



June 25, 2024, 5:30 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)

1. CALL TO ORDER

The Lord Mayor called the meeting to order at 5:31 p.m.

2. FOCUS STATEMENT

Councillor O'Connor read the Focus Statement.

3. O'CANADA

4. ADOPTION OF THE AGENDA

The following members requested to speak under New Business:

- Councillor Burroughs

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Wendy Cheropita

That the agenda be adopted as amended.

APPROVED

5. CONFLICT OF INTEREST

None were declared.

6. CLOSED SESSION

Councillor Cheropita arrived at 5:36 p.m.

Moved by: Councillor Maria Mavridis

Seconded by: Councillor Gary Burroughs

That Council proceed to go into a Closed meeting at 5:37 p.m. to consider matters that qualify under the Municipal Act 2001 under Section 239(2)(i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; specifically regarding the Shaw Festival.

APPROVED

Councillor Ruller arrived during closed session 6:01 p.m.

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Tim Balasiuk

That Council rise from a Closed meeting at 6:30 p.m. to consider matters that qualify under the Municipal Act 2001 under Section 239(2)(i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; specifically regarding the Shaw Festival with no report.

APPROVED

7. PROCLAMATIONS

There were none.

8. NEXT COMMITTEE OF THE WHOLE & COUNCIL MEETING DATES:

The Clerk read out the following upcoming meetings:

- Committee of the Whole - Planning Meeting - July 16, 2024
- Committee of the Whole - General Meeting - July 23, 2024
- Council Meeting - July 30, 2024

9. LORD MAYOR'S REPORT

The Lord Mayor presented his report.

10. MEMBERS' ANNOUNCEMENT

The following members made announcements:

- Councillor O'Connor - June 3, attended the Niagara Health Open House with the Lord Mayor - discussed with Niagara Health President Lynn Guerrero the three site hospital system for the Region and the need to plan for an Urgent Care Center in the Niagara-on-the-Lake community.
- Councillor Cheropita - May 27, met with the Provincial Minister of Agriculture Lisa Thompson at Chateau des Charmes - discussed the importance of the agricultural community. May 31, attended the Federal Economic Development Agency for Ontario - announcement with the Honourable Soraya Martinez Ferrada, Minister of Tourism, on behalf of the Honourable Filomena Tassi, Minister responsible for the Federal Economic Development Agency for Southern Ontario, at Byland Winery beneficiary of \$90,000 investment to upgrade their tourism experience.
- Councillor Burroughs - attended two indigenous events one at Brock Monument and one at the Friendship Center.
- Councillor Wiens - June 20, discussed the future of the airport with the Honourable Prabmeet Singh Sarkaria, Minister of Transportation along with Mayor Siscoe and Mayor Diodati.

11. DELEGATIONS

11.1 Non- Agenda Delegation

11.1.1 Alana Hurov, Niagara 5000 - Support for the Paddock Party Event

Alana Hurov, Niagara 5000 - requested support from Council to host the Paddock Party at the Scotsman.

Ms. Hurov answered questions from Council.

Councillor Vizzari joined the meeting virtually at 6:54 p.m.

11.1.2 Tim Collins, LANDx Developments - Request for Council to overturn Planning Committee decision on OPA and ZBA for 253 Taylor Road (OPA-07-2023 & ZBA-16-2023)

Timothy Collins, President of LANDx Developments presented his request for Council to overturn Planning Committee decision on OPA and ZBA for 253 Taylor Road (White Oaks).

Mr. Collins answered questions from Council.

11.2 Agenda Delegation

11.2.1 Richard Woodruff - item 15.1 - Heritage Designation for 1 Paxton Lane, CDS-24-109

Richard Woodruff discussed his reasons for opposing the heritage designation of his family home Locust Hall.

Council had no questions.

11.2.2 Connie Tintinalli - item 21.1 - By-law 2024-043 - 325 King Street (OPA-01-2023) - Official Plan Amendment No. 85

Connie Tintinalli spoke in opposition of the hotel proposed at 325 King St.

Council had no questions.

