region’s consultant roster were invited to bid.

Four (4) proposals were received on closing day, Friday, January 20, 2023. A staged evaluation was performed with the four (4) compliant proposals. Proposals were first evaluated on technical merit alone by a review team consisting of three (3) City engineering staff and one (1) Regional Transportation staff member.

After technical review, three (3) proposals advanced to a pricing evaluation where, out of a possible 100 possible points, MTE Consultants Inc. scored 83 points, R.V. Anderson scored 79 points, and Associated Engineering Ltd. scored 78 points.

MTE Consultants Inc., the highest scoring firm, has sufficient experience and resources to complete the project. Staff consider the firm’s abilities satisfactory and in accordance with City specifications and standards, and therefore recommends that the firm be awarded the contract.

FINANCIAL CONSIDERATION:

The Cost Share split reflects fees submitted by MTE Consultants Inc. The geotechnical investigation was estimated based on cost incurred during Phase 1. The Region will pay for this design work through a Cost Share Agreement in the estimated amount of **\$197,673.58** (including HST) as detailed in Appendix II.

All project costs and funding for the project are summarized in the tables below.

Anticipated Project Costs	Amount
MTE Consultants Inc. Fees	\$153,215.59
<i>Estimated Geotechnical Investigation Costs</i>	\$100,000.00
City’s Portion of HST (1.76%)	\$4,456.59
Total Anticipated Project Cost	\$257,672.18

Project Funding	Amount
Approved Capital Funding (10-910/316/320/327/330-21753) West Main Area (Niagara to PCD Phase 2-4 Design)	\$150,000.00
Niagara Region Cost Share	\$197,673.58 *
Total Project Funding	\$347,673.58

* Cost share from Niagara Region Water-Wastewater and Transportation departments.

The total anticipated cost of the project design is **\$257,672.18** (including HST). The approved 2021 Capital Budget plus the Niagara Region Cost Share provide sufficient funding to cover the anticipated costs.

OTHER DEPARTMENT IMPLICATIONS:

Administration and execution of agreements and payments will be completed in compliance with the agreed practices of the Finance, Clerks and Legal Services departments.

SUMMARY AND CONCLUSION:

Staff identified the need for infrastructure improvements in the West Main Street Area after review of the 2019 Phasing Plan completed by Kerry T. Howe Engineering Ltd.

MTE Consultants Inc. has the required experience and resources to complete the design of West Main Street Area Infrastructure Improvements – Phase 2 project, therefore, staff recommend that the contract be awarded to MTE Consultants Inc. at a cost of **\$153,215.59** (excluding HST).

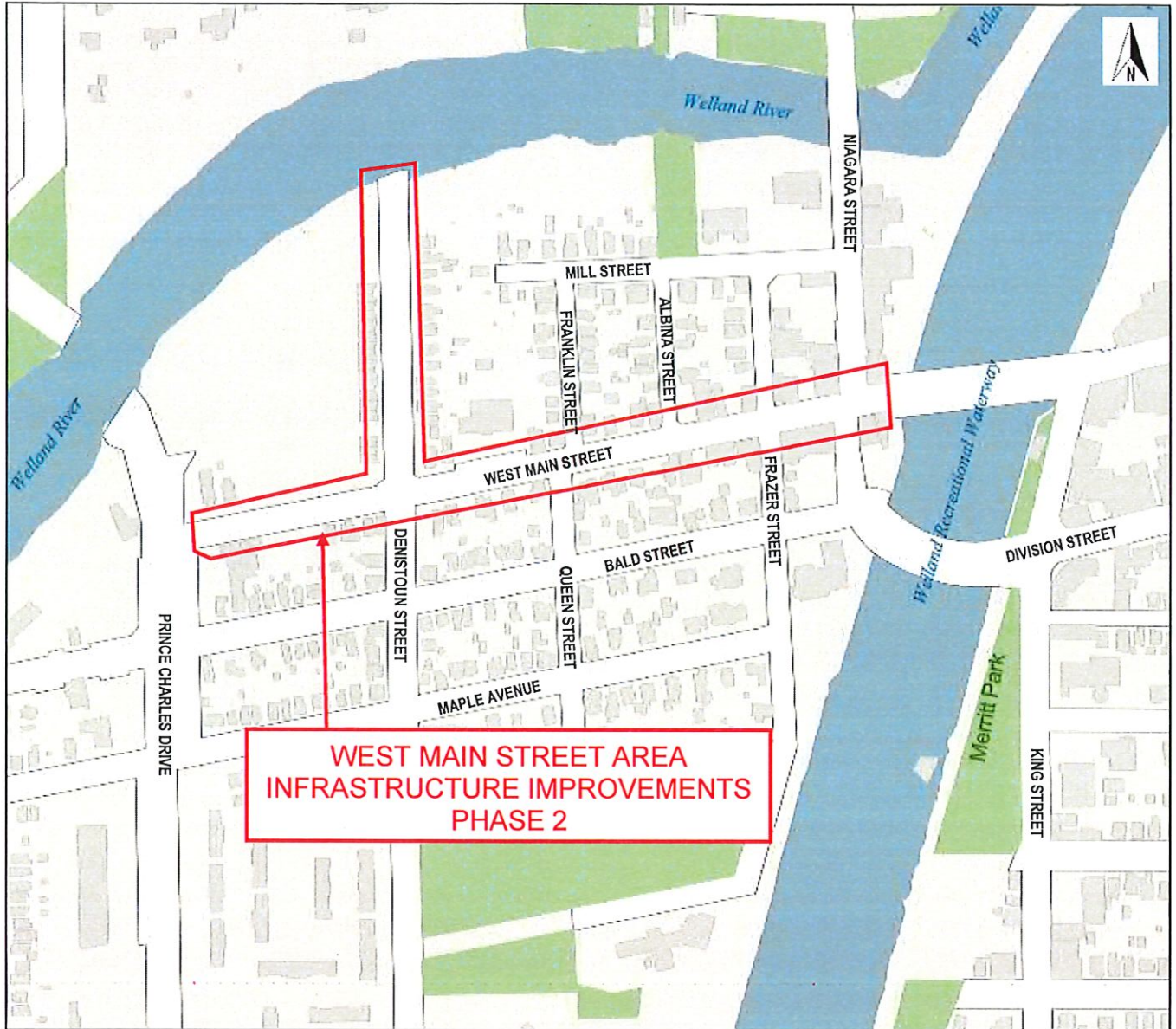
Staff recommend entering into a Cost Share Agreement with the Regional Municipality of Niagara for **\$197,673.58** (including 1.76% HST) as detailed in the Cost Share Agreement provided in Appendix II.

ATTACHMENTS:

Appendix I – West Main Street Area Infrastructure Improvements – Phase 2: Location Plan

Appendix II – Cost Share Agreement

REPORT ENG-2023-04
APPENDIX I – WEST MAIN STREET AREA INFRASTRUCTURE IMPROVEMENTS
PHASE 2: LOCATION PLAN



COST SHARING AGREEMENT

THIS AGREEMENT made in triplicate this day of , 2023.

- BETWEEN -

THE CORPORATION OF THE CITY OF WELLAND
Hereinafter called "City" (of the first part)

- AND -

THE REGIONAL MUNICIPALITY OF NIAGARA
Hereinafter called the "Niagara Region" (of the second part)

WHEREAS the City, in conjunction with the Niagara Region, has reviewed proposals for **West Main Street Area Infrastructure Improvements – Phase 2** specifically installation of new Regional sanitary trunk sewer, replacement of sanitary sewers, storm sewers, watermain and all appurtenances, curbs, sidewalks and roads, as well as signalization, illumination and streetscaping on West Main Street and Denistoun Street (hereinafter called the "Project").

AND WHEREAS MTE Consultants Inc. submitted the highest scoring technical proposal for the project, with the cost for the design works to be undertaken for the Project totalling **\$153,215.59**, excluding taxes;

AND WHEREAS Niagara Region's portion of the design phase of the Project is estimated at **\$194,254.70** (excluding taxes) based on the agreed cost-sharing breakdown attached as Schedule "A" to this Agreement, and based on estimated quantities and prices, and subject to potential increase based on actual bid prices and contingencies payments to the extent the City is obligated to make same pursuant to the terms of the Tender;

AND WHEREAS Niagara Region agrees to pay their portion of the previously completed engineering design and geotechnical investigation to the City of Welland prior to construction commencement in an amount of **\$194,254.70** (excluding taxes);

AND WHEREAS Niagara Region agrees to cost share certain services undertaken by the City on behalf of Niagara Region related to the Project as further detailed herein;

AND WHEREAS the City's authority to proceed with the Project is internally conditional upon the Niagara Region making the contribution contemplated by this Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and other good and valuable consideration, the sufficiency whereof is acknowledged hereby by the parties, the parties hereto agree with each other as follows:

1. Niagara Region agrees to pay Niagara Region's share for the services undertaken by the City on Niagara Region's behalf relating to the Project (the "Niagara Region Works"), as having an estimated value totaling **\$194,254.70** excluding Harmonized Sales Tax (HST), and based on estimated quantities and prices, as outlined in the cost-sharing breakdown as shown below and further in Schedule "A".

2. Niagara Region's share for the above noted contract (the "Estimated Design Costs") amounts to:

	Niagara Region Transportation	Niagara Region Water-Wastewater
Project Management, Meetings, PIC, Administration	\$ 10,734.81	\$ 4,900.68
Background Review and Data Gap Analysis	\$ 1,417.24	\$ 647.00
Topographic Survey and Base Plan Preparation	\$ 9,251.20	\$ 4,223.38
Constructability and Staging Review and Report	\$ 3,140.11	\$ 1,433.53
Design Services – City of Welland Scope	--	--
Design Services – Niagara Region Transportation Scope	\$ 43,515.33	--
Design Services – Niagara Region Water/Wastewater Scope	--	\$ 19,865.73
Permit Coordination, Communications and Approvals	\$ 2,896.69	\$ 1,322.41
Tender Services	\$ 3,535.00	\$ 1,613.81
Electrical Services Contingency	\$ 10,000.00	--
<i>Estimated Geotechnical Costs*</i>	\$ 52,012.76	\$ 23,745.00
SUBTOTAL	\$ 136,503.15	\$ 57,751.54
		\$ 194,254.70
COMBINED SUBTOTAL		
HST	\$ 2,402.46	\$ 1,016.43
TOTAL	\$ 138,905.61	\$ 58,767.97
		\$ 197,673.58
COMBINED TOTAL		

3. Niagara Region acknowledges and agrees that the Estimated Design Costs are an estimate only and that payment shall be made by Niagara Region to the City for the actual costs incurred, together with all surcharges and non-recoverable HST; provided that, if Niagara Region's share of the actual design costs attributable to the Project, once known, exceed the total Estimated Design Costs set out in Section 2, above, the City's obligation to proceed with the design of the Niagara Region Works shall be conditional on and subject to Niagara Region obtaining budgetary approval for such additional costs.
4. Notwithstanding anything in this Agreement to the contrary, the City's obligation to proceed with the Project is conditional on and subject to the City obtaining any necessary authorizations and approvals required in connection with the Project, including, for certainty, budgetary approval from City Council and as well as approval of any other relevant government authority. In all cases, Niagara Region shall only be responsible for paying its proportionate share of those design services relating to the Project actually completed.

5. The final cost-sharing breakdown will be provided by the City at the completion of the Project using actual invoices.
6. The City shall provide invoices to Niagara Region monthly for the cost of Niagara Region's share of the Project, which shall be paid within thirty (30) days of the invoice dates.

[REMAINDER OF PAGE INTENTIONALLY BLANK; SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement.

THE REGIONAL MUNICIPALITY OF NIAGARA

Per: _____

Name: Bruce Zvaniga, P. Eng.

Position: Commissioner Public Works

I have authority to bind the Corporation.

THE CORPORATION OF THE CITY OF WELLAND

Per: _____

Name: Frank Campion

Position: Mayor

Per: _____

Name: Tara Stephens

Position: City Clerk

We have authority to bind the Corporation.

