



November 26, 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 Adriana Vizzari, Councillor Erwin Wiens, Lord Mayor Gary Zalepa, Councillor Andrew Niven

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 6:00 p.m.

2. FOCUS STATEMENT

Councillor Cheropita read the Focus Statement.

3. O'CANADA

4. ADOPTION OF THE AGENDA

The following members requested to speak under new business:

- Councillor Burroughs
- Councillor Wiens

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Maria Mavridis

Councillor Cheropita requested that minutes from the November 12, Committee of the Whole - Planning (item 9.8) be held to be addressed during Response to Delegations as the Delegates are speaking to a recommendation within the minutes.

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. TREE APPEAL HEARING

6.1 7 Plantation Drive

All parties affirmed the oath.

Harry Althorpe, Urban Forestry Officer presented his reasoning for the denial, the tree was permitted to be removed with the payment of the permit fee and six trees required to be replanted answered questions of clarification from Council.

Hans Neustaedter presented his reasons for requesting the appeal.

Moved by: Councillor Sandra O'Connor
Seconded by: Councillor Adriana Vizzari

That the appeal application for an exemption from By-Law No. 5139-19 to permit removal of the Blue Spruce tree at 7 Plantation Drive, Town of Niagara-on-the Lake be permitted upon payment of the permit fee and the requirement to replant six replacement trees or payment of cash in lieu.

Moved by: Councillor Erwin Wiens
Seconded by: Councillor Maria Mavridis

That the motion be amended to have the applicant replace the tree with three trees instead of the recommended six.

APPROVED

Moved by: Councillor Sandra O'Connor
Seconded by: Councillor Adriana Vizzari

That the appeal application for an exemption from By-Law No. 5139-19 to permit removal of the Blue Spruce tree at 7 Plantation Drive, Town of Niagara-on-the Lake be permitted upon payment of the permit fee and the

requirement to replant ~~six~~ three replacement trees or payment of cash in lieu.

APPROVED, AS AMENDED

6.2 105 Tanbark Road

All parties affirmed the oath.

Harry Althorpe, Urban Forestry Officer presented his reasoning for the denial, the tree was permitted to be removed with the payment of the permit fee and three trees required to be replanted and answered questions of clarification from Council.

Maria and Peter Bordin presented their reasons for requesting the appeal.

Moved by: Councillor Maria Mavridis

Seconded by: Councillor Erwin Wiens

That the appeal application for an exemption from By-Law No. 5139-19 to permit removal of the European Beech tree at 105 Tanbark Road, Town of Niagara-on-the Lake be permitted upon payment of the permit fee.

APPROVED

6.3 1 Mulberry Lane

All parties affirmed the oath.

Harry Althorpe, Urban Forestry Officer presented his reasoning for the denial, the tree was permitted to be removed with the payment of the permit fee and 3 trees required to be replanted and answered questions of clarification from Council.

John Oryschak presented his reasons for requesting the appeal.

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Erwin Wiens

That the appeal application for an exemption from By-Law No. 5139-19 to permit removal of the English Oak tree at 1 Mulberry Lane, Town of Niagara-on-the Lake be permitted upon payment of the permit fee and the requirement to replant one replacement tree or payment of cash in lieu.

APPROVED

6.4 15 Shakespeare Avenue

All parties affirmed the oath.

Harry Althorpe, Urban Forestry Officer presented his reasoning for the denial and answered questions of clarification from Council.

Vince Thompson presented his reasons for requesting the appeal.

Councillor Burroughs requested a recorded vote.

Moved by: Councillor Sandra O'Connor

Seconded by: Councillor Tim Balasiuk

That the appeal application for an exemption from By-Law No. 5139-19 to permit removal of the Red Oak tree at 15 Shakespeare Avenue, Town of Niagara-on-the Lake be denied.

