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**January 30, 2024, 5:00 p.m.**

Council Members Present: Councillor Tim Balasiuk, Councillor Gary Burroughs, Councillor Wendy Cheropita, Councillor Maria Mavridis, Councillor Sandra O'Connor, Councillor Nick Ruller, Councillor Adriana Vizzari, Councillor Erwin Wiens, Lord Mayor Gary Zalepa (arrived 6:30 p.m)

Staff Present: Shaunna Arenburg - Deputy Clerk, Kirsten McCauley - Director of Community and Development Services, Jay Plato - Fire Chief, Kyle Freeborn - Director of Corporate Services/ Treasurer, Grant Bivol - Town Clerk/Manager of Legislative Services, Bruce Zvaniga, CAO (Interim)

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**1. CALL TO ORDER**

Town Clerk Bivol called the meeting to order at 5:01 pm. Deputy Lord Mayor Wiens the passed Chair as he was in attendance virtually.

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Maria Mavridis

That Councillor Burroughs be deemed the presiding officer for the evening.

**APPROVED**

**2. FOCUS STATEMENT**

Councillor Balasiuk read the focus statement.

**3. O'CANADA**

**4. ADOPTION OF THE AGENDA**

The following members requested to speak under New Business:

- Councillor O'Connor
- Councillor Cheropita
- Councillor Burroughs

Moved by: Councillor Adriana Vizzari  
Seconded by: Councillor Erwin Wiens

That the provision of the procedure by-law requiring a notice of motion be waived to allow the addition of a motion to appoint CAO Bruce Zvaniga to Niagara-on-the-Lake Energy under the Motions section of the agenda. A 2/3 majority is required.

**APPROVED**

Moved by: Councillor Wendy Cheropita  
Seconded by: Councillor Maria Mavridis

That the agenda be adopted as amended.

**APPROVED**

**5. CONFLICT OF INTEREST**

None were declared.

**6. SHORT TERM RENTAL APPEAL HEARING**

Councillor Burroughs confirmed the appellants were present. Town Clerk Grant Bivol administered the oath to all parties. All parties affirmed.

**6.1 282 East-West Line – Denied due to Public Road Clause**

April Smith, By-law Enforcement Officer – Short Term Rentals, presented the reasons for the application denial.

Ms. Smith answered questions from Council.

Trevor Falk - Appellant for 282 East West Line presented his reason for requesting an exemption to the by-law:

- Neighbours do not object
- Legal Right of Way to East West Line
- Roadway to property is 12 feet wide
- Fits tourism promotion
- Rural property surrounded by Vineyards

Mr. Falk answered questions from Council.

Moved by: Councillor Wendy Cheropita  
Seconded by: Councillor Maria Mavridis

That Council issue an exemption to the Short Term Rental By-law, to allow an application for a Short Term Rental License at 282 East West Line conditional upon receiving a letter of support from the adjoining landowner at the time of the application and upon subsequent renewal applications.

**APPROVED**

**6.2 729 Line 1 Road – Denied due to Four-Year Clause**

April Smith, By-law Enforcement Officer – Short Term Rentals, presented the reasons for the application denial.

Ms. Smith answered questions from Council.

Chris Draayer - Appellant for 729 Line 1 Road presented his reason for requesting an exemption to the by-law:

- smaller property
- garage does not fit car
- no closets
- more conducive to a Short Term Rental

Mr. Draayer answered questions from Council.

Moved by: Councillor Sandra O'Connor

Seconded by: Councillor Maria Mavridis

That Council uphold the denial of the application in accordance with the Short Term Rental By-law.

**APPROVED**

Council called a recess at 5:45 p.m. until 6:15 p.m.

**7. COUNCIL & COMMITTEE OF THE WHOLE MINUTES**

Council resumed at 6:15 p.m.

Item 7.3 - Special Council Meeting Ruller advised he was in attendance.

**7.1 Council Minutes - December 12, 2023**

**7.2 Special Council Meeting - December 12, 2023**

**7.3 Special Council Meeting - December 15, 2023**

**7.4 Committee of the Whole Planning Minutes- January 9, 2024**

**7.5 Special Council Meeting - January 12, 2024**

**7.6 Committee of the Whole General Minutes- January 16, 2024**

7.6.1 Changes to the Tawny Ridge Estates Conditions - Phase 1 and 2 -  
CDS-24-028

**7.7 Special Council Meeting - January 16, 2024**

**7.8 Special Council Meeting - January 24, 2024**

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Sandra O'Connor

That the minutes from the following dates be approved:

- Council Minutes - December 12, 2023
- Special Council Meeting - December 12, 2023
- Special Council Meeting - December 15, 2023
- Committee of the Whole Planning Minutes- January 9, 2024
- Special Council Meeting - January 12, 2024
- Committee of the Whole General Minutes- January 16, 2024
- Special Council Meeting - January 16, 2024
- Special Council Meeting - January 24, 2024

**APPROVED**

**8. PROCLAMATIONS**

**9. NEXT COMMITTEE OF THE WHOLE & COUNCIL MEETING DATES:**

**10. LORD MAYOR'S REPORT**

The Lord Mayor was absent and did not present his report.

