



**February 27, 2024, 6:00 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

**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**

Lord Mayor Gary Zalepa called the meeting to order at 6:00 p.m.

**2. FOCUS STATEMENT**

Councillor Vizzari read the Focus Statement.

**3. O'CANADA**

**4. ADOPTION OF THE AGENDA**

The following members requested to speak under New Business:

- Councillor Cheropita
- Councillor Burroughs
- Councillor Vizzari

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Gary Burroughs

That the agenda be adopted as amended.

**APPROVED**

**5. ACKNOWLEDGEMENT**

**5.1 Name a Snow Plow Contest Winners**

The Lord Mayor presented the winners with certificates.

**6. CONFLICT OF INTEREST**

None were declared.

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

**7.1 Council Minutes - January 30, 2024**

**7.2 Special Council Meeting - February 6, 2024**

**7.3 Committee of the Whole Planning Minutes - February 6, 2024**

**7.4 Committee of the Whole General Minutes - February 13, 2024**

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Gary Burroughs

That the minutes from the following dates be approved: January 30, February 6, and February 13.

**APPROVED**

**8. PROCLAMATIONS**

There were none

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

**10. LORD MAYOR'S REPORT**

Lord Mayor presented his report.

**11. MEMBERS' ANNOUNCEMENT**

Councillor Cheropita and Councillor O'Connor shared announcements.

**12. DELEGATIONS**

**12.1 Non- Agenda Delegation**

**12.1.1 Steven Soos - Mental Health and Addiction**

Steven Soos spoke about the Mental Health and Addiction crisis in the Region.

## **12.2 Agenda Delegation**

### **12.2.1 Applications for Cancellation, Reduction or Refund of Taxes under Section 357 of the Municipal Act, 2001**

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Wendy Cheropita

That Application Nos. 2022-00017, 2022-00007, and 2023-00017 for cancellation, reduction or refund of taxes under Section 357 of the Municipal Act, 2001 be approved.

**APPROVED**

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

Councillor Burroughs requested Staff take the delegation information presented by Mr. Soos and report back to Council on how other municipalities in the Region are proceeding.

## **14. PRESENTATIONS**

## **15. CONSENT AGENDA**

### **15.1 Appointment to Transportation Strategy Steering Committee - CAO-24-006**

Council discussed the appointment of Regional Councillor Kaiser to the Transportation Strategy Steering Committee.

Councillor Burroughs requested a recorded vote.

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.

Yea (4): Councillor Tim Balasiuk, Councillor Wendy Cheropita, Councillor Erwin Wiens, and Lord Mayor Gary Zalepa

Nay (5): Councillor Gary Burroughs, Councillor Maria Mavridis, Councillor Sandra O'Connor, Councillor Nick Ruller, and Councillor Adriana Vizzari

**DEFEATED (4 to 5)**

## **16. INFORMATION PACKAGES**

### **16.1 Integrity Commissioner - Complaint IC 28164-1223 (Gauld / Mavridis)**

Moved by: Councillor Tim Balasiuk

Seconded by: Councillor Maria Mavridis

That item 16.1 - Integrity Commissioner - Complaint IC 28164-1223 (Gauld / Mavridis) be received.

**APPROVED**

## **17. COMMITTEES OF COUNCIL MINUTES**

Moved by: Councillor Maria Mavridis

Seconded by: Councillor Gary Burroughs

That the following minutes be approved:

- NOTL Public Library Budget Board Meeting Minutes - October 10, 2023
- NOTL Public Library Board Meeting Minutes - November 15, 2023
- Committee of Adjustment Minutes - January 18, 2024
- Tourism Strategy Committee Minutes - January 29, 2024
- Urban Design Committee Meeting Minutes - January 31, 2024
- Irrigation Committee Minutes - February 7, 2024
- Municipal Heritage Committee Minutes - February 7, 2024