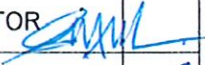


SCHEDULE "A"

West Main Street Area Infrastructure Improvements – Phase 2

Service Description	Cost	CoW	NR-T	NR-WW
Project Management, Meetings, PIC, Administration	\$ 20,638.80	\$ 5,003.31	\$ 10,734.81	\$ 4,900.68
Background Review and Data Gap Analysis	\$ 2,724.80	\$ 660.55	\$ 1,417.24	\$ 647.00
Topographic Survey and Base Plan Preparation	\$ 17,786.40	\$ 4,311.82	\$ 9,251.20	\$ 4,223.38
Constructability and Staging Review and Report	\$ 6,037.20	\$ 1,463.55	\$ 3,140.11	\$ 1,433.53
Design Services – City of Welland Scope	\$ 20,281.73	\$ 20,281.73		
Design Services – Niagara Region Transportation Scope	\$ 43,515.33		\$ 43,515.33	
Design Services – Niagara Region Water/Wastewater Scope	\$ 19,865.73			\$ 19,865.73
Permit Coordination, Communications and Approvals	\$ 5,569.20	\$ 1,350.10	\$ 2,896.69	\$ 1,322.41
Tender Services	\$ 6,796.40	\$ 1,647.60	\$ 3,535.00	\$ 1,613.81
Electrical Services Contingency	\$ 10,000.00		\$ 10,000.00	
ESTIMATED Geotech Costs	\$ 100,000.00	\$ 24,242.23	\$ 52,012.76	\$ 23,745.00
SubTOTAL (excl Tax, CA/Insp)	\$ 253,215.59	\$ 58,960.89	\$ 136,503.15	\$ 57,751.54
Construction Services (PROVISIONAL)	\$ 216,756.80			
Non-Refundable HST	\$ 4,456.59	\$ 1,037.71	\$ 2,402.46	\$ 1,016.43
TOTAL (excl CA/Insp)	\$ 257,672.18	\$ 59,998.61	\$ 138,905.61	\$ 58,767.97
			Combined Design Services	Design Cost Splits
			\$ 83,662.79	24%
				52%
				24%

NR Cost Share (excl tax)	\$ 194,254.70
NR Cost Share (incl tax)	\$ 197,673.58

COUNCIL
INFRASTRUCTURE SERVICES
ENGINEERING DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

23-54

REPORT ENG-2023-06
MARCH 7, 2023

SUBJECT: 2022 INFRASTRUCTURE RENEWALS 1 – TENDER AWARD

**AUTHOR: JOSH TRIM, P.ENG
SENIOR PROJECT MANAGER**

**APPROVING MANAGER: LIVIA MCEACHERN, P.ENG.
MANAGER OF ENGINEERING**

**APPROVING DIRECTOR: SHERRI-MARIE MILLAR, P. ENG.
DIRECTOR OF INFRASTRUCTURE SERVICES/ CITY ENGINEER**

RECOMMENDATIONS:

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 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 Council directs staff to prepare the necessary by-law and documents to execute the contracts; and further
4. THAT Council authorizes the Mayor and Clerk to execute all necessary documents to execute the contracts.

ORIGIN AND BACKGROUND:

The City of Welland plans to undertake Infrastructure Renewals along Garner Avenue (Lincoln Street to Young Street), Grove Street (Hellems Avenue to Bargar Street) and Randolph Street (Hellems Avenue to Bargar Street).

The proposed upgrades are as follows:

- Garner Avenue will include the replacement of the existing watermains, water services, replacement of the vitrified clay sanitary sewer, and sanitary laterals. New curb and gutter with subdrain, the replacement of the sidewalks along both sides of the roadway, drainage and intersection improvements and a new road surface are also included in the proposed works.
- Grove Street will include the replacement of watermain, water services, sanitary sewer, and sanitary laterals. New curb and gutter with subdrain, the replacement of the sidewalks along both sides of the roadway, drainage and intersection improvements and a new road surface are also included in the works.

- Randolph Street will include the replacement of watermain, water services, sanitary sewer, and sanitary laterals. New curb and gutter with subdrain, the replacement of the sidewalks along both sides of the roadway, drainage and intersection improvements and a new road surface are also included in the works.

COMMENTS AND ANALYSIS:

The tender for the works was released on Wednesday, February 15, 2023, publicly advertised, forwarded to the Niagara Construction Association, and posted with a major Canadian tendering website for two (2) weeks.

There were six (6) tenders received on closing day, Thursday, March 2, 2023. Submissions have been reviewed for accuracy and found to be in compliance with both the City of Welland tender requirements and the provisions of the current Purchasing Policy.

The summary of all the tenders received, excluding HST, is as follows:

CONTRACTOR NAME & ADDRESS	TENDER PRICE (excluding HST)
Demar Construction Inc. 2140 Allanport Road, Allanburg, Ontario, L0S 1A0	\$4,922,440.49
Nexterra Substructures Inc 7226 Reixinger Road; Niagara Falls, ON L2G 0R9	\$4,891,571.10
Provincial Construction (Niagara Falls) Limited 4382 Montrose Road, Niagara Falls, Ontario L2H 1K2	\$5,095,029.30
Alfred Beam Excavating Limited 1219 Sunset Drive, Fort Erie, Ontario	\$6,135,773.00
Peters Excavating Inc. 3 Cross Street; Welland, ON L3B 5X6	\$5,372,180.20
Kada Group Inc. 50865 O'Reilly's Road South, Wainfleet, Ontario, L0S 1V0	\$5,068,464.22

A sole-source proposal from the designer, R.V. Anderson Associated Limited (RVA), has been solicited for the purposes of construction administration, full-time inspection and preparation of construction record drawings following completion. The proposal price for the requested services was \$160,660.00 (plus HST). Being the designer of the works on Garner Avenue, Grove Street and Randolph Street, RVA possesses both significant technical expertise and an invested interest for the successful outcome of the project, therefore they are uniquely suited to conduct this work.

FINANCIAL CONSIDERATION:

A breakdown of the anticipated costs for this project along with the approved project funding has been shown in the following tables.

PROJECT COST BREAKDOWN	AMOUNT
Nexterra Substructures Inc.	\$4,891,571.10
Material Testing and Quality Control (2%)	\$97,831.42
R.V. Anderson Associated Limited Contract Administration and Inspection	\$160,660.00

PROJECT COST BREAKDOWN	AMOUNT
Design, Tender and Geotechnical Investigations	\$200,058.75
City's Portion of HST (1.76%)	\$94,162.13
Total Anticipated Cost	\$5,444,283.40

PROJECT FUNDING BREAKDOWN	AMOUNT
Approved Capital Funding – 2022 Infrastructure Renewals 1 (Multi) (10-320/316/327/330/910-22743)	\$5,524,100.00
Total Approved Funding	\$5,524,100.00

The tender price from the low bidder plus 2% material testing, design and tender preparation, geotechnical reporting, contract administration and inspection, and 1.76% for the City's portion of the HST is **\$5,444,283.40**. There are sufficient funds approved to complete the proposed scope of work.

Nexterra Substructures Inc., the lowest tenderer, is an established company in southern Ontario and has been successful with similar work for the City and other Regional municipalities. Staff at this time considers the firm's performance to be satisfactory and in accordance with City specifications and standards, and therefore recommends that the firm be awarded the contract.

The proposal price from RVA for this undertaking is **\$160,660.00** (plus HST). Staff have reviewed this price and have found it to be comparable with other recent assignments for work similar in duration and complexity. Accordingly, staff recommend awarding this sole-source assignment to RVA.

OTHER DEPARTMENT IMPLICATIONS:

Contract administration for tendering, agreement, and contract payments have been and will be kept in compliance with the agreed practices of the Finance, Clerks and Legal Services departments.

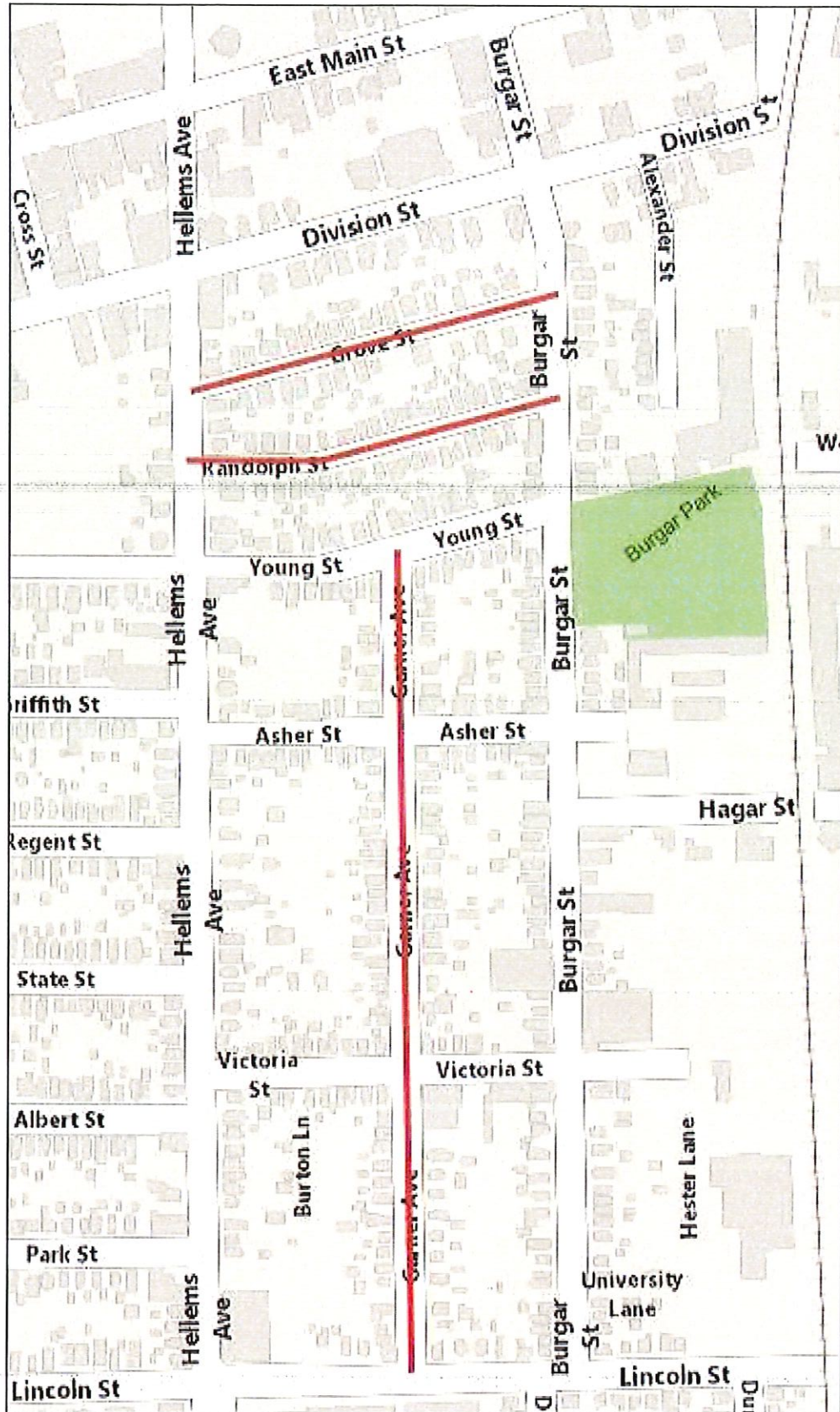
SUMMARY AND CONCLUSION:

Staff recommend awarding a contract to low tenderer, **Nexterra Substructures Inc.**, for the 2022 Infrastructure Renewals 1 construction contract at a cost of **\$4,891,571.10** (plus HST).

Formal construction administration, inspection and the preparation of construction record drawings for this contract will be a critical element in ensuring the project specifications and financial interests of the City are maintained over the duration of the project. Staff recommend awarding a contract to **R.V. Anderson Associated Limited** for their proposal amount of **\$160,660.00** (plus HST).

ATTACHMENTS:

Appendix I – Location Plan



The following organizations have applied for Lottery Licensing and is presented to City Council for approval.

NAME	ADDRESS
École secondaire catholique Saint-Jean-de-Brébeuf	620 River Road Welland, Ontario L3B 5N4
École élémentaire catholique Saint-François-d'Assise	58 Empress Avenue Welland, Ontario L3B 1K9

Respectfully submitted by Tara Stephens, City Clerk

RECOMMENDATION:

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.

COUNCIL
OFFICE OF THE CAO
CLERKS DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

02-160

REPORT CLK-2023-07
MARCH 7, 2023

SUBJECT: INFORMATION PROVIDED FOR IN-CAMERA/CLOSED TO THE PUBLIC MEETINGS OF COUNCIL

AUTHOR: TARA STEPHENS, CITY CLERK

APPROVING DIRECTOR: STEVE ZORBAS, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDATION:

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.

ORIGIN AND BACKGROUND:

A municipality may hold a meeting closed to the public (in-camera) if the subject of the meeting falls within one of the exceptions set out in section 239 of the *Municipal Act*.

In October 2021, Welland City Council referred a request for reports, copies of proposed agreements and other backup material related to in-camera items, back to staff for a report.

COMMENTS AND ANALYSIS:

During meetings closed to the public (in-camera), staff provide confidential information to council regarding items listed on the in-camera agenda, in accordance with section 239 of the *Municipal Act*.

In some instances, information being provided in-camera is a verbal update regarding the item(s). These items are for information only. Staff provide details on the matter and advise whether additional actions may be required in the future. If additional action is required, additional meetings will be scheduled and communicated.

When the matter requires council direction, staff will make every effort to prepare a staff report, power point presentation, or documentation to assist with communicating the information to council for direction.

There may be occasions where documents may not be available, for example:

- Third party will not release a formal agreement until council provide direction.
- Staff are bound by a confidentiality agreement.
- No additional information to provide regarding a matter previously presented.
- Additional information has not been provided by third party involved.
- During an open procurement process and / or while a matter is under negotiation.
- As directed by legal counsel for litigation matters.

In the future, staff will consider additional methods of providing confidential information to council such as password protected and encrypted files.

FINANCIAL CONSIDERATION:

No financial considerations required.

OTHER DEPARTMENT IMPLICATIONS:

Staff to prepare report(s), power point presentation or other documentation to communicate confidential information to council for in-camera related items, when able.