**11. MEMBERS' ANNOUNCEMENT**

Councillor O'Connor advised:

- Lord Mayor Zalepa hosted a special Naval dinner on January 20, 2024 in support of the Friends of Fort George and their student funding
- ROMA Conference

**12. DELEGATIONS**

## **12.1 Non- Agenda Delegation**

### 12.1.1 Susan Uzelac - Board Member - Alzheimer Society

Susan Uzelac presented about The Alzheimer Society of Niagara Region and the Board Recruitment Campaign.

## **12.2 Agenda Delegation**

### 12.2.1 Cam Clayton - Item 16.2 - Regarding Closure of a Portion of Tanbark Road - OPS-23-065

Cam Clayton presented his reasons for opposing the by-law and Staff report regarding Dyck Lane.

Council asked questions of clarification.

### 12.2.2 Michael Maves - Item 22.9 - By-law 2024-005 - Closing a Portion of Tanbark Road

Michael Maves presented his reasons for opposing the by-law and Staff report regarding Dyck Lane.

Council asked questions of clarification.

## **13. RESPONSE TO DELEGATIONS FROM COUNCIL**

Lord Mayor Zalepa joined the meeting at 6:30 p.m.

Moved by: Councillor Sandra O'Connor

Seconded by: Councillor Wendy Cheropita

That item 16.2 Staff Report - Closure of a Portion of Tanbark Road - OPS-23-065 be lifted for discussion.

### **APPROVED**

Council discussed and asked questions of clarification regarding Staff Report OPS-23-065.

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Maria Mavridis

That item 16.2 Staff Report - Closure of a Portion of Tanbark Road - OPS-23-065 be received

### **APPROVED**

**14. PRESENTATIONS**

**14.1 KPMG - Carlos Alvarez, Partner & Dan Glasbergen, Manager - Final Audit Report**

Carlos Alvarez, Partner and Dan Glasbergen, Manager from KPMG presented the Final Audit Report.

Council asked clarifying questions.

**15. CONSENT AGENDA**

**16. INFORMATION PACKAGES**

**16.1 Appointment to Transportation Strategy Steering Committee - CAO-24-006**

Lifted for discussion by Councillor Cheropita.

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Erwin Wiens

WHEREAS Regional Council is seeking an appointee of a Councillor or a Regional Councillor to represent the Town of Niagara-on-the-Lake on the Transportation Strategy Steering Committee; and

WHEREAS Regional Councillor Andrea Kaiser is agreeable to join as the Town Representative;

THEREFORE BE IT RESOLVED that Council nominate Regional Councillor Andrea Kaiser to represent the Town of Niagara-on-the-Lake on the Transportation Strategy Steering Committee.

Vote was not called as Councillor O'Connor put forward a motion to defer.

Moved by: Councillor Sandra O'Connor

Seconded by: Councillor Nick Ruller

That Information Report CAO-24-006 - Appointment to Transportation Strategy Steering Committee be deferred to the next Council meeting to be held on February 27, 2024.

Councillor Burroughs requested a recorded vote.

Yea (6): Councillor Tim Balasiuk, Councillor Gary Burroughs, Councillor Maria Mavridis, Councillor Sandra O'Connor, Councillor Nick Ruller, and Councillor Adriana Vizzari

Nay (3): Councillor Wendy Cheropita, Councillor Erwin Wiens, and Lord Mayor Gary Zalepa

**APPROVED (6 to 3)**

**16.2 Closure of a Portion of Tanbark Road - OPS-23-065**

This item was lifted and received under response to delegations.

**16.3 Chautauqua Area 30 kph Speed Limit Pilot - OPS-24-002**

Lifted for discussion by Councillor O'Connor.

Council discussed and asked questions about the report.

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Nick Ruller

That item 16.3 - Chautauqua Area 30 kph Speed Limit Pilot - OPS-24-002 be received.

**APPROVED**

**16.4 The County of Prince Edward Email re: Expanding the Life Span of Fire Apparatus**

Lifted for discussion by Councillor O'Connor.

Moved by: Councillor Sandra O'Connor

Seconded by: Councillor Wendy Cheropita

That The County of Prince Edward Email re: Expanding the Life Span of Fire Apparatus be received; and

That Council direct the Fire Department to look into the information presented and report back to Council.

