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**July 30, 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 Erwin Wiens, Lord Mayor Gary Zalepa

Council Members Absent: Councillor Nick Ruller, Councillor Adriana Vizzari

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

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**1. CALL TO ORDER**

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

**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 Balasiuk
- Councillor Mavridis
- Councillor Burroughs
- Councillor Wiens

The Lord Mayor requested to allow the presenters 13.1 and 13.2 to be moved up on the agenda along with their respective staff reports 14.2 and 14.3 to be addressed as the first items of business immediately after any Declarations of Conflict of Interest.

Moved by: Councillor Gary Burroughs  
Seconded by: Councillor Wendy Cheropita

That the agenda be adopted as amended.

**APPROVED**

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

**5.1 Committee of the Whole Planning Minutes - July 16, 2024**

**5.2 Committee of the Whole General Minutes - July 23, 2024**

**5.3 Council Minutes - June 25, 2024**

Council discussed the minutes.

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

That item 8.3 be lifted from the Committee of the Whole Planning Minutes- July 16, 2024 to be voted on separately.

Councillor Burroughs withdrew his motion.

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

That the Committee of the Whole Planning Minutes - July 16 be approved.

**DEFEATED**

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

That the minutes from the following dates be approved:

- Item 5.2 - Committee of the Whole General Minutes – July 23, 2024
- Item 5.3 - Council Minutes – June 25, 2024

**APPROVED**

**6. CONFLICTS OF INTEREST**

None were declared at the onset of the meeting. With discussion of item 16.4 Committee of Adjustment Minutes - June 20, 2024, Councillor Wiens advised he has a conflict of interest with item 5.1 Consent Application B-27/23 – 298 Niven

Road as he does business with the applicant and stepped out of the meeting at 9:04 p.m.

**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 - September 10, 2024
- Committee of the Whole - General Meeting - September 17, 2024
- Council Meeting - September 24, 2024

**13. PRESENTATIONS**

**13.1 Derek Ali and John Murphy, DFA Infrastructure - Water and Wastewater Presentation**

Derek Ali and John Murphy from DFA Infrastructure gave a presentation on Water and Wastewater.

Mr. Murphy answered questions of clarification from Council.

**14.2 Water and Wastewater Financial Plan, CS-24-013**

Council asked questions and discussed the report.

Moved by: Councillor Sandra O'Connor

Seconded by: Councillor Gary Burroughs

That Council directs Staff to prepare a report on potential efficiencies to return to Council in October.

**APPROVED**

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Wendy Cheropita

That:

1. Council approve the attached financial plan prepared by DFA Infrastructure International Inc. for the Niagara-on-the-Lake Water

Distribution System (Licence No. 069-102) and Bevan Heights Water Distribution System (Licence No. 069-101);

2. The 2024 Water System Financial Plan be submitted to the Ministry of Municipal Affairs and Housing.
3. The recommendations as contained in the 2024 Water and Wastewater Rate studies be considered for the 2025 and future Operating Budgets.
4. A summary of the work completed in 2020 be prepared for Council.

**APPROVED**

**13.2 Daniel Glasbergen and Carlos Salvarez, KPMG - 2023 Audit Report Presentation**

Daniel Glasbergen and Carlos Salvarez, KPMG presented the 2023 Audit Report findings.

Mr. Glasbergen and Mr. Salvarez answered questions of clarification from Council.

**14.3 2023 Financial Statements and Audit Findings Report, CS-24-014**

Council discussed and asked questions about the report.

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Wendy Cheropita

That:

1. Council approves the proposed consolidated financial statements for the year ended December 31, 2023, for The Corporation of the Town of Niagara-on-the-Lake (the "Town"), attached as **Appendix I**; and
2. Council approves the attached Audit Findings Report for the year ended December 31, 2023, for The Corporation of the Town of Niagara-on-the-Lake, attached as **Appendix II**.

**APPROVED**

**9. LORD MAYOR'S REPORT**

The Lord Mayor presented his report.

## **10. MEMBERS' ANNOUNCEMENT**

The following members made announcements:

- Councillor Cheropita
- Councillor Burroughs
- Councillor Balasiuk
- Councillor Wiens

## **11. DELEGATIONS**

### **11.1 Non- Agenda Delegation**

#### **11.1.1 Richard Meloen - Update on the construction of the Upper Canada Heritage Trail**

Richard Meloen and Tony Chisholm presented an update on the construction of the Upper Canada Heritage Trail.

Requested \$100,000.00 in funding from Council.