SUMMARY AND CONCLUSION:

This staff report has been prepared to respond to council's request for reports, copies of proposed agreements and other backup material related to in-camera items, back to staff for a report.

ATTACHMENT:

None.

COUNCIL
OFFICE OF THE CAO
CLERKS DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

08-143

REPORT CLK-2023-08
MARCH 7, 2023

SUBJECT: HEALTH CARE COMMITTEE

AUTHOR: TARA STEPHENS, CITY CLERK

APPROVING DIRECTOR: STEVE ZORBAS, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDATION:

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.

ORIGIN AND BACKGROUND:

In 2010, Welland City Council approved the creation and the terms of reference for a Health Care Committee.

The purpose of the Health Care Committee was to represent the best interest of the residents of Welland as it related to the Niagara Health System (NHS) Hospital Improvement Plan. This plan was introduced in 2008.

The committee was created to present a unified response to the NHS, Local Health Integration Network (LHIN), and the provincial governments with respect to the health care services that will be provided in our communities and to take the necessary steps to protect the integrity and availability of health care services for all.

COMMENTS AND ANALYSIS:

The committee was not active during the 2018-2022 term of council and the NHS Hospital Improvement Plan has now concluded, therefore the requirement for the committee is no longer required.

Although the Hospital Improvement Plan has concluded, there are still matters to be considered regarding healthcare in Welland. All matters related to the hospital and healthcare in Welland will be presented to council as a whole for consideration, in order to maintain a unified response.

FINANCIAL CONSIDERATION:

No financial considerations required.

OTHER DEPARTMENT IMPLICATIONS:

No other department implications.

SUMMARY AND CONCLUSION:

This staff report has been prepared to dissolve the Health Care Committee. In the future all matters related to the hospital and healthcare in Welland will be presented to council for consideration.

ATTACHMENT:

None.

COUNCIL
COMMUNITY SERVICES DEPARTMENT

APPROVALS	
DIRECTOR	<i>GA</i>
CFO	<i>SB</i>
CAO	<i>GA</i>

REPORT CS-2023-05
MARCH 7, 2023

98-82

**SUBJECT: CIVIC SQUARE URBAN PARK REDEVELOPMENT
REFERRAL TO STAFF RESPONSE**

AUTHOR: ROB AXIAK, DIRECTOR OF COMMUNITY SERVICES

**APPROVING DIRECTOR: STEVE ZORBAS, CPA, CMA, B.Comm, DPA,
CHIEF ADMINISTRATIVE OFFICER**

RECOMMENDATION:

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

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.

BACKGROUND:

On January 31, 2023, council referred report CS-2022-02 (Appendix A) back to staff to provide an update to Council requesting more information, and summarized which includes:

- Updated Costing to reflect 2023 costs, and
- A clear understanding of the financing strategy for this project, and
- Clarification of historical information related to this project.

The Civic Square Urban Park Redevelopment project as designed in 2022 was first conceived through the Parks, Recreation, and Culture Master Plan, approved by council in 2019. Before 2019, some efforts were made related to developing a concept plan focused on the beautification of Civic Square through a potential partnership with the Region and their Public Realm grant program. The scope of this beautification work proposed in 2017 in report ENG-2017-13 shown in Appendix D, was more cosmetic and has further evolved to what is before council today based on the continued deterioration of the space.

This enhanced concept and preliminary design as shown as part of the 2022 report CS-2022-02 (Appendix A) is predicated on a significant amount of required restoration work,

including concrete repairs, AODA requirements, drainage deterioration & repair, heaving concrete, and the full removal of the now decommissioned and nonfunctional ice rink which takes up a considerable amount of space on the property.

In 2022, funds from the Regional Public Realm grant, earmarked to support some beautification efforts of Civic Square dating back to 2018 were reallocated to the Boardwalk Parkette project through the approved report CS-2022-27, as there was little momentum on the Civic Square Urban Park redevelopment project at the time.

COMMENTS AND ANALYSIS:

The proposed project as shown in Appendix A is for the full redevelopment of Civic Square outdoor space to be transformed into a highly functional, 4-season, urban park to be used for a variety of recreational purposes and to further beautify the downtown core. Investment in this new urban park will support the community's quality of life, promote economic development, and provide a space for civic pride and engagement.

As a significant amount of work is required to repair the existing outdoor space, now would be the most ideal time to move forward with this urban park redevelopment project. As shown in Appendix B, there are various deterioration issues that require significant restoration work. Further deferral of this restoration work is not recommended by staff given the current condition of the space, risk and liability concerns, code compliance, usability, and the rate of deterioration.

FINANCIAL CONSIDERATIONS:

Financial Background

In 2018, the Civic Square project revitalization was originally budgeted at \$200,000 with 50% through the PRIP Regional funding and the remaining funding through the city. The PRIP funding was granted much lower than anticipated at \$50,000, thus reducing the budget to \$150,000. In 2022, there was a further reduction of PRIP funding of \$20,000 due to inactivity in the project and at that time staff recommended to utilize the PRIP funding remaining within the Civic Square project to the Boardwalk Parkette project as outlined in CS -2022-27, allocating the \$30,000 of PRIP funding to the Boardwalk parkette project. The budget of \$100,000 is what remains in the Civic Square revitalization project.

When report CS-2022-03 was brought forward in February of 2022, capital funds were noted at \$150,000 through account 10-439-18044. Based on the reallocated funds from the public realm program as noted in CS-2022-27 (Boardwalk Parkette project), this account was decreased to \$100,000.

Funds used to date from this account are \$45,767, with a remaining balance available of \$54,233 (as of February 9, 2023).

Account	Opening Balance	Expensed to Date	Remaining Balance
#10-439-18044	\$100,000	\$45,767	\$54,233

During the discussion with council on January 31, 2023, related to report CS-2022-02, it was requested to have a better understanding of other Civic Square related capital accounts. At the present time, there are four (4) projects related to Civic Square, with all other capital accounts related to Civic Square, closed. The four projects related to Civic Square are:

Year	Account	Project	Project Budget
2018	10-439-18044	Civic Square Revitalization Phase 1*	\$100,000*
2020	10-430-20088	Emergency Generator City Hall	\$30,000
2022	10-439-22470	City Hall Roof Repair & Renewal	\$1,262,000
2028	10-410-28416	Civic Boardwalk Seating Area (Behind City Hall, by the heritage area) *forecasted	\$200,000

*Civic Square Revitalization Phase 1 is the account previously noted in this report and is directly related to this proposed project with a remaining balance of \$54,233.

Current Project Costing:

The cost for this project is now reflected in 2023 dollars and is shown in Appendix C. The scope of work and scale/design remains the same as presented in report CS-2022-03 (Appendix A).

Cost	\$1,217,152
Contingency @ 20%	\$243,430
Total Cost (exclusive of HST)	\$1,460,882

It is recommended in this report that this project, and recommended funding source, be presented at the time of the 2024 budget review process. Having this project included as part of the total capital plan will allow council to view this project against other capital projects and priorities that are being recommended. Staff will also explore the opportunity to reapply to the Region’s Public Realm grant for consideration. Should other grant opportunities arise, they too will be explored by staff should this report be approved by council.

CONCLUSION

The Civic Square Urban Park Redevelopment is an opportunity to enhance a well-used public space to be enjoyed by all. As significant restoration work is required on this site,

staff are recommending further enhancements focused on access, usability, code compliance, and functionality to accommodate a multitude of opportunities while further beautifying the downtown. It is recommended in this report, that this project be included as part of the 2024 budget process for both the Budget Review Committee (BRC) and ultimately city council to be considered during the 2024 capital budget.

ATTACHMENTS:

Appendix A – CS-2022-03

Appendix B – Pictures of Civic Square (2023)

Appendix C – Preliminary Costing Updated

Appendix D – ENG-2017-13

GENERAL COMMITTEE
COMMUNITY SERVICES DEPARTMENT
FACILITIES DIVISION

APPROVALS	
DIRECTOR	RA
CFO	
CAO	

REPORT CS 2022-03
FEBRUARY 8, 2022

SUBJECT: CIVIC SQUARE – FINAL DESIGN

AUTHORS: FRANK PEARSON, MANAGER OF FACILITY OPERATIONS & DEVELOPMENT (ACTING)

APPROVING DIRECTOR: ROB AXIAK, DIRECTOR OF COMMUNITY SERVICES

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approve the final design of Civic Square presented in Report CS-2022-03 and related Appendix A, and to authorize staff to proceed with detailed design, costing, and the subsequent issuance of a tender.

BACKGROUND:

In the Fall of 2021, staff brought forward various design concepts for Civic Square to be discussed with council. Council provided staff with several ideas, suggestions, and recommendations to further refine the design. Below is a summary of the common comments heard by council:

Design Considerations from Committee Meeting (September 21st, 2021 R&C-2021-17):

- Consider fountain or feature to draw families into the space
- Focus on lighting and shade areas
- Create design opportunities with the Bridge and Courthouse
- Flexible but defined space to allow for various uses
- Purposeful and vibrant space for enjoyment
- Stage area for civic engagement and performances
- More open space for better opportunities to host events
- Consider four season use
- Consider the removal of a café / facility from this design citing view concerns and added competition in the downtown for another food establishment.

It should also be noted that some members of council were also interested in a basic design model, with only basic repairs to some of the notable areas of concern as opposed to a total redesign of the space. As these suggestions did not capture that majority of comments provided, a basic plan was not designed or costed at this time.

Civic Square should be a place where the community can come together for civic pride and recreation. Essentially, this project is introducing an urban park into the downtown as a key feature to help rejuvenate the downtown core. When completing the preliminary design and costing for this project, the design principles noted below were used to help guide the overall design. This includes 'defining the purpose' of the space.

Design Guiding Principles:

- To create a public space for civic engagement and social gathering
- To create a comfortable urban park plaza where people want to spend time
- Space should allow for animation, entertainment and civic engagement including a stage area, and temporary seating configurations
- A flexible, yet defined and purposefully vibrant space
- 4-season use
- Inclusion of public art potential and beautification of space
- Features and amenities to draw families into the space
- Safety and Security including lighting, open spaces, and roadway safety
- Focus on lighting and making a connection to the East Main Street Bridge and Court House
- Ensure ease of access and accessibility

As identified in section 4.3.2 of the council approved, Parks, Recreation & Culture Master Plan, 2019, an opportunity to further enhance civic square for better community use and animation was noted in the parks section of the master plan.

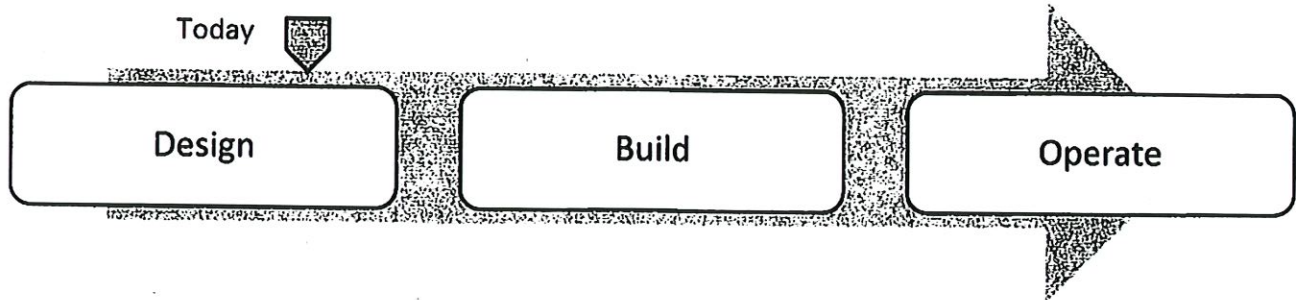
Civic Square Revitalization

"The City's vision to revitalize Civic Square (City Hall) includes a gathering space for many of Welland's special events such as movie nights, outdoor skating, Santa Claus Parade, and more. Revitalizing Civic Square can improve overall quality of life through "placemaking", which is the concept of reimagining and reinventing public spaces as the heart of the community. The vision for revitalizing Civic Square centres on improving pedestrian environments including enhancing signage, seating, lighting, and shade."

COMMENTS AND ANALYSIS:

The proposed design has been created and is shown in Appendix A of this report. Staff sought feedback from various stakeholders, including city council within the approved guiding principles noted above. The design before council as part of this report represents the collection of all feedback received to date in anticipation of finalizing a design that meets the needs of the majority, allowing staff to proceed into the next phase of detail design and costing. As shown in the diagram below, this project is in the preliminary

design and costing stage, should this design be approved by council, completing the detailed design and costing would occur, allowing staff to proceed to the tender process.



Recommended Design:

Shown in Appendix A, each drawing is unique and aligns with the design principles highlighted in this report. The proposed concept creates more socialization nodes which allows people to come together naturally. This concept also allows for more opportunities to animate the space through the potential of small performances, viewing movies or sporting events, or live music. Lastly, flexible seating configuration also allows for a grander area for city announcements, proclamations, and civic engagement. Various uses and flexibility of the space was key to this final design. The deletion of the potential café facility allowed for greater attention to be placed on functional and usable amenities such as the stage area and water feature. Seating area under natural shade, enhanced lighting and feature portable fire tables were also introduced to support year-round use.