Yea (9): Councillor Tim Balasiuk, Councillor Gary Burroughs, Councillor Wendy Cheropita, Councillor Maria Mavridis, Councillor Sandra O'Connor, Councillor Adriana Vizzari, Councillor Erwin Wiens, Lord Mayor Gary Zalepa, and Councillor Andrew Niven

APPROVED (9 to 0)

6.5 14467 Niagara River Parkway

All parties affirmed the oath.

Harry Althorpe, Urban Forestry Officer presented his reasoning for the denial and answered questions of clarification from Council.

David Jakobi presented his reasons for requesting the appeal.

Moved by: Councillor Sandra O'Connor

Seconded by: Councillor Gary Burroughs

That the appeal application for an exemption from By-Law No. 5139-19 to permit removal of the Silver Maple tree at 14467 Niagara River Parkway, Town of Niagara-on-the Lake be denied.

APPROVED

6.6 14390 Niagara River Parkway

All parties affirmed the oath.

Harry Althorpe, Urban Forestry Officer presented his reasoning for the denial and answered questions of clarification from Council.

Larry Bosco presented his reasons for requesting the appeal.

Moved by: Councillor Sandra O'Connor

Seconded by: Councillor Gary Burroughs

That the appeal application for an exemption from By-Law No. 5139-19 to permit removal of the Red Oak tree at 14390 Niagara River Parkway, Town of Niagara-on-the Lake be denied.

DEFEATED

Moved by: Councillor Erwin Wiens

Seconded by: Councillor Wendy Cheropita

That the appeal application for an exemption from By-Law No. 5139-19 to permit removal of the Red Oak tree at 14390 Niagara River Parkway, Town of Niagara-on-the Lake be permitted upon payment of the permit fee and the requirement to replant four replacement trees or payment of cash in lieu.

APPROVED

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Tim Balasiuk

That the Tree Appeal Hearing be adjourned at 6:40 p.m.

APPROVED

7. CLOSED SESSION - INFORMATION REPORTS

7.1 Response to OLT Decision on 200 John Street East and 588 Charlotte Street - CAO-24-052

7.2 Legal Expenditures, CS-24-020

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Gary Burroughs

That item 7.1 Response to OLT Decision on 200 John Street East and 588 Charlotte Street - CAO-24-052 and 7.2 - Legal Expenditures, CS-24-020 be received.

APPROVED

8. CLOSED SESSION

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Maria Mavridis

That Council proceed to go into a closed meeting at 6:46 p.m. under the Municipal Act, 2001:

- Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose specifically regarding 144 & 176 John Street East, 200 John Street & 588 Charlotte Street; and
- Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board specifically relating to claims against the municipality.

APPROVED

Moved by: Councillor Maria Mavridis

Seconded by: Councillor Wendy Cheropita

That Council rise from a closed meeting at 7:35 p.m. under the Municipal Act, 2001:

- Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose specifically regarding 144 & 176 John Street East, 200 John Street & 588 Charlotte Street; and
- Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board specifically relating to claims against the municipality; and that legal counsel proceed as directed.

APPROVED

Council recessed at 7:36 p.m. and resumed at 7:47 p.m.

9. COUNCIL & COMMITTEE OF THE WHOLE MINUTES

- 9.1 Closed Session Minutes - October 8, 2024 (circulated separately - to remain private and confidential)**
 - 9.2 Closed Session Minutes - October 29, 2024 (circulated separately - to remain private and confidential)**
 - 9.3 Closed Session Minutes - November 12, 2024 (circulated separately - to remain private and confidential)**
 - 9.4 Closed Session Minutes - November 19, 2024 (circulated separately - to remain private and confidential)**
 - 9.5 Budget Review Committee Minutes - October 10, 2024**
 - 9.6 Budget Review Committee Minutes - October 30, 2024**
 - 9.7 Budget Review Committee Minutes - November 20, 2024**
- Lifted for discussion by Councillor O'Connor
- Requested that the wording of the motion for items 4.1 - 4.8 be updated from approved to received.
- 9.8 Committee of the Whole Planning Minutes - November 12, 2024**
 - 9.9 Committee of the Whole General Minutes - November 19, 2024**
 - 9.10 Council Minutes - October 29, 2024**

