

# Town of Niagara-on-the-Lake Minutes

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**May 30, 2022, 5:00 p.m.**

Council Members Present: Lord Mayor Betty Disero, Councillor Norm Arsenault, Councillor Allan Bisback, Councillor Gary Burroughs, Councillor Clare Cameron, Councillor Wendy Cheropita, Councillor Sandra O'Connor, Councillor Erwin Wiens, Councillor John Wiens

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## **1. CALL TO ORDER**

Lord Mayor Betty Disero called the meeting to order at 5 p.m.

## **2. O'CANADA**

## **3. FOCUS STATEMENT**

## **4. ADOPTION OF THE AGENDA**

The following members requested to speak under New Business: Lord Mayor Betty Disero, Councillors Norm Arsenault, Gary Burroughs and Wendy Cheropita.

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Allan Bisback

that the agenda be adopted, as amended.

-resolution #1

**APPROVED**

## **5. CONFLICT OF INTEREST**

### **5.1 355 Mary Street**

Lord Mayor Betty Disero previously declared a conflict of interest with Items No 7.2 and 11.1.2 of the May 16, 2022 Committee of the Whole Agenda.

### **5.2 786 Concession 1 Road**

Councillor Erwin Wiens previously declared a conflict of interest with Item Nos. 9.2.8 and 9.2.9 of the May 16, 2022 Committee of the Whole Agenda.

## **6. CLOSED SESSION**

At 5:09 p.m. the following was read in open session.

Councillor Clare Cameron joined the meeting at 5:10 pm.

Moved by: Councillor Norm Arsenault

Seconded by: Councillor Allan Bisback

that Council proceed to go into a closed meeting to consider matters that qualify under the Municipal Act 2001, as amended:

Closed meeting under Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose specifically regarding Dyck Lane;

Closed meeting under Section 239(2)(k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board specifically regarding 468 Niagara Stone Road.

-resolution #2

## **APPROVED**

## **7. RISE FROM CLOSED SESSION**

At 6:18 p.m. the following was read in open session.

Moved by: Councillor Norm Arsenault

Seconded by: Councillor Clare Cameron

that Council rise from closed session that considered matters that qualify under the Municipal Act 2001, as amended:

Closed meeting under Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose specifically regarding Dyck Lane;

Closed meeting under Section 239(2)(k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or

on behalf of the municipality or local board specifically regarding 468 Niagara Stone Road.

-resolution #3

**APPROVED**

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

- (1) Committee of the Whole - Planning Meeting - June 6, 2022
- (2) Committee of the Whole - General Meeting - June 13, 2022
- (3) Council Meeting - June 20, 2022

Meeting times can be subject to change. For more detailed information, please visit the Town's website at [www.notl.com](http://www.notl.com) or contact the office at 905-468-3266.

**9. COUNCIL MINUTES**

**9.1 April 25, 2022**

Moved by: Councillor Gary Burroughs

Seconded by: Councillor John Wiens

that the Council Minutes of April 25, 2022 be approved.

-resolution #4

**APPROVED**

**10. MOTION**

**10.1 Cenotaph 100 Year Anniversary**

A polled vote was called by Lord Mayor Betty Disero.

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Wendy Cheropita

WHEREAS Niagara-on-the-Lake Legion Branch 124, has sought to obtain Council's support for the 100 year Anniversary of the Town Cenotaph, and

WHEREAS the Legion has submitted a special event application for the ceremony to be held on June 4, 2022, with an anticipated attendance of 250 people or more; and

WHEREAS they are planning a parade on Queen Street in front of the cenotaph, including the welcoming of dignitaries, a military review and a

service of remembrance which will require a resolution of the Council to permit a road closing;

NOW THEREFORE BE IT RESOLVED that Council declare the event to be of municipal significance and permit the closing of portions of Queen Street, King Street (Queen to Front) and Front Street (King to Regent) and the Market Street Parking Lot to permit the ceremony scheduled to run from 10 a.m. to 12:30 p.m.; and

THAT staff be instructed to implement the closing,

AND FURTHER that staff work with the businesses to remove the A-frame signs.