Staff believe that this concept best aligns with the design principles noted in this report and reflects the vision of the overall use of this unique space. This design concept reimagines and reinvents this public space as the heart of the community.

Proposed Timelines:

Following the approval of the proposed conceptual design, adesso design inc. would commence the process of detailed design development, working drawings, specification creation, value engineering, costing and a subsequent tender. A tender award report would be brought to council prior to award. This process will take the remainder of 2022 to complete, with a proposed construction start date of early Q2 of 2023.

FINANCIAL CONSIDERATIONS:

Presently, there is a capital project with approved funding - Civic Square Plaza Revitalization - 10-439-18044. This account is used to support the soft costs which includes the design and administration costs for this project. The balance of funding is stated below and will be utilized for detailed design.

Account Title	Funds Available / Allotted	Funds Used to Date	Balance Available
Civic Square Design	\$150,000	\$45,767	\$104,233

The estimated total project cost prepared by the design consultant 'Adesso Design Inc, Landscape Architecture' is \$1,212,250.00 +HST which includes a 30% contingency, site furnishings, site servicing, lighting, and the potential for public art. The funding source for the construction portion of this project has been earmarked in the Strategic Initiatives Capital account, 10-710-17095. Adesso Design Inc will continue with this project's deliverables and act as a consultant between the city and contractor once a tender award is approved. Adesso has been exceptional throughout this process, listening to input from all and creating a high-quality urban park design in Welland's downtown core.

CONCLUSION

This project is an exciting opportunity for the city and the downtown with the introduction of the city's first urban park. This type of investment into the downtown core will create a new vision for the space and attract a variety of uses and animation. This location will truly become the heart of the city. Should council approve this report, staff will proceed into detail design and subsequent costing and tender. An exciting opportunity exists to bring vision into reality with this unique project, and fulfill a direction put forth as part of the council approved 2019 Parks, Recreation & Culture Master Plan for civic square.

ATTACHMENTS:

Appendix A – Final Design Overview Presentation

Appendix A

Welland Civic Square

Final Concept February 1st, 2022



Precedent Imagery
Welland Civic Square



Design Considerations from Committee Meeting

- No Container for Café and placement blocks views to Court House
- Café – Consider Seasonal Use / Mobile Vendors
- Consider Fountain or Feature to Draw families into the space
- Focus on Lighting and making a connection to the Bridge and Courthouse with lighting
- Flexible but Defined Space
- Purposeful Vibrant Space
- Stage Area for Civic Engagement / Performances
- More Open for Events
- Four Season Interest

Precedent Imagery
Welland Civic Square



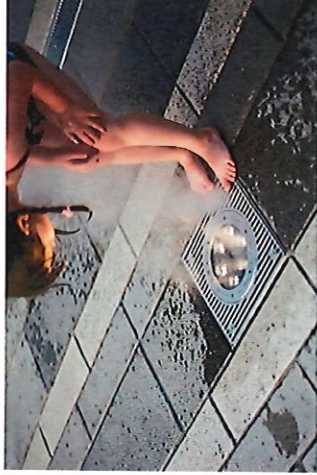
Place Canotiers – Quebec City



Lounge Seating around Feature Tables



Ground Sprays



Ground Sprays/Lights



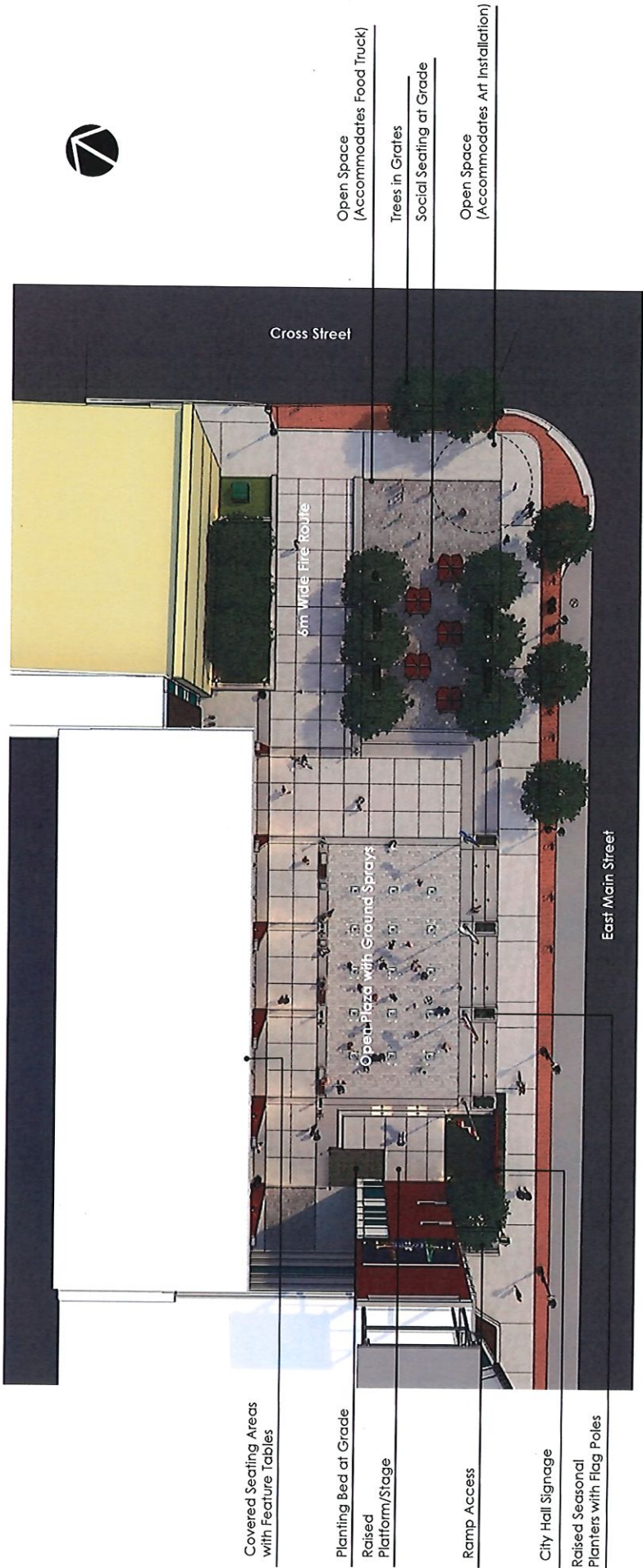
Seasonal Gatherings



Flexible Event Space

Preliminary Landscape Concept

Welland Civic Square



- Covered Seating Areas with Feature Tables
- Planting Bed at Grade
- Raised Platform/Stage
- Ramp Access
- City Hall Signage
- Raised Seasonal Planters with Flag Poles

- Open Space (Accommodates Food Truck)
- Trees in Grates
- Social Seating at Grade
- Open Space (Accommodates Art Installation)

Final Concept – Plan View (Summer)



Preliminary Landscape Concept
Welland Civic Square



odesso design inc
landscape architecture



Final Concept – Birds Eye View from East Main St

Preliminary Landscape Concept
Welland Civic Square



Final Concept – Birds Eye View from Corner of East Main St & Cross St

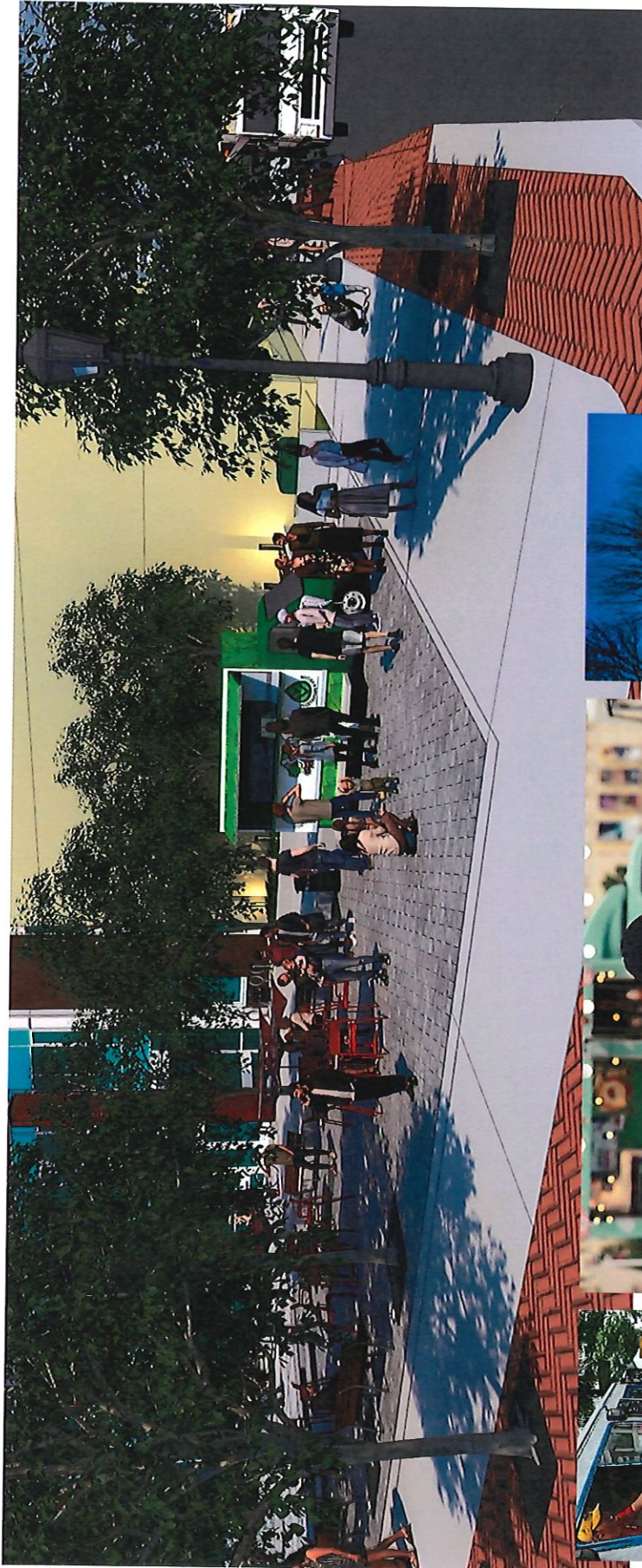
Preliminary Landscape Concept
Welland Civic Square



Final Concept – Water Feature (Dusk)

Preliminary Landscape Concept

Welland Civic Square



Final Concept – Flexible Event Space

odesso design inc
landscape architecture



Preliminary Landscape Concept
Welland Civic Square

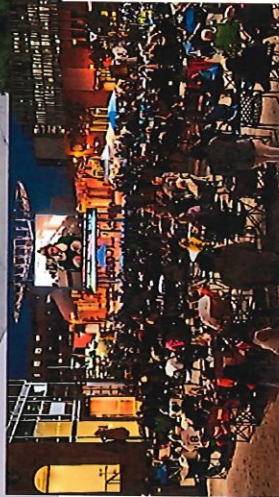


odesso design inc
landscape architecture



Final Concept – Social Seating Space

Preliminary Landscape Concept
Welland Civic Square



Final Concept—Flexible Event Space

Preliminary Landscape Concept
Welland Civic Square



Final Concept – Public Gathering / Civic Engagement



Preliminary Landscape Concept
Welland Civic Square



Final Concept - Tree Lighting



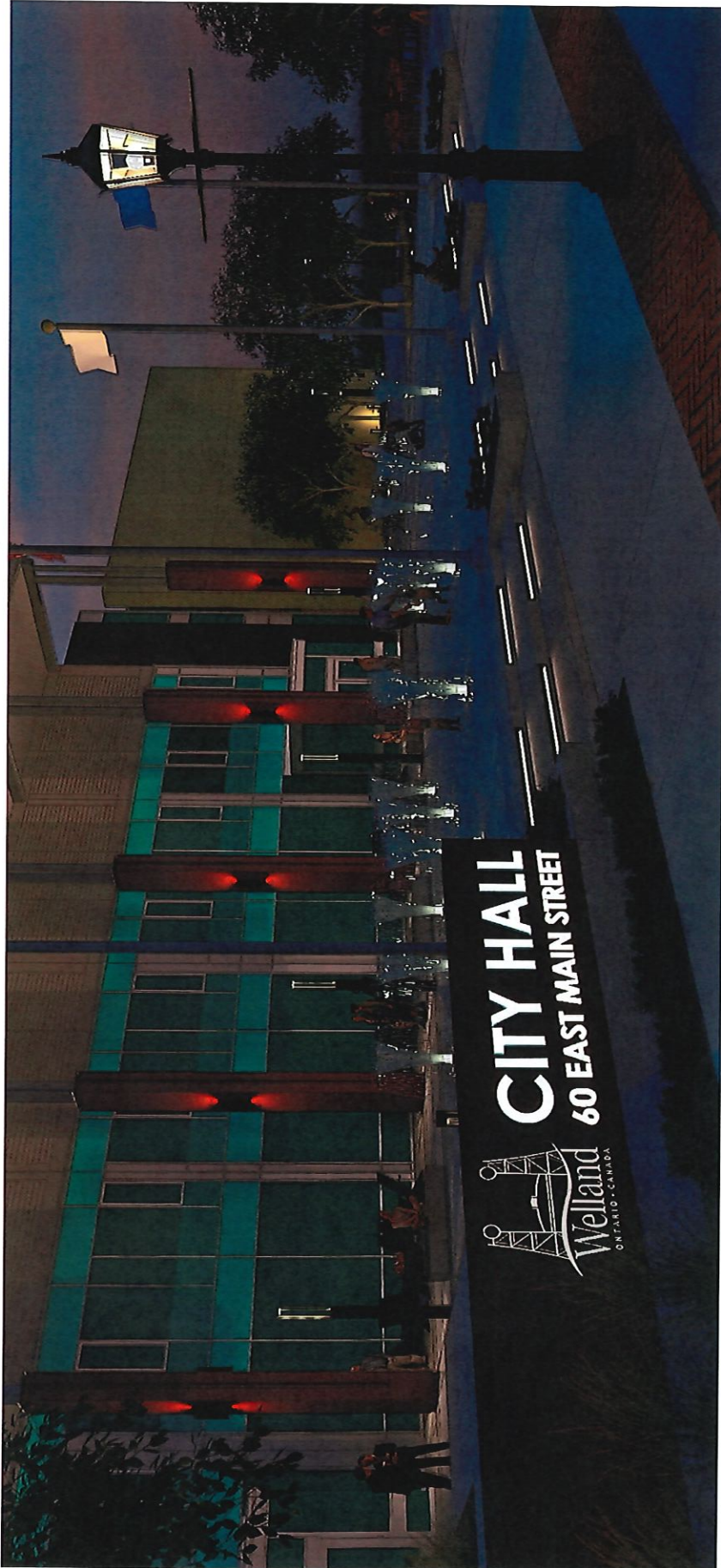
Preliminary Landscape Concept
Welland Civic Square