11.2.3 Marilyn Bartlett - item 21.1 - By-law 2024-043 - 325 King Street (OPA-01-2023) - Official Plan Amendment No. 85

Marilyn Bartlett spoke in opposition of the hotel proposed at 325 King St.

Council had no questions.

11.2.4 John Foreman - item 21.1 - By-law 2024-043 - 325 King Street (OPA-01-2023) - Official Plan Amendment No. 85

John Foreman spoke in opposition of the hotel proposed at 325 King St.

Council had no questions.

11.2.5 Gracia Janes - item 21.1 - By-law 2024-043 - 325 King Street (OPA-01-2023) - Official Plan Amendment No. 85

Gracia Janes spoke in opposition of the hotel proposed at 325 King Street.

Council had no questions.

11.2.6 Sara Premi, Sullivan Mahoney - item 21.1 - By-law 2024-043 - 325 King Street (OPA-01-2023) - Official Plan Amendment No. 85

Sara Premi, Sullivan Mahoney spoke to the use of the property and the proposed project.

Ms. Premi answered questions from Council.

12. RESPONSE TO DELEGATIONS FROM COUNCIL

Councillor Burroughs put forward a motion to endorse the Paddock Party.

Council discussed and asked questions about the motion.

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Wendy Cheropita

That Council support Alana Hurvov's request and endorse the Paddock Party event.

APPROVED

Moved by: Councillor Erwin Wiens

Seconded by: Councillor Gary Burroughs

That item 15.1 - Heritage Designation for 1 Paxton Lane, CDS-24-109 be lifted for discussion.

APPROVED

Council discussed and asked questions about the report.

Candice Bogdanski, Senior Heritage Planner explained the selection process for designation.

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Sandra O'Connor

That Council defer the report back to Staff for two months and direct Staff to meet with Woodruff to discuss the designation.

APPROVED

13. COUNCIL & COMMITTEE OF THE WHOLE MINUTES

13.1 Committee of the Whole Planning Minutes - June 11, 2024

13.2 Committee of the Whole General Minutes - June 18, 2024

13.3 Council Minutes - May 28, 2024

Councillor Mavridis requested to lift item 8.2 from the June 11, 2024 Committee of the Whole - Planning Minutes.

Moved by: Councillor Maria Mavridis
Seconded by: Councillor Gary Burroughs

That item 8.2 from the June 11, 2024 Committee of the Whole - Planning Minutes be withdrawn and voted on separately.

APPROVED

Moved by: Councillor Gary Burroughs
Seconded by: Councillor Maria Mavridis

That item 8.2 235-253 Taylor Road – Official Plan Amendment and Zoning By-law Amendment Applications (OPA-07-2023 & ZBA-16-2023), CDS-24-096 be adopted as presented in the minutes.

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 O'Connor put forward a motion to defer the report until the Glendale Secondary Plan is reviewed by Council but received no seconder.

Council discussed the amendment applications.

Moved by: Councillor Nick Ruller
Seconded by: Councillor Gary Burroughs

That Council direct Staff to work with the applicant to consider changes to the layout of the buildings, specifically regarding the distribution of the buildings, in respect to keeping the tallest buildings the furthest distance from the single-family dwellings that are adjacent to the property.

APPROVED

Councillor Burroughs requested a recorded vote.

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

That:

The application for Official Plan Amendment (File OPA-07-2023) for lands located at 235-253 Taylor Road, and the draft Official Plan Amendment, attached as Appendix IV to this report, be adopted by Council; and

The application for Zoning By-law Amendment (File ZBA-17-2023) for lands located at 235-253 Taylor Road, and the draft Zoning by-law Amendment, attached as Appendix V to this report, be adopted by Council; and

That staff consult with the developer and report back to Council on negotiating a number of affordable housing units; and That the requisite by-laws be presented for adoption in tonight's agenda.

Yea (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

Nay (1): Councillor Sandra O'Connor

APPROVED (8 to 1)

Councillor Burroughs requested to lift item 8.3 from the June 11, 2024 Committee of the Whole - Planning Minutes.

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Sandra O'Connor

That item 8.3 from the June 11, 2024 Committee of the Whole - Planning Minutes be withdrawn and voted on separately by recorded vote.