-resolution #5

	Yea	Nay
Lord Mayor Betty Disero	X	
Councillor Norm Arsenault	X	
Councillor Allan Bisback	X	
Councillor Gary Burroughs	X	
Councillor Clare Cameron	X	
Councillor Wendy Cheropita	X	
Councillor Sandra O'Connor	X	
Councillor Erwin Wiens	X	
Councillor John Wiens	X	
Results	9	0

APPROVED (9 to 0)

11. DELEGATIONS

11.1 Non- Agenda Delegation

11.2 Agenda Delegation

11.2.1 Thomas Richardson, John Sobot & Aaron Butler

Moved Councillor Erwin Wiens, seconded by Councillor John Wiens that Community & Development Services Report CDS-22-025 be lifted for discussion.

**APPROVED.**

that the recommendations contained in Community & Development Services Report CDS-22-025 - 1014 Queenston Road & East Side Concession 5 Road be approved as follows:

1.1 The application for Official Plan Amendment (File No. OPA-05-2021) for lands known municipally as 1014 Queenston Road and ES Concession 5 Road be approved;

1.2 The draft Official Plan Amendment, attached as Appendix IV to this report, be forwarded to Council for adoption;

1.3 The application for Zoning By-law Amendment (File No. ZBA-10-2021) for lands known municipally as 1014 Queenston Road and ES Concession 5 Road be approved; and

1.4 The draft Zoning By-law Amendment, attached as Appendix V to this report, be forwarded to Council for adoption.

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Norm Arsenault

-resolution #6

**APPROVED**

**12. RESPONSE TO DELEGATIONS FROM COUNCIL**

**13. PRESENTATIONS**

**14. UPDATE by the CAO**

Marnie Cluckie, Chief Administrative Officer provided an update on the following:

- Pride Month flag raising
- Splash pad opening June 1st; Wading Pool June 18th; Niagara Pool June 18 and St. Davids Pool June 30th
- Traffic increased by 3.5% over the weekend
- Enforcement Initiatives for May 21 - May 27 - 421 Parking tickets issued; 9 clean yard investigation, 1 grading investigation and 1 AMPS fine for clean yards
- No report coyote sightings from May 24 - May 30
- New Municipal website & website statistics

- Projects & Initiatives page & construction project web application
- eScribe
- Events - Earth Day, Ambassador Program, EU Day, Step Challenge, Cenotaph Centennial Celebration, 13 for 13 Festival, Strawberry Social & Park Hop, Tourism Week and National Accessibility Week

## **15. COMMITTEE MINUTES & REPORTS**

### **15.1 Committee of the Whole Planning & General Minutes - May 16, 2022**

Lord Mayor Betty Disero declared a conflict on this item. (Lord Mayor Betty Disero previously declared a conflict of interest with Items No 7.2 and 11.1.2 of the May 16, 2022 Committee of the Whole Agenda.)

Councillor Erwin Wiens declared a conflict on this item. (Councillor Erwin Wiens previously declared a conflict of interest with Item Nos. 9.2.8 and 9.2.9 of the May 16, 2022 Committee of the Whole Agenda.)

Lord Mayor Betty Disero previously declared a conflict of interest with 355 Mary Street as she owns property within the notice area. She did not take part in any discussion or vote on those matters.

Councillor Erwin Wiens previously declared a conflict of interest with 786 Concession 1 Road as he owns property within close proximity to the subject lands. He did not take part in any discussion or vote on those matters.

Moved by Councillor Wendy Cheropita, seconded by Councillor John Wiens that Items 10.2.8 & 10.2.9 with respecting to 786 Concession 1 Road be approved.

**APPROVED.**

Moved by Councillor Sandra O'Connor, seconded by Council Gary Burroughs that Corporate Services Report CS-22-007 - Final Tax Rates and Waste Management Fees be approved.