Mr. Meloen and Mr. Chisholm answered questions of clarification from Council.

### **11.2 Agenda Delegation**

#### **11.2.1 Steve Valstar, Scott St. Greenhouses LTD. - Item 20.2 - By-law 4308AT-24 - Amend Schedules N & P All Way Stop Tanbark Hickory**

Steve Valstar, co-owner of Scott St. Greenhouses LTD. spoke in opposition to the four way stop proposed at the intersection of Hickory and Tanbark.

Mr. Valstar answered questions of clarification from Council.

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

Moved by: Councillor Sandra O'Connor

Seconded by: Councillor Wendy Cheropita

That the Heritage Trail project request of \$100,00 be considered for eligibility under MAT funding and/or forwarded to the Budget Review/MAT Committee(s).

**APPROVED**

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

That Mr. Valstar's delegation be referred back to Staff for further review or a new location of the item and that By-law 4308AT-24 be deferred.

**APPROVED**

**13. PRESENTATIONS**

**13.1 Derek Ali and John Murphy, DFA Infrastructure - Water and Wastewater Presentation**

This item was moved to follow item 6 under adoption of the agenda.

**13.2 Daniel Glasbergen and Carlos Salvarez, KPMG - 2023 Audit Report Presentation**

This item was moved to follow item 6 under adoption of the agenda.

**13.3 Lord Mayor Zalepa - Building Connections: Frankenmuth, Michigan & Niagara-on-the-Lake, Ontario, Strengthening Economic Development Through Shared Experiences**

Lord Mayor presented on the visit to Frankenmuth.

Lord Mayor answered questions from Council.

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

That the presentation and proposal be referred back to Staff for a presentation for Council's review and consideration.

**APPROVED**

Council recessed at 8:11 p.m.

**14. CONSENT AGENDA**

Council resumed at 8:28 p.m.

**14.1 Heritage Permit Application – 12 Princess Street – St. Saviour's the Brock Memorial Church, CDS-24-132**

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

That:

1. Council approves the Heritage Permit Application HER-22-2024, for the restoration of the exterior wooden elements on the elevations of 12 Princess Street, St. Saviour's the Brock Memorial Church;
2. Council directs Staff to issue a heritage permit.

**APPROVED**

**14.2 Water and Wastewater Financial Plan, CS-24-013**

This item was lifted and discussed under item 13.1.

**14.3 2023 Financial Statements and Audit Findings Report, CS-24-014**

This item was lifted and discussed under item 13.2.

**15. INFORMATION PACKAGES**

Councillor Mavridis left the meeting at 8:38 p.m.

**15.1 Special Event Permits Process Review - CAO-24-032**

Council discussed and provided feedback on the permit process.

Moved by: Councillor Sandra O'Connor

Seconded by: Councillor Gary Burroughs

That item 15.1 - Special Event Permits Process Review - CAO-24-032 be received.

**APPROVED**

**15.2 Economic Development Update - CAO-24-036**

Council discussed and asked questions about the report.

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Wendy Cheropita

That item 15.2 - Economic Development Update - CAO-24-036 be received.

**APPROVED**

**15.3 Patti Bauer Email re: Childhood Cancer Awareness Month Proclamation Request**

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

Whereas, over 800 children under the age of 15 are diagnosed with cancer each year in Canada; and  
Whereas, 1 in 330 children will be diagnosed with cancer before their 18th birthday; and  
Whereas, childhood cancer is the #1 cause of death by disease of Canadian Children; and  
Whereas, there are over 200 types of childhood cancers not including subtypes and mutations; and  
Whereas, childhood cancer places a tremendous financial burden on families; and  
Whereas, over 75% of childhood cancer survivors live with at least one chronic health condition and a third of these are severe or life-threatening; and  
Whereas, little is known about what causes childhood cancer with limits the opportunities for prevention; and  
Whereas, additional awareness and funding for childhood cancer is needed as only 4-6 cents from every research dollar goes toward childhood cancer research; and  
Whereas, annually, September is officially recognized as Childhood Cancer Awareness Month by the Province of Ontario;

Now therefore, the Town of Niagara-on-the-Lake here forth proclaims September as Childhood Cancer Awareness month.