APPROVED

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Sandra O'Connor

That item 8.3 325 King Street - Official Plan Amendment and Zoning By-law Amendment (OPA-01-2023 & ZBA-01-2023), CDS-23-192 be adopted as presented in the minutes.

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

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

APPROVED (5 to 4)

Council recessed at 9:14 p.m. and resumed at 9:27 p.m.

Moved by: Councillor Wendy Cheropita
Seconded by: Councillor Tim Balasiuk

That the balance of the minutes from the following dates be approved:

- Committee of the Whole Planning Minutes – June 11, 2024
- Committee of the Whole General Minutes – June 18, 2024
- Council Minutes – May 28, 2024

APPROVED

14. PRESENTATIONS

15. CONSENT AGENDA

15.1 Heritage Designation for 1 Paxton Lane, CDS-24-109

This item was lifted and discussed under response to delegations.

16. INFORMATION PACKAGES

16.1 Bill 185 and Bill 200 - Royal Assent - CDS-24-107

Lifted for discussion by Councillor Burroughs.

Director McCauley answered Council's questions about the report.

Moved by: Councillor Gary Burroughs
Seconded by: Councillor Maria Mavridis

That item 16.1 - Bill 185 and Bill 200 - Royal Assent - CDS-24-107 be received.

APPROVED

16.2 Strategic Plan Dashboard - CAO-24-029

Moved by: Councillor Gary Burroughs
Seconded by: Councillor Maria Mavridis

That item 16.2 - Strategic Plan Dashboard - CAO-24-029 be received.

APPROVED

16.3 Niagara District Airport Commission Asset Management Plan - CS-24-007

Lifted for discussion by Councillor Burroughs.

Council discussed the report.

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Maria Mavridis

That item 16.3 - Niagara District Airport Commission Asset Management Plan - CS-24-007 be received.

APPROVED

16.4 The Municipality of Mattawan Email re: Letter of Support Urging the Government to Promptly Resume Assessment Cycle

Lifted for discussion by Councillor Burroughs.

Councillor Burroughs spoke about the assessment cycle.

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Maria Mavridis

That item 16.4 - The Municipality of Mattawan Email re: Letter of Support Urging the Government to Promptly Resume Assessment Cycle be received.

APPROVED

16.5 The Community School Alliance Email re: Nomination Form 2024

Lifted for discussion by Councillor Burroughs.

Councillor Burroughs spoke about the Community School Alliance.

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Wendy Cheropita

That item 16.5 - The Community School Alliance Email re: Nomination Form 2024 be received.

APPROVED

16.6 Shaw Festival Board of Governors Debrief

Lifted for discussion by Councillor Burroughs.

Councillor Burroughs spoke about the importance of the Shaw Festival.

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Maria Mavridis

That item 16.6 - Shaw Festival Board of Governors Debrief be received.

APPROVED

17. COMMITTEES OF COUNCIL MINUTES

17.1 Committee of Adjustment Minutes - May 16, 2024

17.2 Municipal Heritage Committee Minutes - June 5, 2024

17.3 Selection Committee for Committees of Council Minutes - June 4, 2024

Lifted for discussion by Councillor Burroughs.

Councillor Burroughs requested clarification on the purpose of the continuation of the selection committee.

CAO Zvaniga clarified the committee was convened to select a resident for the Library Board vacancy.

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Erwin Wiens

That the Selection Committee for Committees of Council Minutes - June 4, 2024 be approved.

APPROVED

17.4 Discretionary Grant Committee - June 6, 2024

17.5 Municipal Accommodation Tax Committee - June 10, 2024

Lifted for discussion by Councillor Cheropita

Director Freeborn clarified the MAT Committee Process.

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Maria Mavridis

APPROVED

17.6 CAO Recruitment Committee Minutes - June 17, 2024

Moved by: Councillor Tim Balasiuk

Seconded by: Councillor Erwin Wiens

That the minutes from the following dates be approved:

- Committee of Adjustment Minutes - May 16, 2024
- Municipal Heritage Committee Minutes - June 5, 2024
- Discretionary Grant Committee - June 6, 2024
- CAO Recruitment Committee Minutes - June 17, 2024

APPROVED

18. MOTIONS

Moved by: Councillor Erwin Wiens

Seconded by: Councillor Tim Balasiuk

To extend the meeting past 10 p.m. to allow for the completion of the agenda.