**APPROVED**

**17. COMMITTEES OF COUNCIL MINUTES**

Lord Mayor Zalepa left the meeting at 7:33 p.m.

**17.1 Committee of Adjustment Minutes - November 16, 2023**

**17.2 Committee of Adjustment Minutes - December 21, 2023**

**17.3 Tourism Strategy Committee - December 18, 2023**

**17.4 Heritage Trail Committee - December 20, 2023**

**17.5 Heritage Trail Committee - January 17, 2024**

**17.6 Municipal Heritage Committee Minutes - January 10, 2024**

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Nick Ruller

That the minutes from the following dates be approved:

- Committee of Adjustment Minutes November 16, 2023 and December 21 2023,
- Tourism Strategy Committee December 18,2023,
- Heritage Trail Committee December 20, 2023 and January 17, 2024
- Municipal Heritage Committee January 10, 2024.

**APPROVED**

**18. MOTIONS**

Moved by: Councillor Adriana Vizzari

Seconded by: Councillor Wendy Cheropita

WHEREAS at the December 21, 2020 Council meeting Marnie Cluckie was appointed to the Niagara-on-the-Lake Hydro Board as Director of The Corporation of the Town of Niagara-on-the-Lake; and

WHEREAS Marnie Cluckie has since vacated the position of CAO for The Corporation of the Town of Niagara-on-the-Lake; and

WHEREAS Bruce Zvaniga has accepted the position of Interim CAO for The Corporation of the Town of Niagara-on-the-Lake;

THEREFORE BE IT RESOLVED that the Council of The Corporation of the Town of Niagara-on-the-Lake request Niagara-on-the-Lake Energy include Bruce Zvaniga as a Director of the Corporation.

**APPROVED**

**19. NOTICE OF MOTION**

- Councillor Cheropita - Appoint Albert Seeger to Heritage Trail Committee
- Councillor O'Connor - Flood Risk Criteria
- Councillor Burroughs - Hold on New Patios



## **20. NEW BUSINESS**

Councillor Wiens left the meeting at 7:47 p.m.

Councillor O'Connor

- read a statement regarding the Planning Staff.
- February 2nd is World Wetland Day

Councillor Burroughs

- Parking meters
- COA agenda

## **21. CLOSED SESSION**

Moved by: Councillor Maria Mavridis

Seconded by: Councillor Nick Ruller

That Council proceed to go into a closed meeting at 7:53 p.m. under Section 239(2)(d) labour relations or employee negotiations specifically regarding the Employee Bargaining Group Agreement.

### **APPROVED**

Moved by: Councillor Maria Mavridis

Seconded by: Councillor Wendy Cheropita

That Council rise at 8:32 p.m. from a closed meeting under Section 239(2)(d) labour relations or employee negotiations specifically regarding Employee Bargaining Group Agreement and that Staff proceed as directed in closed session.

### **APPROVED**

## **22. BY-LAWS**

Councillor O'Connor requested items 22.3, 22.4, 22.5, 22.9, 22.10 and 22.11 be voted on individually and via recorded vote.

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Tim Balasiuk

That leave be given to introduce:

- By-Law 4308AO-24 - Amendment to By-law 4308-09 - Parking and Traffic Schedule W

- By-law 4316BG(1)-24 - 135 Queen Street (ZBA-22-2023)
- By-law 500WS(1)-24 - 1696 Niagara Stone Road (ZBA-17-2022)
- By-law 500YG-24- 145 Hunter Road (ZBA-23-2023)
- By-law 2024-004 - 2024 Interim Levy of Realty Taxes

And that the same be considered read a first, second and third time and passed this 30th day of January 2024.

**APPROVED**

**22.1 By-Law 4308AO-24 - Amendment to By-law 4308-09 - Parking and Traffic Schedule W**

**22.2 By-law 4316BG(1)-24 - 135 Queen Street (ZBA-22-2023)**

**22.3 By-law 4316FC-24 - Tawny Ridge Phase 1 (ZBA-12-2022)**

SO requested recorded vote

Moved by: Councillor Maria Mavridis

Seconded by: Councillor Wendy Cheropita

That leave be given to introduce By-law 4316FC-24 - Tawny Ridge Phase 1 (ZBA-12-2022) and that the same be considered read a first, second and third time and passed this 30th day of January 2024.

Yea (5): Councillor Tim Balasiuk, Councillor Wendy Cheropita, Councillor Maria Mavridis, Councillor Nick Ruller, and Councillor Adriana Vizzari

Nay (2): Councillor Gary Burroughs, and Councillor Sandra O'Connor

Absent (2): Councillor Erwin Wiens, and Lord Mayor Gary Zalepa

**APPROVED (5 to 2)**

**22.4 By-law 4316FD-24 - Tawny Ridge Phase 2 (ZBA-25-2022)**

Moved by: Councillor Maria Mavridis

Seconded by: Councillor Tim Balasiuk

That leave be given to introduce By-law 4316FD-24 - Tawny Ridge Phase 2 (ZBA-25-2022) and that the same be considered read a first, second and third time and passed this 30th day of January 2024.