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Andrew Niven

That the minutes of the following meetings be approved:

- 9.1 Closed Session Minutes - October 8, 2024 to remain private and confidential
- 9.2 Closed Session Minutes - October 29, 2024 to remain private and confidential
- 9.3 Closed Session Minutes - November 12, 2024 to remain private and confidential
- 9.4 Closed Session Minutes - November 19, 2024 to remain private and confidential
- 9.5 Budget Review Committee Minutes - October 10, 2024
- 9.6 Budget Review Committee Minutes - October 30, 2024

9.7 Budget Review Committee Minutes - November 20, 2024

9.9 Committee of the Whole General Minutes - November 19, 2024

9.10 Council Minutes - October 29, 2024

APPROVED

10. PROCLAMATIONS

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

The Clerk read out the following upcoming dates:

- Special Council - Fence Appeal - November 27, 2024
- Budget Review Committee Meeting - November 28, 2024
- Committee of the Whole - Planning & General Meeting - December 3, 2024
- Budget Review Committee Meeting - December 5, 2024
- Council Meeting - December 10, 2024

12. LORD MAYOR'S REPORT

The Lord Mayor presented his report.

13. MEMBERS' ANNOUNCEMENT

The following members made announcements:

- Councillor Mavridis
- Councillor O'Connor
- Councillor Cheropita
- Councillor Wiens

14. DELEGATIONS

14.1 Non- Agenda Delegation

14.2 Agenda Delegation

14.2.1 Jesse Auspitz from NPG Planning Solutions - Item 9.8 Committee of the Whole Planning Minutes - November 12, 2024

14.2.2 Tom Richardson from Sullivan Mahoney LLP - Item 9.8 Committee of the Whole Planning Minutes - November 12, 2024

Jesse Auspitz and Tom Richardson presented together regarding item 8.1 - Lands South of 419 Line 1 Road from the November 12, 2024 Committee of the Whole Planning minutes.

Mr. Auspitz and Mr. Richardson answered questions from Council.

15. RESPONSE TO DELEGATIONS FROM COUNCIL

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Maria Mavridis

That the minutes of the Committee of the Whole Planning meeting dated November 12, 2024 be approved save and accept item 8.1 Lands East and South of 419 Line 1 Road (No Municipal Address), CDS-24-161 to be withdrawn and voted on separately.

APPROVED

Council asked questions and discussed the motion.

Councillor Burroughs requested a recorded vote.

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Adriana Vizzari

That:

1. The Application for Official Plan Amendment (File No. OPA-02- 2024) for lands located east and south of 419 Line 1 Road and east of Concession 6 Road, BE APPROVED, and that the draft Official Plan Amendment, attached as Appendix IV, be forwarded to Council for adoption;
2. The Application for Zoning By-law Amendment (File No. ZBA-04- 2024) for lands located east and south of 419 Line 1 Road and east of Concession 6 Road, BE APPROVED, and that the draft Zoning By-law Amendment, attached as Appendix V, be forwarded to Council for adoption;
3. The Application for Draft Plan of Vacant Land Condominium ("The Haven") (File No. 26CD-18-24-02) for lands located east and south of 419 Line 1 Road and east of Concession 6 Road, attached as Appendix I to this report, BE APPROVED subject to the conditions contained in Appendix VI to this report; and
4. The Lord Mayor be authorized to ENDORSE the Draft Plan of Vacant Land Condominium ("The Haven") for lands located east and south of 419 Line 1 Road

and east of Concession 6 Road, as approved, 20 days after the notice of Council's decision has been given, provided that no appeals have been received.

Yea (7): Councillor Tim Balasiuk, Councillor Wendy Cheropita, Councillor Maria Mavridis, Councillor Adriana Vizzari, Councillor Erwin Wiens, Lord Mayor Gary Zalepa, and Councillor Andrew Niven

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

APPROVED (7 to 2)

16. PRESENTATIONS

17. CONSENT AGENDA

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

Moved by: Councillor Erwin Wiens

Seconded by: Councillor Maria Mavridis

That application nos. 2022-19 and 2023-00023 be deferred to December Council.