**APPROVED**

**15.4 Niagara-on-the-Lake Museum Email re: September 17th, 2024 as Parliament Day - Proclamation Request**

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

Whereas, Niagara-on-the-Lake was the capital of Upper Canada, known today as Ontario, from 1792-1796;  
Whereas, Lieutenant Governor John Graves Simcoe and the elected Parliament of Upper Canada met for the first time on September 17, 1792;  
Whereas, this Parliament of Upper Canada established British law and order, introduced the first act to limit slavery in the British Empire, and established the foundation of our provincial governance today;



Therefore be it resolved that I, Lord Mayor Gary Zalepa of The Corporation of the Town of Niagara-on-the-Lake, do hereby declare the day Tuesday, September 17th, 2024 “Parliament Day” in the Town of Niagara-on-the-Lake.

**APPROVED**

**16. COMMITTEES OF COUNCIL MINUTES**

**16.1 Selection Committee for Committees of Council Minutes - July 18, 2024**

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

That item 16.1 - Selection Committee for Committees of Council Minutes - July 18, 2024 be approved.

**APPROVED**

**16.2 Environmental Advisory Committee Minutes - July 17, 2024**

Moved by: Councillor Sandra O'Connor  
Seconded by: Councillor Tim Balasiuk

That item 16.2 - Environmental Advisory Committee Minutes - July 17, 2024 be approved.

**APPROVED**

**16.3 Municipal Heritage Committee Minutes - July 10, 2024**

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

That Council receive the MHC Minutes from July 10, 2024, save and except items 8.1 and 8.2 which will be voted on separately.

That Council approve the recommendations contained within item 8.2:

1.1 The designation by-law of the property at 1823 Niagara Stone Road be endorsed in principle based on the Staff evaluation within the designation report.

1.2 The Staff contacts the resident verbally along with sending a midway letter to the owner of 1823 Niagara Stone Road to inform them of the designation process timeline; and

1.3 Council issue Notice of Intent to Designate (NOID) for the property.

**APPROVED**

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Sandra O'Connor

That in respect of item 8.1, Council approves the MHC's recommendation. (The approval would be to refer the Heritage Permit Application back to Staff to obtain the requested information. The Application would be reviewed at the MHC meeting, and the authority to approve, pending satisfaction of any conditions outlined by Staff, is granted by Council to the Director of CDS for the application on 169 King St.)

**APPROVED**

**16.4 Committee of Adjustment Minutes - June 20, 2024**

Councillor O'Connor requested to lift 5.1 Consent Application B-27/23 – 298 Niven Road Addendum Report, CDS-24-062 from the minutes.

Councillor Wiens advised he has a conflict of interest with item 5.1 Consent Application B-27/23 – 298 Niven Road as he does business with the applicant and stepped out of the meeting at 9:04 p.m.

Moved by: Councillor Sandra O'Connor

Seconded by: Councillor Gary Burroughs

That the Committee of Adjustment motion to refuse the staff recommendation for item 5.1 - Consent Application B-27/23 for 298 Niven Road be lifted and voted on separately in order to uphold the staff recommendation.

**DEFEATED**

Moved by: Councillor Sandra O'Connor

Seconded by: Councillor Gary Burroughs

That Consent Application B-27/23 for 298 Niven Road be refused.

Director McCauley advised the notices of decision have been issued and the appeal period has ended. Director McCauley advised the Committee of Adjustment is a Quasi-judicial body and that notices of decision are issued following their meetings.

Moved by: Councillor Sandra O'Connor

Seconded by: Councillor Gary Burroughs

That Council adjust the previous motion regarding item 5.1 to provide the direction to Committee of Adjustment that Council recognizes that the decision is already made and provide the opinion that Council did not agree with refusing the staff recommendation.

**APPROVED**

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Gary Burroughs

That item 16.4 - Committee of Adjustment Minutes - June 20, 2024 be received.

**APPROVED**

#### **16.5 Heritage Trail Committee Minutes - June 19, 2024**

Councillor Wiens returned the meeting at 9:22 p.m.

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Gary Burroughs

That item 16.5 - Heritage Trail Committee Minutes - June 19, 2024 be approved.

**APPROVED**

#### **16.6 Irrigation Committee Minutes - June 12, 2024**

Moved by: Councillor Erwin Wiens

Seconded by: Councillor Tim Balasiuk

That item 16.6 - Irrigation Committee Minutes - June 12, 2024 be approved.

**APPROVED**

**16.7 NOTL Public Library Board Meeting Minutes - April 17, 2024**

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Gary Burroughs

That item 16.7 - NOTL Public Library Board Meeting Minutes - April 17, 2024 be received.

**APPROVED**

**17. MOTIONS**

There were none.