**APPROVED.**

Moved by Councillor Al Bisback, seconded by Councillor Norm Arsenault that Items 6.2 & 10.1.1 regarding 355 Mary Street be approved.  
**APPROVED.**

The balance of the minutes were voted on and approved.

that the minutes of the Committee of the Whole Planning & General Meeting of May 16, 2022 be approved.

Moved by: Councillor Allan Bisback  
Seconded by: Councillor Norm Arsenault

-resolution #7

**APPROVED**

**15.2 CDS-22-025 - 1014 Queenston Road & East Side Concession 5 Road  
Official Plan Amendment Application OPA-05-2021  
Zoning By-law Amendment Application ZBA-10-2021**

Community & Development Services Report CDS-22-025 - 1014  
Queenston Road & East Side Concession 5 Road was lifted, discussed  
and approved under Agenda Delegations Item No. 11.2.1.

**16. BY-LAWS**

that leave be given to introduce By-law Nos. 5357-21 (third reading only), 4308AN-22, 4955A-22, 5302A-22, 5231A-22, 5417-22, 5418-22, 5419-22, 5420-22, 5421-22, 5422-22, 5423-22 5424-22, 5425-22, 5426-22, 4316BL(1)-22, 5427-22, 500XW-22, 5428-22 and that the same be considered read a third time and passed any ruling of this Council to the contrary notwithstanding.

Moved by: Councillor Sandra O'Connor  
Seconded by: Councillor John Wiens

-resolution #8

**APPROVED, AS AMENDED**

**17. CORRESPONDENCE AND MOTIONS**

The following was lifted for discussion:

Item No. 17.1.3 - Rainbow Crosswalk and Benches Pubic Consultation Survey  
Item No. 17.2.1 - Notice - Public Input Session  
Item No. 17.2.2 - Ltr re Erin Montanaro

Item No. 17.3.2 - Library Board Minutes

Item No. 17.5.2 - St. Davids Ratepayers Association re St. Davids Pool  
Fundraising Committee

Item No. 17.5.3 - World Hepatitis Day

Moved by: Councillor Wendy Cheropita

Seconded by: Councillor John Wiens

-resolution #9

## **APPROVED**

### **17.1 Information Reports**

17.1.1 By-law Enforcement Metrics – April 2022, CS-22-010

17.1.2 By-law(s) on Agenda without Accompanying Report - CS-22-013

17.1.3 Rainbow Crosswalk and Benches - Public Consultation Survey -  
CAO-22-004

### **17.2 Staff Correspondence**

17.2.1 Notice - Public Input Session - 200 John Street East & 588  
Charlotte Street

17.2.2 Ltr re Erin Montanaro - Property Standards & MLE Officer

### **17.3 Committees of Council Minutes**

17.3.1 Environmental Advisory Committee - May 4, 2020

17.3.2 Library Board Minutes - March 2022

### **17.4 Other Municipal Correspondence**

17.4.1 Niagara Falls - Notice of Adoption - OPA No. 142 & Zoning By-laws  
2022-45 to 2022-49

17.4.2 Rainy River resolution re Connecting Links in small or rural  
municipalities

17.4.3 Cambridge resolution re Free Public Transportation on Election  
Days

17.4.4 Brantford resolution re documents related to the former Mohawk  
Institute Residential School

17.4.5 Espanola resolution re Russian Sanctions



## **17.5 Miscellaneous Correspondence**

17.5.1 United Way Niagara - Period Promise Campaign

17.5.2 St. Davids Ratepayers Association - St. Davids Pool Fundraising Committee

17.5.3 World Hepatitis Day - Proclamation Request 2022

## **18. NOTICE OF MOTION**

### **18.1 Ward System**

WHEREAS Section 222 of the Municipal Act, 2001, as amended, provides a municipality with the authority to divide or redivide the municipality into wards,

AND WHEREAS the Town of Niagara-on-the-Lake continues to increase in population at an above average pace and may benefit from individual ward representation,

AND WHEREAS during the 2018 municipal election, numerous residents indicated a preference for a ward system that would address the goal of effective representation by population taking into account the rural nature of Niagara-on-the-Lake; accountability of Councillors; ease of access to a specific representative; representation of community interests that may vary by the different urban and rural areas of Niagara-on-the-Lake.