Final Concept – Tree Lighting



Preliminary Landscape Concept
Welland Civic Square



Final Concept – Plaza / Water Feature (Night View)

Lighting

Welland Civic Square

Column/Wall Lighting

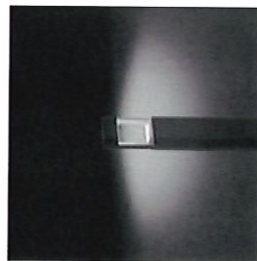


2 Direction Wall Mount

Bollards

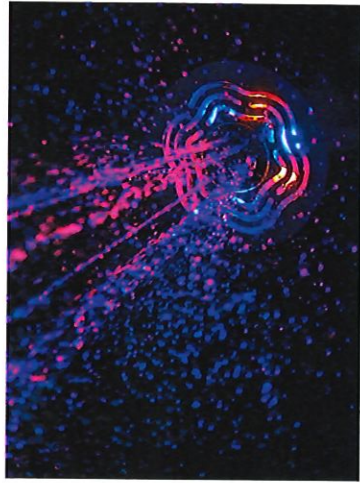


8ft Columns (Open Plaza)

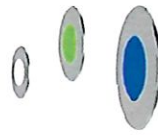


Bollards (around Stage and among lowered seating space)

Lighting at Splash Feature



Integrated lighting with ground sprays



Lighting at Stairs



Recessed Stair Lights

Lighting at Flag Poles



Landscape Flood Lights

Lighting in Lower Plaza Space



In Ground Lighting



PRELIMINARY COST ESTIMATE

Welland Civic Square
East Main Street & Cross Street

Prepared for: City of Welland
Date: February 14, 2023

*Cost estimate based on conceptual design



Description	Quantity	Unit	Unit Price	Est. Cost
General/Site Prep				
a. Start-up and Mobilization	1	LS	\$35,000.00	\$ 35,000.00
Demolition and Removals				
a. All demolitions, removals and disposal off-site	1	LS	\$147,500.00	\$ 112,500.00
Right of Way Works				
a. Restore CIP concrete sidewalk along East Main Street and Cross Street as required	274	m2	\$200.00	\$ 54,800.00
Plant Material				
a. Supply and install all plant material include soil and mulch	1	LS	\$30,527.00	\$ 30,527.00
Hardscape				
Stage area				
a. Supply and install CIP concrete planter at stage	16	l.m.	\$750.00	\$ 11,625.00
b. Supply and install CIP concrete stairs	9	m2	\$1,500.00	\$ 12,750.00
c. Supply and install 150mm CIP concrete stage	28	m2	\$200.00	\$ 5,600.00
			Subtotal	\$ 29,975.00
Open Plaza				
a. Supply and install 150mm CIP concrete Walkway with Coloured Banding	241	m2	\$200.00	\$ 48,200.00
b. Supply and install precast concrete unit pavers	205	m2	\$300.00	\$ 61,500.00
			Subtotal	\$ 109,700.00
Open plaza steps				
a. Supply and install CIP concrete flag pole foundation, and re-install flag poles	5	m2	\$2,500.00	\$ 12,000.00
b. Supply and install CIP concrete planters	10	l.m.	\$750.00	\$ 7,200.00
c. Supply and install CIP concrete stairs	68	m2	\$1,500.00	\$ 102,000.00
			Subtotal	\$ 121,200.00
Lowered Social Seating Area				
a. Supply and install precast concrete unit pavers	215	m2	\$300.00	\$ 64,500.00
b. Tree grates & Shared Soil Cells for Trees	1	LS	\$2,000.00	\$ 72,000.00
			Subtotal	\$ 136,500.00
Lowered Seating area steps				
a. Supply and install CIP concrete stairs	34	m2	\$1,500.00	\$ 51,000.00
			Subtotal	\$ 51,000.00
Fire Ramp and retaining wall				
a. 150mm heavy duty CIP concrete inclusive of granular base at fire access ramp	105	m2	\$300.00	\$ 31,500.00
b. Supply and install 0.5m wide CIP concrete retaining wall	23	l.m.	\$1,500.00	\$ 34,500.00
			Subtotal	\$ 66,000.00
Under overhang				

PRELIMINARY COST ESTIMATE

Welland Civic Square
East Main Street & Cross Street



Prepared for: City of Welland
Date: February 14, 2023

*Cost estimate based on conceptual design

Description	Quantity	Unit	Unit Price	Est. Cost
a. Supply and install 150mm CIP concrete Walkway with Coloured Banding	44	m2	\$200.00	\$ 8,800.00
b. Supply and install precast concrete unit pavers	101	m2	\$300.00	\$ 30,300.00
Subtotal				\$ 39,100.00
Ramp and connection to plaza				
a. Supply and install 150mm CIP concrete Walkway with Coloured Banding	54	m2	\$200.00	\$ 10,800.00
b. Supply and install ramp inclusive of retaining and handrails on east main street	14	m2	\$350.00	\$ 4,900.00
Subtotal				\$ 15,700.00
Miscellaneous				
a. Public Art installation			allowance	\$ 20,000.00
b. Supply and install ground sprays (x15) and associated servicing			allowance	\$ 85,000.00
c. City Hall Signage			allowance	\$ 35,000.00
Subtotal				\$ 140,000.00
Irrigation				
a. Supply and install irrigation for all planting areas on site			allowance	\$ 30,000.00
Lighting				
a. Supply and install bollards, light poles & step lights.			allowance	\$ 155,000.00
Site Furniture				
a. Benches, tables, chairs, garbage receptacles, muskoka chairs, fire tables and removable bollards			allowance	\$ 69,150.00
Drainage				
a. Area Drains and drain lines	1	LS	\$21,000.00	\$ 21,000.00

Sub-Total \$ 1,217,152.00
*Exclusive of HST


Contingency

a. 20% of construction			\$	243,430.40
Project Total				\$ 1,460,582.40

Contingency

b. 30% of construction			\$	365,145.60
Project Total				\$ 1,582,297.60

COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES
ENGINEERING DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

98-82

REPORT ENG-2017-13
APRIL 18, 2017

SUBJECT: CIVIC SQUARE REVITALIZATION - CONCEPT PLAN

CO-AUTHORS: JAMES O'NEILL, C.E.T.
PROJECT MANAGER, FACILITIES

APPROVING SUPERVISOR: ERIK NICKEL, P.ENG
MANAGER OF ENGINEERING

APPROVING G.M.: SAL IANNELLO, P. ENG., B.B.A., M.A.,
GENERAL MANAGER, INFRASTRUCTURE AND
DEVELOPMENT SERVICES / CITY ENGINEER

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the development of a concept plan for the revitalization of the public area in front of Civic Square.

ORIGIN AND BACKGROUND:

Welland Civic Square is located in the heart of the downtown, and should function as a community meeting place and an open and inviting area for residents and guests of Welland. Civic Square is underutilized and needs to be repurposed to bring more people and activities to the downtown, and build on public-private sector investments and streetscape improvements that are part of the City's downtown revitalization strategy.

COMMENTS AND ANALYSIS:

Welland Civic Square is a community space that has the potential to be a landmark within downtown Welland. The current space has had increasing interest as recent events such as movie nights and concerts broadcast on the big screen, have attracted many residents to the location. In order to continue the growth of these events, and to attract future community gatherings, a revitalization strategy for Civic Square is necessary. Downtown revitalization is an important part of the overall health of a community, and it is important to create a multi-use space that will facilitate a number of community events.

The development of a concept plan will include reaching out to the community through public engagement strategies such as online surveys, social media, and feedback forms available at city facilities. External stakeholders such as the Downtown BIA, Welland Public Library, and Niagara College, Brock University, and city committees such as accessibility, active

transportation, seniors, and youth will be consulted to develop a plan that is inclusive of all user groups and the community at large.

City staff will work together in a cross functional team to build on the current activities taking place and anticipate future events that will be held in the public area at Civic Square. Those ideas and the feedback from the public and external stakeholders will form the foundation for the re-design of the public space at Civic Square.

The revitalization of Civic Square will focus on a strong technology strategy as current trends require new and cutting edge ways for people to interact with their surroundings. By including a strong technology strategy in the revitalization plan it is expected that the public space at Civic Square will attract regular visitors who will use the space for meeting, relaxing, and socializing; along with the special events the space will also host.

FINANCIAL CONSIDERATION:

Work on this project will be completed by staff working in a cross functional team. The Region of Niagara has contributed, in kind, an architect holding the position of Manager of Urban Design, to work on the project and produce the concept drawings, and renderings for the revitalization of Civic Square.

OTHER DEPARTMENT IMPLICATIONS:

This initiative will include most city departments. The cross functional team includes staff from planning, engineering, communications, recreation, public works, and finance.




SUMMARY AND CONCLUSION:

Staff recommends that the Council of the City of Welland approve the development of a concept plan for the revitalization of the public space at Civic Square.

ATTACHMENTS:

None.

COUNCIL
COMMUNITY SERVICES
FACILITIES DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

REPORT CS-2023-11
MARCH 7, 2023

SUBJECT: COURTHOUSE FIRE ALARM SYSTEM UPGRADE – PANEL REPLACEMENT

AUTHOR: FRANK PEARSON, MANAGER OF FACILITIES, OPERATIONS AND DEVELOPMENT

APPROVING DIRECTOR: ROB AXIAK, DIRECTOR OF COMMUNITY SERVICES

RECOMMENDATION:

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 approves the award to Mario’s Electric for the replacement of the Welland Courthouse Fire Alarm Panel at a total cost of \$ 39,450 + applicable HST.

ORIGIN AND BACKGROUND:

The Courthouse Fire Alarm System Upgrade – Panel Replacement (10-442-21460) was initiated and budgeted as a capital project in the amount of \$10,000. Following the specification and tender process, it was determined that the work would exceed the previously approved budgeted amount and additional funds would be required to complete the project.

COMMENTS AND ANALYSIS:

Staff within the Facilities Division of Community Services completed a site assessment of the existing fire alarm panel at the Welland Courthouse to have an engineered solution produced for tender. The City of Welland issued tender RFQ23-01 on January 13, 2023, and received one (1) compliant quotation from Mario’s Electric in the amount of \$39,450 + HST on February 9, 2023.

The request for council approval is required for the additional funds needed to complete this project, which follows the City of Welland Procurement bylaw.

FINANCIAL CONSIDERATIONS:

A capital budget was previously approved for this project in 2021 as shown below (10-442-21460). As part of the engineering and tender development process, it was determined that this budget was underfunded and that more funds would be required at the time of the award. The complaint submission received represents an accurate and acceptable amount based on the site engineering and costing process.

Courthouse Fire Alarm System Upgrades – Panel Replacement 10-442-21460	\$10,000.00
Engineering and Tender Development Costs	\$3,053.00
Mario’s Electric – Panel Replacement Costs (including city HST)	\$40,144.32
Total Project Shortfall	\$33,197.32

The project shortfall amount (\$33,197.32) is recommended to be expensed to the Courthouse Maintenance Reserve Fund.

SUMMARY AND CONCLUSION

The existing fire alarm panel is entering the end of its lifecycle and to maintain and ensure the life safety systems at the Welland Courthouse are operational, it is recommended that the current panel be replaced.

To proceed with the replacement of the Courthouse fire alarm project, the City of Welland will need to fund the remainder of the costs through the Courthouse Maintenance Reserve Fund and engage Mario’s Electric to complete the specified work.