APPROVED

18.1 Councillor Burroughs - Meeting with Transport Canada

Councillor Burroughs introduced his motion.

Council discussed and asked questions about the motion.

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Sandra O'Connor

WHEREAS the Glendale area has been identified as a strategic growth area for Niagara-on-the-Lake to 2051; and

WHEREAS the airspace for the Niagara District Airport is controlled by Transport Canada, who are the approval body regarding building height in their flightpath and the airport zoning regulations (AZR); and

WHEREAS Transport Canada authority supersedes provincial and municipal governments; and

WHEREAS several large developments are proceeding through our planning process which require approvals by Transport Canada for

building heights that exceed the AZR; and
WHEREAS developers and the Town are proceeding with planning application proposals which require a letter of no objection from the Town prior to the developer making an application to Transport Canada for an exemption to the AZR;
WHEREAS residents in the Glendale area deserve to have more clarity on the changes coming their community; and
WHEREAS it is incumbent on the Town to initiate discussions to obtain guidance from Transport Canada on their requirements and opportunities for process efficiencies;
THEREFORE BE IT RESOLVED that a small group consisting of the Lord Mayor, the Town Representative on the Airport Commission, one Town Councillor, and the appropriate Town Staff meet with Transport Canada to discuss the following:

- Areas in Glendale affected by Transport Canada regulations
- Height restrictions will/may be imposed on Glendale properties now and in the future
- Effect of the new twinned bridge on Glendale properties
- Timing of potential changes and improvements

APPROVED

18.2 Councillor Cheropita - Dock Area Parking & Dock Area Master Plan

Councillor Cheropita introduced her motion.

Council discussed and asked questions about the motion.

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Maria Mavridis

WHEREAS the Dock Area Master Plan was approved by Council in 2015;
and

WHEREAS there have been substantial changes in this area since 2015;
and

WHEREAS Council has passed a number of motions related to the Dock Area that have not been captured in the Dock Area Master Plan;

THEREFORE BE IT RESOLVED that Council direct staff to open two parking spaces for drop off only, in the safest location determined by staff, at the end of Riverbeach Drive to allow access for small watercraft

launching at Balls Beach; and
BE IT FURTHER RESOLVED that Council direct staff to bring back a capital budget to update the Dock Area Master Plan as part of the 2025 Budget process.

APPROVED

18.3 Councillor Vizzari - All Way Stop Tanbark Road

Councillor Vizzari introduced her motion.

Council discussed and asked questions about the motion.

Moved by: Councillor Adriana Vizzari

Seconded by: Councillor Maria Mavridis

WHEREAS there is a park on the east side of Tanbark Road; and
WHEREAS there are no controlled stop locations to allow for pedestrians to cross from the west side of Tanbark Road to the east side of Tanbark Road; and

WHEREAS the new residential developments will increase the number of pedestrians that may wish to utilize the park area;

THEREFORE BE IT RESOLVED that Council direct staff to install an all way stop at Tanbark Road and Hickory Road to allow for a controlled crossing for pedestrians to cross safely; and

BE IT FURTHER RESOLVED that staff also study the intersection of Warner Road and Tanbark Road to determine if a second all way stop is required for pedestrian crossing at this location.

APPROVED

19. NOTICE OF MOTION

20. NEW BUSINESS

The following items were discussed under New Business:

- Special Event Permits
- OLT Update on King Street Apartment
- Committee of Adjustment - public attendance
- Director of Capital Projects from the Region returning to Council
- MZO's

- Additional residential units in rural areas
- Airport asset management

21. BY-LAWS

Councillor O'Connor requested a recorded vote on items 21.1, 21.2 and 21.8.