**APPROVED**

**17.1 NOTL Public Library Budget Board Meeting Minutes - October 10, 2023**

**17.2 NOTL Public Library Board Meeting Minutes - November 15, 2023**

**17.3 Committee of Adjustment Minutes - January 18, 2024**

**17.4 Tourism Strategy Committee Minutes - January 29, 2024**

**17.5 Urban Design Committee Meeting Minutes - January 31, 2024**

**17.6 Irrigation Committee Minutes - February 7, 2024**

**17.7 Municipal Heritage Committee Minutes - February 7, 2024**

**18. MOTIONS**

**18.1 Councillor Wiens - AMO Conference 2024**

Moved by: Councillor Erwin Wiens

Seconded by: Councillor Maria Mavridis

WHEREAS the past standard practice of Council was to permit Councillors to attend one conference per year unless otherwise directed by Council; and

WHEREAS Councillors Wiens, Cheropita, and O'Connor have attended the 2024 Rural Ontario Municipalities Association (ROMA) Conference; THEREFORE BE IT RESOLVED that Councillors Wiens, Councillor Cheropita, and O'Connor be permitted additionally to attend the 2024 Associations of Municipalities of Ontario (AMO) Conference.

**APPROVED**

**18.2 Councillor Cheropita - Heritage Trail Member Appointment**

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Erwin Wiens

WHEREAS the Heritage Trail Committee has an opening for a citizen representative; and

WHEREAS Albrecht Sieger, a grape grower, has offered to join the committee and be a voice for the agricultural community; and

WHEREAS Albrecht Sieger owns vineyards along the Heritage Trail up from the Niagara Parkway to Concession 1 to Line 3.

THEREFORE BE IT RESOLVED that Albrecht Sieger be appointed to the Heritage Trail Committee as a citizen representative until the extension of the Committee term ends.

**APPROVED**

### **18.3 Councillor Burroughs - Temporary Patio Program**

Councillor O'Connor requested the motion be divided into two motions.

Lord Mayor advised the motion is a reconsideration item and ruled that a 2/3 majority vote is needed before proceeding with consideration of the motions.

Councillor Burroughs challenged Lord Mayor Zalepa's decision and requested a vote be taken to determine if the Lord Mayor's ruling was correct.

Councillor Burroughs requested a recorded vote.

Moved by: Councillor Gary Burroughs

That Council uphold the Chair's ruling that the motions presented are a reconsideration item and require a majority vote.

Yea (5): Councillor Wendy Cheropita, Councillor Nick Ruller, Councillor Adriana Vizzari, Councillor Erwin Wiens, and Lord Mayor Gary Zalepa

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

#### **APPROVED (5 to 4)**

Councillor Burroughs withdrew his motion.

Moved by: Councillor Sandra O'Connor

Seconded by: Councillor Nick Ruller

That the resolution to bring forward a bylaw to extend the temporary use bylaw within the urban boundary be reconsidered.

Requires a 2/3 majority.

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)**

The original motion returned to the floor.

Moved by: Councillor Burroughs

That Staff be directed to bring forward a by-law to extend the temporary use within the urban area only until February 28th, 2025, to allow patios in 2024 and to provide time to establish the seasonal patio program

Councillor O'Connor introduced an amendment to the original motion.

Council discussed the amendment.

Councillor Burroughs requested a recorded vote.

Moved by: Councillor Sandra O'Connor

Seconded by: Councillor Nick Ruller

That a fee for patios occupying municipal parking stalls under a temporary patio permit be applied based on a calculation of 75% occupancy for the duration of the permit and the patio be removed from the municipal parking stall following the expiry of the permit.

Yea (1): Councillor Sandra O'Connor

Nay (8): Councillor Tim Balasiuk, Councillor Gary Burroughs, Councillor Wendy Cheropita, Councillor Maria Mavridis, Councillor Nick Ruller, Councillor Adriana Vizzari, Councillor Erwin Wiens, and Lord Mayor Gary Zalepa

#### **DEFEATED (1 to 8)**

Councillor Ruller requested to put forward the amendment to the motion previously withdrawn by Councillor Burroughs.

Council discussed the amendment.

Councillor Burroughs requested a recorded vote.

Moved by: Councillor Nick Ruller

Seconded by: Councillor Tim Balasiuk

That no new Temporary Patio Permits be issued for Queen Street until Staff bring forward a permanent program for Seasonal Patios and Council has approved their recommendations.