ADR
CHAMBERS

Integrity Commissioner Office
for the City of Welland

DEBORAH ANSHELL
Integrity Commissioner
City of Welland
E-mail: danschell@adr.ca

JEFFREY SHAPIRO
Investigator
Office of the Integrity Commissioner
E-mail: jshapiro@adr.ca

February 21, 2023

SENT BY EMAIL TO:

Steve Zorbas, CAO

AND TO:

Councillor Tony DiMarco

**Re: Amended Investigation Report¹
Complaint No. IC-20878-1122**

Dear Mr. Zorbas and Councillor DiMarco:

Introduction

This is my report respecting a complaint brought by Steve Zorbas, CAO (the “Complainant” or “Mr. Zorbas”) against Councillor DiMarco (“Respondent” or “Councillor DiMarco”) under the: (1) [Council Code of Conduct of the City of Welland](#) (the “Code of Conduct”) and (2) [Policy on Workplace Discrimination, Harassment and Workplace Violence](#) (the “Policy” and/or “Workplace Policy”).

¹ This is an amended version of the Investigation Report dated February 20, 2023. The amendment corrects a section heading on p. 13, as marked.

In accordance with the Complaint Procedure of the *Code of Conduct* and the *Workplace Policy*, via section 223.4(1) of the [Municipal Act, SO 2001, c 25](#) (the "Act"), Council, a Member of Council, an employee of the city, or a member of the public may request that the Integrity Commissioner conduct an inquiry about whether a member of Council has contravened the *Code of Conduct* or *Workplace Policy*.

Delegation of Investigative Powers

Pursuant to a written delegation of powers dated January 16, 2022, Ms. Deborah Anshell ("Ms. Anshell" or the "Integrity Commissioner"), in her capacity as Integrity Commissioner for the City of Welland ("Welland" or the "City"), delegated to Mr. Jeffrey Shapiro, an Investigator in the ADR Chambers Office of the Integrity Commissioner, pursuant to section 223.3(3) of the *Act*, certain of her powers and duties as Integrity Commissioner to inquire into, investigate, and prepare a report (subject to her review and approval) with respect to the complaint (the "Complaint") described herein.

The Complaint

Overview

Mr. Zorbas alleged that Councillor Tony DiMarco breached several provisions of the City's *Code of Conduct* and *Workplace Policy* during a Council Meeting, when he engaged in a verbal confrontation with the Mayor, physically approached him in an angry and threatening manner with finger pointing, and would not follow the Mayor's instructions to return to his seat and apologize. The event required the Mayor to recess the meeting for 5 minutes to allow Councillor DiMarco to calm down.

As discussed below, the investigation revealed that the parties are in general agreement to the basic outline of the incident, with relatively minor differences.

Legislation, Codes and Policies Alleged to be Violated

Mr. Zorbas cited sections 9 and 14 the *Code*, which deal with respect and discreditable conduct in the workplace. They state as follows:

Code of Conduct for Members of Council

9.0 RESPECT IN THE WORKPLACE

9.1 Without limiting the generality of Section 8.0 of the Code, Members shall be governed by Welland's Workplace, Discrimination, Harassment and Workplace Violence Policy, and any similar policy or procedure, made pursuant to the Occupational Health and Safety Act and the Human Rights Code.

9.2 Members have a duty to treat members of the public, one another and staff appropriately and without engaging in workplace harassment, workplace sexual harassment, abusive conduct, discrimination or workplace violence.

9.3 Members have a further responsibility to support a workplace within Welland that is free of workplace harassment, workplace sexual harassment, abusive conduct, discrimination and workplace violence.

14. DISCREDITABLE CONDUCT

14.1 As a representative of the City, every Member has the duty and responsibility to treat members of the public, one another and staff, appropriately and without abuse, bullying or intimidation, and to ensure that the municipal work environment is free from discrimination and harassment.

14.2 A Member shall not use indecent, abusive, or insulting words or expressions toward any other Member, any member of staff, or any member of the public. A Member shall not speak in a manner that is discriminatory to any individual based on that person's race, ancestry, place of origin, creed, gender, sexual orientation, age, colour, marital status, or disability.

14.3 During Council and Standing Committee meetings, Members shall conduct themselves with decorum and in accordance with the City's Procedural By-law.

Mr. Zorbas also cited several sections of the *Workplace Policy*, primarily as relates to "workplace violence". The specific sections cited state as follows:

Policy on Workplace Discrimination, Harassment and Workplace Violence

THE WORKPLACE:

The workplace is not only confined to the various offices and work locations of the City. It also includes washrooms, lunchrooms, outside work sites, on-road vehicles and any other location where the business of the City is being conducted. ...

RESPONSIBILITIES UNDER THIS POLICY:²

...

Employees/Council Members/Volunteers/Others:

All City employees and those persons involved with or undertaking City business have the responsibility of maintaining a positive and business-like workplace and ensuring that the work environment is free from discrimination and harassment. Every employee is discouraged from and directed to not engage in any activity that may be perceived as constituting discrimination or harassment.

DEFINITIONS:

...

Workplace Violence under the *Occupational Health and Safety Act* is defined as:

- the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker

² The Complaint lists the “Employees/Council...” section twice, but that appears to be a mistake. Also, while not cited by Mr. Zorbas the following section places certain obligations on the City as follows:

The City is responsible for:

Ensuring that corporate policy, practices and conduct comply with the provisions of the Human Rights Code and the OHSA.

- Making sure that all those protected by the policy are fully aware of the policy, their rights and protections under this policy, the Code and the OHSA.
- Creating an environment that encourages prospective complainants to report all incidents of discrimination and harassment.
- Ensuring that all discrimination and harassment complaints can be and are resolved quickly, fairly and in a sensitive manner.
- Conducting an investigation that is appropriate in the circumstances.

- an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker
- a statement or behavior that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

It is defined broadly enough to include acts that may be considered criminal. Workplace violence includes:

- physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, throwing objects
- verbal or written threats to physically attack a worker
- leaving threatening notes or sending threatening emails ...

Investigative Process and Procedure

The process of investigation for this matter included:

- a review and exchange of the written submissions of the Parties;
- an interview with Steve Zorbas, the Complainant;
- an interview with Councillor DiMarco, the Respondent;
- an interview with the Tara Stevens, the City Clerk;
- a review of other relevant information and law as may be referenced periodically herein.

Procedural Fairness and Evidentiary Standard

The principles of procedural fairness were followed in this matter. This Complaint was investigated with input from all involved Parties who were provided with the opportunity to review the written statements of the other side, and to provide oral evidence by way of interview. The evidence obtained from all sources has been assessed in a fair and neutral manner.

As with any civil matter in such an adjudicative process, the standard of proof to be applied in this case is the *balance of probabilities* standard.

Statements and Evidence of the Parties and Witnesses

Complaint Particulars

The Complaint provided significant detail of the events, including an unofficial summary transcript of the key parts of the Council meeting during which the event occurred, supported by an audio recording. Based on my review, the summary transcript is a fairly accurate depiction of the audio recording.

The Complaint notes that the event occurred during a November 16, 2022 Welland City Council meeting. The meeting was held in-person and as an *in-camera* (private) session. Aside from a short recess, the meeting lasted approximately 2.5 hours, during which various routine council business was addressed. The key events occurred at 1:32 to 1:51 of the recording.³

After concluding prior business, Councillor Grimaldi raised a point of privilege, taking issues with comments another councillor had made earlier in the meeting. Councillor DiMarco then advised he would like to bring forward a point of privilege referring to comments made by Councillor Grimaldi four years earlier.

When the Mayor advised Councillor DiMarco that it was not a point of privilege, a disagreement ensued between the Mayor and Councillor DiMarco, which quickly became heated. Councillor DiMarco responded, "Yes it is" and then told the Mayor "shut your mic off and listen." The Mayor replied, "you listen to me." Councillor DiMarco stated he is "not going to put up with this bullshit again."

The Mayor then asked Councillor DiMarco to apologize for his comment or leave the meeting. Councillor DiMarco did neither and responded "what was the last comment from last term?". Councillor DiMarco and the Mayor then continued to argue. The Mayor variously asked Councillor DiMarco to apologize and stop talking, and also tried to call a recess to allow Councillor DiMarco to apologize for his comments and language.

Councillor DiMarco then stated "you are out of order", "you're to blame Mr. Mayor." The Mayor then advised the Councillor that he is "out", to which the

³ Although the audio may have started a few minutes or more after the actual start of the meeting, I will refer to the time frames captured in the audio as corresponding to the same points in the meeting.

Councillor responded “no you are out” and continued “it’s your fault you did this the last term...”

The Mayor then stated that he was going to call a recess and provide an opportunity for the Councillor to come back and apologize for his comments and language, and if not he’ll be excluded from the meeting. Councillor DiMarco asked “which comments”, and the Mayor responded his language.

The Mayor called the recess, but the Councillor continued to aggressively speak at the Mayor. The Mayor attempted to gain control, continuing to state that the meeting is recessing for five minutes, stating “I will not put up with that.” Councillor DiMarco responds “why don’t you do something about it?”

The Complaint alleges that when Councillor DiMarco left his seat “and was standing in front of the Mayor”, “he was pointing his finger in the Mayor’s face and using aggressive and intimidating body language”. I note the Complaint and audio make reference to Councillor DiMarco leaving his seat and standing near the Mayor, but they are both unclear when it happened. Interviews established that occurred at about this point.

There is additional dialogue between Councillor DiMarco and the Mayor. The Mayor continues to advise the meeting is recessed and that he will throw him out of the meeting. The Mayor continued to advise Councillor DiMarco to stop talking, Councillor DiMarco stated “it’s unfortunate”. Mr. Zorbas attempted to calm the situation and encourage Councillor DiMarco to take a few minutes and calm down. Councillor DiMarco continued to taunt the Mayor by stating, “do you want me to keep pinpointing”. The Mayor also asked the Councillor to take a break.

While the transcription summary ends at this point, the audio establishes that the break was taken, the general tone subsided, and the meeting was called back after about five minutes, at which point Councillor DiMarco ultimately apologized. The meeting then proceeded in its regular course and concluded approximately 40 minutes later.

Written Response of Councillor DiMarco

The Office of the Integrity Commissioner sent Councillor DiMarco a copy of the Complaint (without the audio recording) on November 29, 2022 and gave him until December 9, 2022 to provide a Response. He has not provided written

response. During my interview with him, he confirmed that he had received the Complaint and did not respond, and also advised that he is not interested in reviewing the audio recording.

Given that Councillor DiMarco did not provide a written response, a written reply was not requested or supplied from Mr. Zorbas.

Interview with Steve Zorbas

Mr. Zorbas described the incident and background consistent with the audio and Complaint, and so I will only list key additional information that he provided:

- The meeting was all of Council and the City's leadership team. The Councillors sit along a horseshoe table, with Councillor DiMarco at the end about 40 feet away from the Mayor, who sits at the center. Mr. Zorbas sits next to the Mayor.
- While the tape captured the verbal tone, Mr. Zorbas described that Councillor DiMarco got out of his chair and in a rapid walk, charged towards the Mayor stopping just 5 feet away or so. The Councillor's body language, finger-pointing and waiving, and aggressive language were "very unnerving" and frightening. He was concerned that the Councillor might take a swing at the Mayor.
- When the Councillor came to the Mayor, Mr. Zorbas stood to de-escalate the situation. The Mayor advised him to sit down, believing it's a better way to de-escalate.
- The Councillor is a large man about 6'2" and maybe 250 pounds, and thus he's intimidating. Mr. Zorbas also felt there is a lot of history, such as previous incidents and Complaints with Councillor DiMarco, which adds to both the tension and fear. In response to my observation that the audio reveals that Mayor seemed to be quick to raise his voice at the beginning of the incident, Mr. Zorbas mentioned that that's because Councillor DiMarco is hard of hearing and thus at times people raise their voice with the Councillor and he raises his voice.
- Besides the verbal and physical confrontation, and the inappropriate language (i.e. "this bullshit"), Mr. Zorbas felt that Councillor DiMarco did not respect the Mayor's role and his instructions.
- After the incident, the Councillor switched out of his aggressive state, seemed embarrassed, and the meeting continued in a regular fashion.

Interview with Councillor DiMarco

Councillor DiMarco was forthright that the incident happened similarly to the written summary. He acknowledged that he was agitated and while agitated, he left his seat and went up to the Mayor and was pointing his fingers, and that the Mayor called a recess. He noted that he “should not have approached the bench” and what he did was “not right” but the history and incident came to a point.

He felt that Mr. Zorbas helped calm everyone down. He also described that at the break, he went up to Councillor Grimaldi, sat with her and apologized. He also apologized after the recess and the meeting proceeded without incident from that point forward.

Councillor DiMarco viewed the surrounding circumstances differently. First, he noted that Councillor Grimaldi had directed inappropriate language at him 4 years prior, but that incident was never addressed, and thus he had no idea why her complaint against him was being taken up at this inaugural meeting of Council. He feels that there has been tension with the Mayor dating back to August 2016 and the Mayor has been on his case since then, and he has “had it” with the Mayor.

In terms of this incident, he was sitting at his desk for a while, before moving towards the Mayor. He felt that Mayor was pointing at him, and at times glaring, which is tantamount to taunting, and taunting is harassment.