**18. NOTICE OF MOTION**

Councillor O'Connor gave a Notice of Motion on behalf of Councillor Mavridis regarding Special Events.

**19. NEW BUSINESS**

Town Clerk Grant Bivol advised of potential complications arising from defeating the Committee of the Whole Planning Minutes - July 16 and confirmed a 2/3 majority vote to waive the rules of the Procedure By-law to reopen the minutes would be required.

Moved by: Councillor Sandra O'Connor

Seconded by: Councillor Gary Burroughs

That Council waive the Procedure By-law to allow item 5.1 - Committee of the Whole-Planning Minutes - July 16 to be revisited.

**APPROVED**

Councillor O'Connor requested that Item 8.2 from the Committee of the Whole Planning Minutes – July 16 - 187 Queen Street Zoning By-law Amendment ZBA-05-2024, CDS-24-104 be lifted for a recorded vote.

Moved by: Councillor Sandra O'Connor

Seconded by: Councillor Tim Balasiuk

That:

1. The Application for Zoning By-law Amendment (File No. ZBA-05-2024) for lands known municipally as 187 Queen Street BE APPROVED, for reasons outlined in this report; and
2. The draft Zoning By-law Amendment, attached as Appendix IV to this report, be forwarded to Council for adoption.

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

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

Absent (3): Councillor Maria Mavridis, Councillor Nick Ruller, and Councillor Adriana Vizzari

**DEFEATED (3 to 3)**

Moved by: Councillor Sandra O'Connor

Seconded by: Councillor Gary Burroughs

Councillor O'Connor requested that item 8.3 Konik Estates Phase 2 Subdivision and Condominium ZBA-02-2024, 26T-18-24-02, and 26CD-18-24-01, CDS-24-123 - the motion regarding the parkland be lifted for a recorded vote.

That Council remove the cash in lieu of parkland and direct that an area is calculated for the size of the development and refer the report back to the planning department to determine the appropriate location and the respective size.

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

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

Absent (3): Councillor Maria Mavridis, Councillor Nick Ruller, and Councillor Adriana Vizzari

**DEFEATED (2 to 4)**

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Wendy Cheropita

That the balance of the Committee of the Whole Planning Minutes - July 16 minutes be approved.

## **APPROVED**

The following items were discussed under New Business:

- CAO Recruitment Timing
- King Street Apartment Appeal - Request for summary of appeal reasoning
- Mary Street Apartments Application
- Commercial Hotels owning STR's
- 1 Paxton Lane
- Status of Storm Sewers in Town
- Tourism Strategy Update

### **20. BY-LAWS**

**20.1 By-law 4308AS-24 - Amend Schedule W - EW Line Speed**

**20.2 By-law 4308AT-24 - Amend Schedules N & P All Way Stop Tanbark Hickory**

Deferred under item 12.

**20.3 By-law 4316FL-24 - Konik Estates Phase 2 (ZBA-02-2024)**

**20.4 By-law 4316FQ-24 - 308 Four Mile Creek Road (ZBA-18-2023)**

**20.5 By-law 2024-052 - 308 Four Mile Creek Road (OPA-08-2023) - Official Plan Amendment No. 96**

**20.6 By-law 4316FR-24 - 187 Queen Street (ZBA-05-2024)**

Removed from agenda under item 19.

**20.7 By-law 500YJ-24 - 976 York Road (ZBA-12-2023)**

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Erwin Wiens

That leave be given to introduce: By-law 500YJ-24 and that the same be considered read a first, second and third time and passed this 30th day of July, 2024.

## **APPROVED**

**20.8 By-law 2024-050 - Designation By-law 14 Wesley Avenue**

**20.9 By-law 2024-051 - Designation By-law 15618 Niagara River Parkway**

**20.10 By-law 2024-053 - Agreement between AMO and Town**

**20.11 By-law 2024-054 - Council Proceedings July 30, 2024**

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Erwin Wiens

That leave be given to introduce: By-law 4308AS-24, By-law 4316FL-24, By-law 4316FQ-24, By-law 2024-052, By-law 2024-050, By-law 2024-051, By-law 2024-053, By-law 2024-054 and that the same be considered read a first, second and third time and passed this 30th day of July, 2024.

**APPROVED**

**21. ADJOURNMENT**

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Wendy Cheropita

That this Council adjourn at 9:44 p.m. to the next regular Committee of the Whole - Planning meeting of September 10, 2024 and if a special meeting is required, it will be held at the call of the Lord Mayor.

**APPROVED**