21.1 By-law 2024-043 - 325 King Street (OPA-01-2023) - Official Plan Amendment No. 85

21.2 By-law 4316EY-24 - 325 King Street (ZBA-01-2023)

21.3 By-law 4316FO-24 - 489 Regent Street (ZBA-06-2024)

21.4 By-law 2024-044 - Designation By-law 1 Paxton Lane

Deferred under item 15.1.

21.5 By-law 2024-045 - Designation By-law 23 Vincent Avenue

21.6 By-law 2024-046 - Designation By-law 287 Warner Road

21.7 By-law 2024-047 - Designation By-law 463 King Street

21.8 2024-048 - 235-253 Taylor Road (OPA-07-2023) - Official Plan Amendment No. 95

21.9 By-law 4316FP-24 - 235-253 Taylor Road (ZBA-16-2023)

Referred back to Staff under item 13.

21.10 By-law 2024-049 - Council Proceedings June 25, 2024

Moved by: Councillor Maria Mavridis

Seconded by: Councillor Gary Burroughs

That leave be given to introduce items:

21.1 - By-law 2024-043 - 325 King Street (OPA-01-2023) - Official Plan Amendment No. 85 A By-law pursuant to Section 17 of The Ontario Planning Act to amend The Town Of Niagara-on-the-Lake Official Plan.

21.2 - By-law 4316EY-24 - 325 King Street (ZBA-01-2023) A By-law to rezone the subject lands to permit a hotel, up to a maximum of 19.0 metres in height, with associated uses, including a restaurant, outdoor restaurant patio, conference centre, banquet facilities, spa, retail uses, and personal service establishment as secondary uses to a hotel.

And that the same be considered read a first, second and third time and passed this 25th day of June, 2024.

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

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

APPROVED (5 to 4)

Moved by: Councillor Maria Mavridis

Seconded by: Councillor Gary Burroughs

That leave be given to introduce item 21.8 - By-law 2024 - 48 - 235 - 253 Taylor Road (OPA-07-2023) - Official Plan Amendment No. 95 - A By-Law Pursuant to Section 17 of The Ontario Planning Act to Amend The Town Of Niagara-On-The-Lake Official Plan and that the same be considered read a first, second and third time and passed this 25th day of June, 2024.

Yea (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

Nay (1): Councillor Sandra O'Connor

APPROVED (8 to 1)

Moved by: Councillor Maria Mavridis

Seconded by: Councillor Gary Burroughs

That leave be given to introduce items:

21.3 - By-law 4316FO-24 - 489 Regent Street (ZBA-06-2024) 275 A By-law to rezone the subject lands to permit the creation of one (1) new residential lot for the construction of a single-detached dwelling and retain one (1) residential lot with an existing single-detached dwelling for continued residential use.

21.5 - By-law 2024-045 - Designation By-law 23 Vincent Avenue - A By-law to designate the property known municipally as, Peake Inn, 23 Vincent Avenue (Plan 73A Lot 195), in The Town of Niagara-on-the-Lake, in the province of Ontario, as being of cultural heritage value or interest.

21.6 - By-law 2024-046 - Designation By-law 287 Warner Road - A By-law to designate the property known municipally as, Warner House, 287 Warner Road (Part Lot 139), in The Town of Niagara-on-the-Lake, in the province of Ontario, as being of cultural heritage value or interest.

21.7 - By-law 2024-047 - Designation By-law – 463 King Street - A By-law to designate the property known municipally as, Best House, 463 King Street (Plan 86 Part Lot 281 RP 30R8012 Part 2), in The Town of Niagara-on-the-Lake, in the province of Ontario, as being of cultural heritage value or interest.

21.10 By-law 2024-049 - Council Proceedings June 25, 2024 - A By-law to confirm the proceedings at the Council Meeting of The Corporation of The Town of Niagara-on-the-Lake held on June 25, 2024.

And that the same be considered read a first, second and third time and passed this 25th day of June 2024.

APPROVED

22. ADJOURNMENT

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Maria Mavridis

That this Council adjourn at 10:15 p.m. to the next regular Committee of the Whole - Planning meeting of July 16, 2024 and if a special meeting is required, it will be held at the call of the Lord Mayor.

APPROVED