He also feels that the Complaint process is being used on a one-sided basis. For instance, he’s been told that the audios are not available and/or not to be released, but then it was released to certain staff and turned over to the Integrity Commissioner. He did note that at this point, he doesn’t really need the audio.⁴ He noted that in a recent incident, the Integrity Commissioner recommended a 14-day suspension, yet Council voted to increase it to 3 months.

Interviews with City Clerk Tara Stephens

Ms. Stephens also described the incident as listed in the Complaint, and provided additional detail. She thought the incident started when Councillor

⁴ In response to my question, he mentioned other possible witnesses, but did not feel it was important to speak with them.

DiMarco reacted to Councillor Grimaldi's point of privilege, mistakenly believing Councillor Grimaldi was speaking about him.

She described the intensity of the event. Councillor DiMarco's approach to the Mayor was very quick, his face was red and angry, he was yelling, and his general body language was aggressive such as hand gestures and puffing his chest and shoulders. In fact, as she sits next to the Mayor (Mr. Zorbas sits on the Mayor's other side) she was 4 feet away, and instinctively pushed her chair back because she was worried that Councillor DiMarco might hit the Mayor. She interpreted Councillor DiMarco's statement, "Why don't you do something about it?" as aggressive, almost asking the Mayor to remove him. She described him as big and tall and felt he could hurt someone.

She corroborated that at the recess, Councillor DiMarco walked to Councillor Grimaldi's desk, then walked around and sat next to her, but Ms. Stephens could not hear the conversation. While a male member went close to make sure nothing happened, it appeared to be a regular conversation. After the recess, there was a brief back and forth with the Mayor during which Councillor DiMarco apologized, and then the meeting carried on as usual. She notes that Councillor DiMarco did not seem remorseful or angry, and seemed to act as if the incident never happened.

Ms. Stephens was very clear that Councillor DiMarco is a "very caring friendly person" outside of Council, but she feels that certain topics in Council seem to trigger him. She was open that there has been a history of events concerning Councillor DiMarco, including four recent Complaints and, in the past, he has actually tried to hit another member of Council. Thus, this incident is overlaid on those events and cannot be completely separated out. The history made this incident worse in that she did not know what would happen or when it would end.

Review of Council Meeting Audio Recording

I reviewed the audio. At about 53 - 55 minutes in to the meeting, which is about 40 minutes before the incident, Councillor DiMarco raised concerns about his belief staff was rushing developments. The Mayor disagreed, and Councillor DiMarco commented, "C'mon let's hear the warning". There was a very brief, heated exchange of words, and then the Mayor calmed things down. The meeting proceeded with Councillor DiMarco asking questions about the business

then at hand. From about 55 – 58 minutes, he raised a concern that the neighboring church was not yet notified about the potential development.

In terms of the start of this incident, the audio captures the heated exchange of words as described above, but does not fully capture that Councillor DiMarco approached the Mayor, although there are references to returning to his seat. Also, the Mayor's voice was a bit quivering.

Analysis of Evidence and Findings

The key issues raised in this matter are as follows:

1. Did Councillor DiMarco breach Section 9.0 of the *Code of Conduct*?
2. Did Councillor DiMarco breach section 14.0 of the *Code of Conduct*?
3. Did Councillor DiMarco breach the *Workplace Policy*? Did he engage in "workplace violence" as defined in the *Workplace Policy*?
4. If Councillor DiMarco breached the *Code* and/or *Workplace Policy*, what is the appropriate remedy?

Analysis of the Evidence and Findings

The following section lays out our analysis of the evidence and our findings. For all of the reasons set below, we find that Councillor DiMarco did act improperly; that is, his actions did breach the *Code of Conduct* and *Workplace Policy* as asserted by the Complainant.

Credibility and Analysis of Evidence

Regarding the statements of the Complainant and Councillor DiMarco, my interviews with them and Tara Stephens, I have considered the generally accepted factors in assessing their credibility in this complaint including their demeanour, ability and opportunity to observe, power of recollection, interest, bias, prejudice, sincerity, inconsistency, and the reasonableness of their statements when considered in the light of all the evidence: *Faryna v. Chorny*, [1952] 2 D.L.R. 354 (B.C.C.A.) at pp. 356-8, per O'Halloran J.A.

John Sopinka, in his text, *The Trial of an Action* (1981, Toronto, Ontario: Butterworths) at p. 77, wrote of the role of the assessment of credibility through probabilities as follows: “Probability is the great touch-stone of all evidence. A witness whose credibility strays from the truth will often have built into it some inherent improbability.”

As the British Columbia Court of Appeal stated in *Faryna v. Chorny, supra*: “...the real test of the truth of a story of a witness... must be its harmony with the preponderance of the probabilities which a practical and informed person would readily recognize as reasonable in that place and in those conditions.”

The incident

We find that the incident was as described in the Complaint with the exact dialogue as recorded in the audio, with minor details added by the parties and witnesses. In sum, Councillor DiMarco took issue with Councillor Grimaldi’s comments, which he mistakenly took as directed at him. He verbally responded by making a point of privilege and when it was not taken up by the Mayor to his satisfaction, he grew heated, causing a back and forth dialogue with the Mayor.

Not only did Councillor DiMarco not yield to the Mayor, but in a manner responsibly interpreted as in a state of anger, he left his designated seat and rapidly approached the Mayor stopping just feet from the Mayor. His gestures, facial expressions, body posture and hand movements, such as finger pointing and waving, displayed anger and were threatening and intimidating. His language, with words like “bullshit” and loud aggressive tone were inappropriate.

While at no time did he use or threaten physical force, he clearly lost his temper which left others in the room concerned violence could occur. He confronted the Mayor though physical and verbal posturing and the display was intimidating, frightening and unnerving to the witnesses and those in the room. He failed to yield to the Mayor who chaired the meeting, and his conduct disrupted the meeting to the point of requiring a recess for him – and those observing the event – to calm down. He did not comply with the Mayor’s instructions to back down, and even when the Mayor attempted to call a recess, he kept arguing. It was a significant lack of decorum and inappropriate behavior.

For context, while identifying the seriousness of the behavior, I do not want to overstate the behaviour. There was no actual violence, specific or actual verbal or

physical threat of violence. There is a lack of evidence that the Councillor intended such behavior; rather it appears to be an unintended spontaneous reaction. The incident was time limited and passed quickly. The Councillor promptly apologized to the other Councillor, then after a brief and much less spirited exchange with the Mayor, apologized to the Mayor and Council.

Did the Councillor breach section 9.0 of the Code of Conduct?

Yes. Section 9 deals with respect in the workplace. In particular, Section 9.2 states that "Members have a duty to treat one another appropriately and without engaging in workplace harassment, workplace sexual harassment, abusive conduct, discrimination or workplace violence." Section 9.3 provides that members are responsible to support a workplace which is free of such issues.

Applying those provisions, there is little doubt or dispute that his behavior was not appropriate and a violation of Section 9.2. The display of anger and incident halted the Council meeting and left members intimidated, frightened and unnerved. The incident was the opposite of "supporting a workplace... which is free of...workplace violence," thus also violating Section 9.3.

Did the ~~Mayor~~ Councillor breach Section 14.0 of the Code?

Yes. Section 14 deals with Discreditable Conduct and contains three subparts. This section is somewhat similar to Section 9. Section 14.1 states that every council member has the duty to treat one another "appropriately and without abuse, bullying or intimidation." Sections 14.2 states a member shall not use "indecent, abusive, or insulting words or expressions" or speak in a manner that is "discriminatory to any individual based on that person race, ancestry [and other protected grounds]". Section 14.3 of the Code is much broader. It states that "Members shall conduct themselves with decorum."

There is no evidence that Councillor DiMarco's actions were discriminatory based on any protected class, as stated in the second sentence of Section 14.2.

However, Councillor DiMarco's actions violated many other provisions of Section 14. His loud voice, verbal altercation, leaving his seat in anger and charging towards the Major is a significant beach of decorum under Section 14.3. This should not be tolerated at Council meetings.

His actions also run afoul of the more specific provisions of Section 14.1 and 14.2. For instance, his actions constituted inappropriate behavior and served to be abusive, bullying and intimidation identified in Section 14.1. As for section 14.2, “bullshit” is indecent language, and telling the Mayor “you stop” is insulting language, while finger point and angry facial expressions and physical posturing in close proximity to the Mayor are abusive, bullying and/or intimidating.

Did Councillor DiMarco breach the Workplace Policy? Did he engage in “workplace violence” as defined in the Workplace Policy?

Yes, he breached the *Workplace Policy*. However, as discussed below, while the intent of the *Workplace Policy* is fairly clear, its provisions are not clear in setting out the full scope of what is a violation of the *Workplace Policy*. Thus we find that he violated the *Policy*, not the *Policy’s* provision for “workplace violence”.

As a starting point, we will address what it is clear he did breach. It is clear that under the *Policy’s* “Employee/Council Members/Volunteers/Others” section,⁵ the *Policy* places on Councillor DiMarco “the responsibility of maintaining a positive and business-like workplace and ensuring that the work environment is free from discrimination and harassment...” (emphasis added). His behaviour as described above was clearly inconsistent with “maintaining a positive and business-like workplace” and thus violates the *Policy*.⁶

It is important to note that his confrontational and intimidating physical actions undermine, rather than maintain, a positive and business-like workplace and thus violate the *Policy*, regardless of whether those actions meet the definition of “workplace violence”. Thus, whether he committed *workplace violence* under the *Policy* is a red-herring. Still, I will address the ambiguities in the *Policy*.

The Complaint cites the *Policy’s* broad definition of workplace violence. At first blush it appears the incident meets that definition. However, on closer review, due to the ambiguities in the definition and *Policy* itself, it’s not clear that (1) his actions are defined as workplace violence, or (2) or if they are, that the *Policy* places a specific obligation on *him* regarding *workplace violence*. We will address these points in order.

⁵ *Workplace Policy*, page 3 of 11.

⁶ The actions, however, are not defined as discriminatory or harassing as those definitions are based on behaviour that is because of a protected class.

As for the definition, it states workplace violence is defined as (1) actual physical force, (2) an attempt at physical force, or (3) “a statement or behavior that is reasonable for a worker to interpret as a threat to exercise physical force....”. The first two clauses are clearly not applicable, and while Councillor DiMarco’s statement about “why don’t you remove me” is confrontational, “chest beating” and intimidating, we can’t say it is a threat to exercise physical force. Thus, it appears his actions are not workplace violence.

The difficulty is after stating workplace violence “is defined as” and then listing those three bullet points, the *Policy* adds a second paragraph that can be read as either merely interpreting those three grounds or as listing additional definitions and examples. If it is interpretational, then under the basic definition as found in the three bullet points, his actions do not meet the basic definition. However, if the second paragraph is additional grounds, then his actions violate the additional language that “Workplace violence includes: physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, throwing objects...”

As for the ambiguity in the *Policy* itself, in certain introductory parts of the policy, such as the *Policy’s* “Policy Statement” which is not cited in the Complaint, it provides “Discrimination, harassment, sexual harassment, and workplace violence are considered to be unacceptable and a form of employment misconduct. The City ... will make every reasonable effort to ensure that no one is subject to it.” Yet when the policy discusses actual employee obligations – cited by the Complainant – *workplace violence is omitted in lieu of the more general reference to “responsibility to maintaining a positive and business-like workplace”*⁷. Thus, the Workplace violence definition at the end of the *Policy* does not “tie” or “connect” to a specific obligation on an employee, just a general duty on the City.

Accordingly, we do not find that Councillor DiMarco actually engaged in “workplace violence” *as defined by and violating the policy*. However, that technical distinction should not negate that his actions were physically intimidating and breached the *Policy* as being antithetical to positive and business-like workplace.

Conclusion and Recommendation(s)

⁷ “All City employees and those persons involved with or undertaking City business have the responsibility of maintaining a positive and business-like workplace and ensuring that the work environment is free from discrimination and harassment. Every employee is discouraged from and directed to not engage in any activity that may be perceived as constituting discrimination or harassment.”

Conclusion

Based on the foregoing, we have concluded that Councillor DiMarco contravened Sections 9.0 and 14.0 of the *Code of Conduct* and the *Workplace Policy*.

In terms of an appropriate remedy, we consider the following factors. Overall, the incident was serious and significant, but not egregious. The behaviour was not intentional, but a spontaneous time-limited loss of temper that ended within minutes and did not spiral out of control. It did not involve actual violence and the Councillor promptly apologized for it, although it appears that the Councillor does not fully comprehend how others felt that witnessed the event. Still, it did involve intimidating behaviour and appears to have created a lasting fear, including the potential to create workplace atmosphere that is on edge.

We also find it unfortunate and so serious that it is not an incident that can be simply admonished without a consequence, yet a more severe punishment may simply cause further distrust between the parties.

Therefore, we make the following recommendation to Council of the City of Welland:

Councillor DiMarco shall be reprimanded for his actions during the November 16, 2022 Council Meeting. In addition, Council shall impose 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.

We also recommend 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.

Response by Councillor DiMarco

Councillor DiMarco was provided a draft version of this report and an opportunity to respond. In response, he has had brief email correspondence with the Office of the Integrity Commissioner mostly about scheduling, but during which he commented that “There are a few statements in this report that

are absolutely not true and hurtful". He was specifically invited to explain what those statements were, but has not done so. Accordingly, the above report remains unchanged.