THEREFORE BE IT RESOLVED that the new Council, once organized, consider undertaking a review of the proposal to establish a ward system for Niagara-on-the-Lake, such review to include a robust public consultation process. First Capital.

Moved by: Councillor Norm Arsenault

Seconded by: Councillor Allan Bisback

-resolution #10

**APPROVED, AS AMENDED**

### **18.2 Parking By-law Amendment - Schedule S**

This motion was deferred to the next cycle of Council.

### 18.3 Noise By-law Amendment

WHEREAS Council has deemed it prudent to amend By-law No. 4588-12 - A By-law to Prohibit and Regulate Noise in The Town of Niagara-on-the-Lake, to provide for any emission of sound or vibration on Town of Niagara-on-the-Lake (the "Town") owned properties arising from sporting or recreational activities;

THEREFORE BE IT RESOLVED that Noise By-law 4588-12 be amended by adding the following paragraph to Schedule A:

7. Any emission of sound or vibration on Town of Niagara-on-the-Lake (the "Town") owned properties arising from sporting or recreational activities, as approved by the Director of Operations or delegate for the Town, during the hours of 7:00 a.m. to 11:00 p.m., provided that the Director of Operations or delegate for the Town may further restrict the hours for any specific sporting or recreational activity.

*AND FURTHER that staff develop a policy to mitigate noise.*

Moved by: Councillor Erwin Wiens

Seconded by: Councillor Allan Bisback

that Section 2.2 of Town's Procedural By-law No. 5125-19, as amended, be applied, that the rules and procedures contained herein may be suspended, at such times and upon such conditions as may be deemed appropriate, by an affirmative vote of Two Thirds of Council, in order for a motion to reconsider the Noise By-law Amendment be heard.

	Yea	Nay
Lord Mayor Betty Disero	X	
Councillor Norm Arsenault	X	
Councillor Allan Bisback	X	
Councillor Gary Burroughs	X	
Councillor Clare Cameron	X	X
Councillor Wendy Cheropita	X	
Councillor Sandra O'Connor	X	X
Councillor Erwin Wiens	X	
Councillor John Wiens	X	X

**Results**

**6**

**3**

**APPROVED (6 to 3)**

Moved by: Councillor Erwin Wiens

Seconded by: Councillor Allan Bisback

WHEREAS Council has deemed it prudent to amend By-law No. 4588-12 - A By-law to Prohibit and Regulate Noise in The Town of Niagara-on-the-Lake, to provide for any emission of sound or vibration on Town of Niagara-on-the-Lake (the "Town") owned properties arising from sporting or recreational activities;

THEREFORE BE IT RESOLVED that Noise By-law 4588-12 be amended by adding the following paragraph to Schedule A:

7. Any emission of sound or vibration on Town of Niagara-on-the-Lake (the "Town") owned properties arising from sporting or recreational activities, as approved by the Director of Operations or delegate for the Town, during the hours of 7:00 a.m. to 11:00 p.m., provided that the Director of Operations or delegate for the Town may further restrict the hours for any specific sporting or recreational activity.