Yea (3): Councillor Wendy Cheropita, Councillor Maria Mavridis, and Councillor Nick Ruller

Nay (4): Councillor Tim Balasiuk, Councillor Gary Burroughs, Councillor Sandra O'Connor, and Councillor Adriana Vizzari

Absent (2): Councillor Erwin Wiens, and Lord Mayor Gary Zalepa

**DEFEATED (3 to 4)**

**22.5 By-law 4316FE-24 - 474 Simcoe Street (ZBA-19-2023)**

Moved by: Councillor Tim Balasiuk

Seconded by: Councillor Maria Mavridis

That leave be given to introduce By-law 4316FE-24 - 474 Simcoe Street (ZBA-19-2023) and that the same be considered read a first, second and third time and passed this 30th day of January 2024.

Yea (4): Councillor Tim Balasiuk, Councillor Maria Mavridis, Councillor Nick Ruller, and Councillor Adriana Vizzari

Nay (3): Councillor Gary Burroughs, Councillor Wendy Cheropita, and Councillor Sandra O'Connor

Absent (2): Councillor Erwin Wiens, and Lord Mayor Gary Zalepa

**APPROVED (4 to 3)**

**22.6 By-law 500WS(1)-24 - 1696 Niagara Stone Road (ZBA-17-2022)**

**22.7 By-law 500YG-24- 145 Hunter Road (ZBA-23-2023)**

**22.8 By-law 2024-004 - 2024 Interim Levy of Realty Taxes**

**22.9 By-law 2024-005 - Closing a Portion of Tanbark Road**

Moved by: Councillor Maria Mavridis

Seconded by: Councillor Nick Ruller

That leave be given to introduce By-law 2024-005 - Closing a Portion of Tanbark Road and that the same be considered read a first, second and third time and passed this 30th day of January 2024.

Yea (4): Councillor Tim Balasiuk, Councillor Wendy Cheropita, Councillor Maria Mavridis, and Councillor Nick Ruller

Nay (3): Councillor Gary Burroughs, Councillor Sandra O'Connor, and Councillor Adriana Vizzari

Absent (2): Councillor Erwin Wiens, and Lord Mayor Gary Zalepa

**APPROVED (4 to 3)**

**22.10 By-law 2024-006 - Tawny Ridge Phase 1 (OPA-03-2022)**

Moved by: Councillor Maria Mavridis

Seconded by: Councillor Nick Ruller

That leave be given to introduce By-law 2024-006 - Tawny Ridge Phase 1 (OPA-03-2022) and that the same be considered read a first, second and third time and passed this 30th day of January 2024.

Yea (4): Councillor Wendy Cheropita, Councillor Maria Mavridis, Councillor Nick Ruller, and Councillor Adriana Vizzari

Nay (3): Councillor Tim Balasiuk, Councillor Gary Burroughs, and Councillor Sandra O'Connor

Absent (2): Councillor Erwin Wiens, and Lord Mayor Gary Zalepa

**APPROVED (4 to 3)**

**22.11 By-law 2024-007 - Tawny Ridge Phase 2 (OPA-05-2022)**

Moved by: Councillor Maria Mavridis

Seconded by: Councillor Wendy Cheropita

That leave be given to introduce By-law 2024-007 - Tawny Ridge Phase 2 (OPA-05-2022) and that the same be considered read a first, second and third time and passed this 30th day of January 2024.

Yea (3): Councillor Wendy Cheropita, Councillor Maria Mavridis, and Councillor Nick Ruller

Nay (4): Councillor Tim Balasiuk, Councillor Gary Burroughs, Councillor Sandra O'Connor, and Councillor Adriana Vizzari

Absent (2): Councillor Erwin Wiens, and Lord Mayor Gary Zalepa

**DEFEATED (3 to 4)**

**22.12 By-law 2024-008 - Council Proceedings January 30, 2024**

Moved by: Councillor Sandra O'Connor

Seconded by: Councillor Tim Balasiuk

That leave be given to introduce By-law 2024-008 - Council Proceedings January 30, 2024 and that the same be considered read a first, second and third time and passed this 30th day of January 2024.

**APPROVED**

**23. ADJOURNMENT**

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Tim Balasiuk

That Council adjourn at 8:51 p.m. to the next (Budget Review Committee) Committee of the Whole – Planning Meeting of February 6, 2024, and if a special meeting is required, it will be held at the call of the Lord Mayor.

**APPROVED**