Respectfully submitted by,

Jeffrey Shapiro

Jeffrey Shapiro
Investigator, Office of the Integrity Commissioner
Endorsement and Issuance of Report

I, Deborah Anshell, Integrity Commissioner for the City of Welland, have reviewed the evidence, process, and results of Mr. Shapiro's Investigation. I agree with and endorse this Report, which we have jointly prepared, in respect of this Complaint, and hereby issue it to the Complainant and Respondent in conclusion of this matter.

Concluding Remarks

I trust this Investigation Report provides clarity to the Parties regarding the matters at issue raised in this Complaint. Mr. Shapiro and I thank the Parties for their assistance and cooperation.

This matter is now concluded.

D. Anshell

Deborah Anshell
Integrity Commissioner, City of Welland



**The Corporation of the Town of Grimsby
Administration**

Office of the Town Clerk

160 Livingston Avenue, Grimsby, ON L3M 0J5

Phone: 905-945-9634 Ext. 2171 | **Fax:** 905-945-5010

Email: bdunk@grimsby.ca

February 24, 2023

SENT VIA E-MAIL

Premier of Ontario
Legislative Building
Queen's Park
Toronto ON M7A 1A1

Attention: Doug Ford, Premier

Dear Mr. Ford

RE: Barriers for Women in Politics

Please be advised that the Council of the Corporation of the Town of Grimsby at its meeting held on February 21, 2023 passed the following resolution:

C-23-055

Moved by: Councillor DiFlavio; Seconded by: Councillor Freake

WHEREAS, the Town of Grimsby values equality and inclusivity in all areas of life, including politics;

WHEREAS, women have historically been underrepresented in politics, and continue to face barriers and discrimination in their pursuit of elected office;

WHEREAS, misogyny and harassment have been identified as significant challenges for women in politics, both in Canada and around the world;

WHEREAS, the Town of Grimsby believes that all individuals have the right to participate in a political environment that is free from discrimination, harassment, and misogyny;

THEREFORE, BE IT RESOLVED, that the Town of Grimsby expresses its support for women in politics and their right to participate in a political environment that is free from misogyny and harassment, and where everyone feels equal.

BE IT FURTHER RESOLVED, that the Town of Grimsby commits to taking steps to ensure that our political environment is inclusive and welcoming to all individuals, regardless of gender, race, ethnicity, religion, sexual orientation, or other identity factors.

BE IT FURTHER RESOLVED, that the Town of Grimsby encourages other municipalities in Ontario and across Canada to join us in supporting women in politics and promoting gender equality in all areas of society.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to all Ontario Municipalities for endorsement, the Premier of Ontario, the Minister of Municipal Affairs and Housing, Grimsby's MP and MPP, and the Association of Municipalities of Ontario to express the Town of Grimsby's commitment to this issue and encourage action at the provincial level to create legislation to ensure equality, safety, and security.

UNANIMOUSLY CARRIED

If you require any additional information, please let me know.

Regards,



Bonnie Nistico-Dunk
Town Clerk

cc.
All Ontario Municipalities
Steve Clark, Minister of Municipal Affairs and Housing
Dean Allison, MP – Niagara West
Sam Oosterhoff, MPP – Niagara West
Association of Municipalities of Ontario



**The Corporation of the Town of Grimsby
Administration**

Office of the Town Clerk

160 Livingston Avenue, Grimsby, ON L3M 0J5

Phone: 905-945-9634 Ext. 2171 | **Fax:** 905-945-5010

Email: bdunk@grimsby.ca

February 27, 2023

438 University Ave
6th Floor
Toronto, ON
M7A 1N3

SENT VIA E-MAIL

Attention: Hon. Neil Lumsden, Minister of Tourism, Culture and Sport

RE: Changes to the Municipal Heritage Register

Please be advised that the Council of the Corporation of the Town of Grimsby at its meeting held on February 6, 2023 passed the following resolution:

WHEREAS the Municipal Heritage Register is an important tool for the preservation and protection of cultural heritage properties within the Town of Grimsby and throughout the province of Ontario;

WHEREAS cultural heritage properties are those which have potential cultural heritage value or interest but have yet to been formally evaluated as per the process prescribed in the Ontario Heritage Act;

WHEREAS listed properties are labelled as such as they are 'listed' in the Town of Grimsby's Municipal Heritage Register, which identifies all municipally-recognized cultural heritage resources;

WHEREAS the Municipal Heritage Register allows municipalities to regulate demolition on properties protected under section 27 of the Ontario Heritage Act, ensuring that their cultural heritage value is preserved for future generations;

WHEREAS "listing" a property on the municipal heritage register recognizes a property's cultural heritage value, and is generally less complex, time-consuming, and

economically burdensome to local municipalities than pursuing the designation of a property as outlined within the existing process, which requires extensive research and documentation;

WHEREAS the “listing” of properties on the Municipal Heritage Register provides a measure of protection, ensuring that these properties cannot be demolished without the approval of the municipality;

WHEREAS it is important to list properties of cultural heritage value or interest, including those that are not currently designated, in order to ensure their preservation for future generations;

WHEREAS the 60-day demolition provision in the Ontario Heritage Act provides a short time frame for the municipality to consider the heritage value of a property before it may be demolished;

WHEREAS the new requirements of the Ontario Heritage Act mandate the assessment of an unreasonable amount of resources for a local municipality within a 2-year timeline;

WHEREAS the new requirement of removal after the 2-year anniversary leaves resources exposed, and unprotected for up to 5 years;

WHEREAS the new requirements do not allow the municipality to further assess our nationally significant resources, more specifically resources connected to the War of 1812, our indigenous communities and culture, people of colour, LGBTQ+, and impacts our community’s commitment to ensure preservation of our inclusive history.

THEREFORE, BE IT RESOLVED that the Council of the Town of Grimsby addresses this resolution to the government of the Province of Ontario, affirming the importance of the Municipal Heritage Register and its role in preserving the cultural heritage of municipalities throughout the province;

BE IT FURTHER RESOLVED that this Council of the Town of Grimsby encourages the government of the Province of Ontario to make changes to the Ontario Heritage Act which promote the retention and expansion of the Municipal Heritage Register, including

the listing of properties of cultural heritage value or interest that are not currently designated;

BE IT FURTHER RESOLVED that this Council of the Town of Grimsby encourages the government of the Province of Ontario to change the Ontario Heritage Act to protect the 60-day demolition provision indefinitely, rather than for a maximum of 2 years in order to provide adequate time for the municipality to consider the heritage value of properties before they may be demolished;

BE IT FURTHER RESOLVED that this Council of the Town of Grimsby circulate this notice of motion to the municipalities of Ontario for endorsement and circulation to the Province.

If you require any additional information, please let me know.

Regards,

A handwritten signature in cursive script, appearing to read "Bonnie Nistico-Dunk".

Bonnie Nistico-Dunk
Town Clerk

cc. All Ontario Municipalities

February 24, 2023

CL 3-2023, February 23, 2023
PHSSC 2-2023, February 14, 2023
COM-C 14-2023, February 14, 2023

DISTRIBUTION LIST

SENT ELECTRONICALLY

Motion Respecting Declarations of Emergency for Homelessness, Mental Health and Opioid Addiction

COM-C 14-2023

Regional Council, at its meeting held on February 23, 2023, passed the following recommendation, as amended, of its Public Health and Social Services Committee:

Whereas Niagara Regional Council acknowledges that the challenges of homelessness, mental health and the opioid crisis are exceptionally complex issues that have a measurable and significantly detrimental impact on the residents of the Niagara region, including the loss of life;

Whereas addressing these issues places extreme stress on upper and lower-tier municipal programs and services, the Niagara Regional Police, Niagara Health, Emergency Medical Services and various non-profit service providers across the region;

Whereas the challenges of homelessness, mental health and opioids have seen a trend of becoming more prevalent in recent years and continue to have a significant impact on the Niagara community;

Whereas Niagara Region, through the staff in Community Services and Public Health, has taken many steps to address these issues with the development and provision of best-practice programming designed to mitigate their impact on the community;

Whereas Niagara Regional Council acknowledges that the challenges of homelessness, mental health and the opioid crisis are intrinsically diverse and should not be viewed as a single monolithic problem;

Whereas addressing these challenges will require strategies and tactics that are specifically designed for each of the unique issues;

Whereas Niagara Region accepts that the responsibility to address these challenges rests with multiple stakeholders, including the provincial government and its agencies;

Whereas 26 Niagara agencies within the Region, including Public Health and Emergency Medical Services, have collaboratively developed a Substance Use Prevention Strategy known as the Opioid Prevention and Education Network of Niagara, and are actively implementing it;

Whereas Niagara Region is a “Built for Zero” community that has accurate and timely data regarding its homeless population and delivers programs and services targeted for strategically helping those individuals experiencing homelessness;

Whereas the challenges of homelessness, mental health and opioid addiction are found throughout the entire province of Ontario and are not unique to Niagara;

Whereas Niagara Regional Council recognizes that municipal emergencies in Ontario are declared by the head of council as per the process detailed in the Emergency Management and Civil Protections Act; and

Whereas Niagara Regional Council acknowledges that the declaration of an emergency does not immediately result in a municipality receiving any additional funds or resources from senior levels of government.

NOW THEREFORE BE IT RESOLVED:

1. That the Regional Chair **BE DIRECTED** to formally issue three separate declarations of emergency, in the areas of homelessness, mental health and opioid addiction, as per the procedure outlined in the Emergency Management and Civil Protection Act;
2. That the Regional Chair **BE DIRECTED** to send correspondence to the Provincial Government requesting that action be taken on the eight measures proposed by the Association of Local Public Health Agencies (as previously endorsed by Regional Council on June 23, 2022), including:
 - a. Creation of a multi-sectoral task force to guide the development of a robust provincial opioid response plan that will ensure necessary resourcing, policy change, and health and social system coordination;
 - b. Expanding access to evidence informed harm reduction programs and practices including lifting the provincial cap of 21 Consumption and Treatment Service (CTS) Sites, funding Urgent Public Health Needs Sites (UPHNS) and scaling up safer supply options;
 - c. Revision of the current CTS model to address the growing trends of opioid poisoning amongst those who are using inhalation methods;
 - d. Expanding access to opioid agonist therapy for opioid use disorder through a range of settings (e.g. mobile outreach, primary care, emergency departments, Rapid Access to Addiction Medicine Clinics), and a variety of medication options;

- e. Providing a long-term financial commitment to create more affordable and supportive housing for people in need, including people with substance use disorders;
 - f. Addressing the structural stigma and harms that discriminate against people who use drugs, through provincial support and advocacy to the Federal government to decriminalize personal use and possession of substances and ensure increased investments in health and social services at all levels;
 - g. Increasing investments in evidence-informed substance use prevention and mental health promotion initiatives that provide foundational support for the health, safety and well-being of individuals, families, and neighbourhoods, beginning from early childhood; and
 - h. Funding additional and dedicated positions for public health to support the critical coordination and leadership of local opioid and substance abuse strategies;
3. That the Regional Chair **BE DIRECTED** to send correspondence to the Minister of Municipal Affairs and Housing requesting action be taken to correct the funding allocation model for homelessness based on the results of Auditor General's 2021 report which found that provincial funding in this area is incorrect;
 4. That the Regional Chair **BE DIRECTED** to send correspondence to the Ministry of Health and the CEO of Ontario Health requesting that the province immediately commit to fully funding gaps in mental health service as have been identified in the Needs Based Planning project by Niagara Ontario Health Team's Mental Health and Addictions Working Group, as well as funding ongoing annual increases as required by inflation and population need;
 5. That the Regional Chair **BE DIRECTED** to send correspondence to Federal Minister of Justice and Attorney General, David Lametti, and Federal Minister of Health, Jean-Yves Duclos, reaffirming Regional Council's October 22, 2020 motion urging the Federal government convene a task force to explore the legal regulation and decriminalization of all drugs in Canada;
 6. That the Regional Chair **BE DIRECTED** to send correspondence to the Association of Municipalities of Ontario (AMO) requesting that targeted advocacy be conducted in these areas, including the development of a singular motion that can be ratified by municipal councils across Ontario calling on the province to take immediate action;
 7. That Niagara Region, through its Public Health and Social Services Committee, **URGE** the federal government to declare homelessness as a humanitarian crisis; and

8. That this motion **BE CIRCULATED** to the local area municipalities, all municipalities in Ontario, the Federation of Canadian Municipalities (FCM), and local MPs and MPPs.

Yours truly,



Ann-Marie Norio
Regional Clerk
:kl

CLK-C 2023-019

Distribution List:

Local Area Municipalities
All Ontario Municipalities
Federation of Canadian Municipalities
Chris Bittle, Member of Parliament, St. Catharines
Vance Badawey, Member of Parliament, Niagara Centre
Tony Baldinelli, Member of Parliament, Niagara Falls
Dean Allison, Member of Parliament, Niagara West
Jennie Stevens, Member of Provincial Parliament, St. Catharines
Jeff Burch, Member of Provincial Parliament, Niagara Centre
Wayne Gates, Member of Provincial Parliament, Niagara Falls
Sam Oosterhoff, Member of Provincial Parliament, Niagara West