Yea (7): Councillor Tim Balasiuk, Councillor Gary Burroughs, Councillor Wendy Cheropita, Councillor Maria Mavridis, Councillor Sandra O'Connor, Councillor Nick Ruller, and Councillor Adriana Vizzari

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

#### **APPROVED (7 to 2)**

Moved by: Councillor Sandra O'Connor  
Seconded by: Councillor Maria Mavridis

That Staff be directed to bring forward a by-law to extend the temporary use within the urban area only until February 28th, 2025, to allow patios in 2024 and to provide time to establish the seasonal patio program with the following provision applicable to temporary use:  
that no new temporary patio permits be issued for Queen St until Staff bring forward a permanent patio program for seasonal patios and Council has approved their recommendations.

**APPROVED**

#### **18.4 Councillor O'Connor - Flood Risk Criteria**

Moved by: Councillor Sandra O'Connor  
Seconded by: Councillor Gary Burroughs

WHEREAS Reducing Flooding Risks is one of the goals of the NOTL Climate Change Action Plan; and  
WHEREAS modelling shows that there will be an increase in intensity, duration and frequency of extreme rainfall events; and  
WHEREAS to review and update floodplain mapping, a review of the flood criteria used for modelling is needed; and  
THEREFORE BE IT RESOLVED that staff consult with the relevant appropriate agencies to consider increasing the criteria used in the modelling, specifically:

1. increasing the mean 100 year average of Lake Ontario from 76.15m as identified in the NPCA Lake Ontario Shoreline Management Plan (2009) to account for our changing climate; and
2. increasing the engineering design criteria from the 1 in 100-year storm event, which has been used for decades and doesn't address increase in intensity, duration and frequency of extreme rainfall events; and

BE IT FURTHER RESOLVED that staff recommendations be submitted to Council for consideration in Q3 2024.

**APPROVED**

#### **18.5 Councillor O'Connor - Pre-Application Meetings**

Moved by: Councillor Sandra O'Connor  
Seconded by: Councillor Maria Mavridis

WHEREAS under the Planning Act (through Bill 109) municipalities are required to refund application fees to developers if plans are not approved within a set timeframe; and

WHEREAS meeting the mandatory timeframes can be challenging; and  
WHEREAS other municipalities have imposed mandatory pre-application meetings that include provisions such as checklists, fees and public hearings prior to the submission of a complete application to start the mandatory timeframe;

THEREFORE BE IT RESOLVED that Staff investigate opportunities for efficiencies such as imposing a mandatory pre-application meeting before the official timeframe process starts, to address the tight deadlines and improve the application process; and

BE IT FURTHER RESOLVED that Staff report back to Council in April 2024 with recommendations to improve the development application process.

**APPROVED**

#### **18.6 Councillor O'Connor - Tree Protection**

Moved by: Councillor Sandra O'Connor  
Seconded by: Councillor Nick Ruller

WHEREAS at the September 28, 2020 Council meeting, the previous Council approved the following motion:

*Moved by Councillor Sandra O'Connor*

*Seconded by Councillor Norm Arsenault*

*WHEREAS trees have, at times, been damaged during the construction process, such as root compaction, root destruction, etc.*

*THEREFORE BE IT RESOLVED that staff be directed to report on the development of guidelines to protect trees during the construction process on private property, similar to some other municipalities; and*

WHEREAS a written report was not developed;

THEREFORE BE IT RESOLVED that Staff prepare a recommendation report including such guidelines and report back to Council by the end of the second quarter of 2024

**APPROVED**

### **18.7 Councillor O'Connor - Rand Character Study**

Moved by: Councillor Sandra O'Connor

Seconded by: Councillor Gary Burroughs

WHEREAS The Public Meeting for File - OPA-1-2024 - Character Study Official Plan Amendment - CDS-24-029 was held on February 6, 2024; and

WHEREAS Information Report Character Study Official Plan Amendment - OPA-1-2024 - CDS-24-029 was received by Council at the February 6, 2024, Committee of the Whole - Planning Meeting;

THEREFORE BE IT RESOLVED that Staff be directed to prepare a recommendation report for the Character Study of the former Rand Estate and John St East for the March reporting schedule.