APPROVED

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Maria Mavridis

That Application Nos. 2022-00020, 2022-00021, 2023-00016, 2023-00019, 2023-00020, 2023-00024, 2023-00025, 2023-00026, 2024-00002, 2024-00003, 2024-00004 for cancellation, reduction or refund of taxes under Section 357 of the Municipal Act, 2001 be approved.

APPROVED

17.2 2025 Capital Budget, CS-24-024

Moved by: Councillor Erwin Wiens

Seconded by: Councillor Maria Mavridis

That:

1. Council approve the 2025 Capital Budget in the amount of \$17,215,239 as noted in "Appendix I" attached to this report; and

2. Council approve debenturing a total of \$5,052,607 relating to the following as part of the 2025 capital program: C02360 – Pump 1 Replacement (\$1,352,922); C02209/2519/2512 – Mississagua Street Reconstruction (Roads, Storm, Streetlighting - \$2,394,685); C02359 – Line 2 Road Culvert replacement (\$910,000); and C02506 – McNab Road Culvert replacement (\$400,000)

3. That the Capital By-Law attached hereto as Appendix V be approved and be forwarded to Council for adoption.

Moved by: Councillor Sandra O'Connor

Seconded by: Councillor Gary Burroughs

That item 17.2 - 2025 Capital Budget, CS-24-024 be deferred to a future meeting where there is an opportunity to discuss both the Capital and Operating Budget together.

APPROVED

18. INFORMATION PACKAGES

18.1 The Chamber of Commerce Letter re Request for Free Parking in Heritage District for Dec 2024

Moved by: Councillor Andrew Niven

Seconded by: Councillor Gary Burroughs

That Council hereby approves free parking during the month of December, 2024 in the Heritage District of the Town of Niagara-on-the-Lake.

APPROVED

19. COMMITTEES OF COUNCIL MINUTES

19.1 Municipal Heritage Committee Minutes - November 6, 2024

19.2 Committee of Adjustment Minutes - September 19, 2024

19.3 NOTL Public Library Board Meeting Minutes - June 19, 2024

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Maria Mavridis

That the minutes of the following meetings be approved:

19.1 Municipal Heritage Committee Minutes - November 6, 2024

19.2 Committee of Adjustment Minutes - September 19, 2024 and

19.3 NOTL Public Library Board Meeting Minutes - June 19, 2024.

APPROVED

20. MOTIONS

21. NOTICE OF MOTION

Councillor Mavridis gave a Notice of Motion regarding attaching a fee to Special Event permit.

Councillor Mavridis gave a Notice of Motion regarding an update of the Tree Bylaw.

22. NEW BUSINESS

Councillor Burroughs requested an update on the CAO hiring process.

23. BY-LAWS

23.1 By-law 2024-071 - Appointment of Dalton Maxwell MLE Officer

23.2 By-law 2024-072 - Water Distribution System

23.3 By-law 2024-073 - Court House Lease Agreement between Shaw Festival and Town of NOTL

23.4 By-law 2024-074 - Adopt 2025 Capital Budget

Deferred under item 17.2.

23.5 By-law 2024-075 - Council Proceedings November 26, 2024

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor Maria Mavridis

By-law 2024-071 - Appointment of Dalton Maxwell MLE Officer

By-law 2024-072 - Water Distribution System

By-law 2024-073 - Court House Lease Agreement between Shaw Festival and Town of NOTL

By-law 2024-077 - Lands South of 419 Line 1 Road

By-law 4316FU-24 - Lands South of 419 Line 1 Road

By-law 2024-075 - Council Proceedings November 26, 2024

APPROVED

24. ADJOURNMENT

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Tim Balasiuk

That Council adjourn at 8:54 p.m. to the Special Council meeting slated for November 27, 2024.

APPROVED