*AND FURTHER that staff develop a policy to mitigate noise.*

-resolution #11

	<b>Yea</b>	<b>Nay</b>
Lord Mayor Betty Disero	X	
Councillor Norm Arsenault	X	
Councillor Allan Bisback	X	
Councillor Gary Burroughs	X	
Councillor Clare Cameron	X	X
Councillor Wendy Cheropita	X	
Councillor Sandra O'Connor	X	X
Councillor Erwin Wiens	X	
Councillor John Wiens	X	X
<b>Results</b>	<b>6</b>	<b>3</b>

**19. NOTICE OF MOTION**

**19.1 Notice of Motion - Niagara Health Care System**

**20. NEW BUSINESS**

Discussion took place with regard to the following:

- TMP - 30 day consultation
- Dock Area times - drainage issues & parking lots
- Official Plan update
- Secondary Suites
- Fleet review update - speed minders
- Grinder Pump update
- STR Recommendation update
- Irrigation update
- OnDemand Transit

Moved by: Councillor Allan Bisback

Seconded by: Councillor Norm Arsenault

that Section 2.2 of Town's Procedural By-law No. 5125-19, as amended, be applied, that the rules and procedures contained herein may be suspended, at such times and upon such conditions as may be deemed appropriate, by an affirmative vote of Two Thirds of Council, in order to permit a discussion regarding OnDemand Transit Service to be heard.

**APPROVED**

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Allan Bisback

THAT Council approve the extension of hours of OnDemand Transit Service in Niagara-on-the-Lake to include Monday to Saturday until 10:00 p.m.;

THAT funding for the extension of service be provided from the Parking Reserves; and

THAT the matter also be referred to staff to consult the Chamber of Commerce and large employers.

- resolution #12

## **APPROVED**

### **21. LORD MAYOR'S REPORT, ANNOUNCEMENTS AND REMARKS**

Lord Mayor Betty Disero report the following:

- March 29th - attended Joseph Winery for a Ukrainian fundraiser
- May 12th Councillor O'Connor attended Music Niagara concert for Ukraine
- May 9th - EU Day with Councillors Wiens, Bisback, O'Connor and Burroughs hosted approximately 20 Consulate Generals from Europe
- March 29th - Coffee with the Lord Mayor with guest was Marnie Cluckie, CAO
- April 9th - Willowbank School of Restoration Graduation Ceremony
- April was filled with Environmental Action and Clean ups: April 23rd - Niagara on the Green, April 29th - the Village Residents, April 30th - Horticultural Society Park at William and Nassau, May 1st - Beach Clean up and May 8th - LMYAC, St David Lions Park
- April 26th - Coffee with the Lord May with guest Minerva Ward, President of the Chamber
- April 28th - address the State of the Town with the Chamber
- May 1st - Central Community Church ribbing cutting
- May 1st - Battle of the Atlantic with Councillor Bisback
- May 4th - Negro Burial Ground with Councillors Arsenault, Bisback, Burroughs and O'Connor
- May 10th - visit from Ambassador Vasilis Philippou of Cypress
- May 14th - NOTL Lawn Bowling Club throwing the first ball
- May 18th - Niagara on the Hill Ottawa
- There has been much launching, unveiling and celebration regarding the 2022 Canada Summer Games launching, unveiling & celebrations: The sports park in St Catharines/Thorold was opened April 22, April 28th medal reveal up at Ravine Vineyards with Councillor Bisback and Burroughs. July 30th Torch Relay will come through NOTL
- May 27th - visit from the Ambassador of Poland - "help Poland, help Ukraine"
- May 30th - Pride Month Flag raising
- June 4th - 100th Anniversary of the Cenotaph and the Queens Jubilee
- June 2nd at 2:00pm - Court House - Proclaimed along with Town Cryer the Queens Jubilee

**22. MEMBERS' ANNOUNCEMENT**

**23. PROCEEDINGS BY-LAW**

Moved by: Councillor Gary Burroughs

Seconded by: Councillor John Wiens

that leave be given to introduce By-law No. 5429-22 and that the same be considered read a first, second and third time and passed any ruling of this Council to the contrary notwithstanding.

-resolution #13

**APPROVED**

**24. ADJOURNMENT**

Moved by: Councillor Gary Burroughs

Seconded by: Councillor Wendy Cheropita

that this Council adjourn to the next regular meeting of June 20, 2022 and if a special meeting is required, it will be held at the call of the Lord Mayor.

-resolution #14

**APPROVED**