**APPROVED**

### **19. NOTICE OF MOTION**

Councillor Cheropita gave a notice of motion regarding the speed limit of East West Line

Councillor O'Connor gave a notice of motion regarding the Transportation Advisory Committee Appointment

### **20. NEW BUSINESS**

The followings items were discussed under New Business:

- COA decision on 474 Simcoe
- Cenotaph Project - service for 911
- Release of swim information

### **21. CLOSED SESSION**

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Maria Mavridis

That Council proceed to go into a Closed meeting at 8:14 p.m. under Section 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees, specifically regarding personal matters about an identifiable individual relating to Committee member(s)

**APPROVED**

Moved by: Councillor Gary Burroughs  
Seconded by: Councillor Sandra O'Connor

That Council rise from a Closed meeting at 8:39 p.m. under Section 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees, specifically regarding personal matters about an identifiable individual relating to Committee member(s); and

That Staff proceed as directed in Closed Session.

## **22. BY-LAWS**

Councillor O'Connor requested that By-laws: 4316CC(1)-24, By-law 4316EG(2)-24, By-law 4316FI-24, By-law 2024-013, By-law 2024-014 be voted on separately.

Moved by: Councillor Gary Burroughs  
Seconded by: Councillor Tim Balasiuk

That leave be given to introduce By-laws: By-law 4316FH-24, By-law 500YH-24, and 2024-015 and that the same be considered read a first, second and third time and passed this 27th day of February 2024.

### **APPROVED**

#### **22.1 By-law 4316CC(1)-24 - 524 York Road (ZBA-07-2021)**

Moved by: Councillor Gary Burroughs  
Seconded by: Councillor Tim Balasiuk

That leave be given to introduce By-law 4316CC(1)-24 and that the same be considered read a first, second and third time and passed this 27th day of February 2024.

### **APPROVED**

#### **22.2 By-law 4316EG(2)-24 - Temporary Use (Patios)**

Moved by: Councillor Gary Burroughs  
Seconded by: Councillor Tim Balasiuk

Councillor O'Connor requested a recorded vote.

That leave be given to introduce By-law 4316EG(2)-24 and that the same be considered read a first, second and third time and passed this 27th day of February 2024.

Yea (5): Councillor Tim Balasiuk, Councillor Gary Burroughs, Councillor Nick Ruller, Councillor Adriana Vizzari, and Lord Mayor Gary Zalepa

Nay (1): Councillor Sandra O'Connor

Absent (3): Councillor Wendy Cheropita, Councillor Maria Mavridis, and Councillor Erwin Wiens

**APPROVED (5 to 1)**

**22.3 By-law 4316FH-24 - 431 Line 2 Road (ZBA-24-2023)**

**22.4 By-law 4316FI-24 - Concession 7 Road (ZBA-07-2022) - (Modero)**

**22.5 By-law 500YH-24 - Concession 7 Road (ZBA-07-2022) - By-law (Modero)**

**22.6 By-law 2024-013 - 524 York Road (OPA-03-2021)**

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Tim Balasiuk

That leave be given to introduce By-law 2024-013 and that the same be considered read a first, second and third time and passed this 27th day of February 2024.

**APPROVED**

**22.7 By-law 2024-014 - Modero - Concession 7 Road (OPA-02-2022)**

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Tim Balasiuk

That leave be given to introduce By-law 2024-014 and that the same be considered read a first, second and third time and passed this 27th day of February 2024.

**APPROVED**

**22.8 By-law 2024-015 - Employee Bargaining Group (24-27)**

**22.9 By-law 2024-016 Council Proceedings February 27, 2024**

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Tim Balasiuk

That leave be given to introduce By-law No. 2024-016, a By-law to confirm the proceedings at the Council Meeting of the Corporation of the Town of Niagara-on-the-Lake held on February 27, 2024, and that the same be considered read a first, second and third time and passed any ruling of this Council to the contrary notwithstanding.

**APPROVED**

**23. ADJOURNMENT**

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Nick Ruller

That Council adjourn at 8:57 p.m. to the next Budget Review Committee of February 29, 2024, and if a special meeting is required, it will be held at the call of the Lord Mayor.

**APPROVED**