



## COUNCIL MEETING MINUTES

Monday May 13, 2019

06:27 PM

### **PRESENT:**

Lord Mayor Betty Disero, Councillors: Gary Burroughs, Norm Arsenault, Al Bisback, Clare Cameron, Wendy Cheropita, Stuart McCormack, Erwin Wiens, John Wiens

### **REGRETS:**

### **STAFF:**

Holly Dowd	Chief Administrative Officer
Peter Todd	Town Clerk
Victoria Butters	Deputy Clerk
Rolf Wiens	Manager of Enforcement/ Building Services
Rick Wilson	Manager of Planning
Sheldon Randall	Director Operations Services
Kyle Freeborn	Treasurer/ Director of Corporate Services (A)
Fred Cervantes	Manager of Information Technology

### **OTHERS:**

### **MEDIA:**

Penny Coles	The Niagara-on-the-Lake Local
Suzanne Mason	St. Catharines Standard
Dariya Baiguzhiyeva	The Lake Report

### **CALL TO ORDER:**

Lord Mayor Betty Disero called the meeting to order at 6:27 p.m.

## **FOCUS STATEMENT:**

Councillor Stuart McCormack opened the meeting with the focus statement.

## **O'CANADA:**

Council, staff and all those present sang O'Canada.

## **ADOPTION OF THE AGENDA:**

(New Business Items and Notice of Motions to be introduced)

The following Council members requested to add items, speak or provide Notice of Motion under New Business:

- Item (3) Report CS-19-012B Council and Staff Relations Policy; and By-law 5149-19 were removed from the agenda
- Lord Mayor Betty Disero added the Dock Area potential flooding and shoreline protection update, and Town of Aurora motion
- Councillor Norm Arsenault added By-law 5157-19 Heavy Motor Vehicle Prohibition

Moved by Councillor Norm Arsenault, seconded by Councillor Clare Cameron that the agenda be adopted, as amended.

**APPROVED.**

## **CONFLICT OF INTEREST:**

There were no conflicts of interest declared at this time.

## **NEXT COMMITTEE OF THE WHOLE AND COUNCIL MEETING DATES:**

(Clerk to announce the dates)

The next Committee of the Whole meeting is scheduled for Monday, June 3, 2019, at 6:00 p.m. The next Council Meeting is scheduled for Monday, June 10, 2019, at 6:00 p.m.

All delegation requests will be reviewed by the Clerk and included whenever possible. The deadline for non-agenda delegation requests is no later than 12:00 p.m. on the Thursday prior to the COTW or Council meeting, and for delegations wishing to speak to a staff report listed on a published agenda submissions must be received by 12:00 p.m. on the day

of the scheduled meeting.

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.

## **MINUTES:**

### **Clerk to read the resolution to adopt minutes**

- (1) Council Meeting Minutes dated April 8, 2019

Council agreed to make two corrections to the April 8, 2019 Council Meeting minutes.

-resolution #1, **APPROVED, AS AMENDED, APRIL 8, 2019  
COUNCIL MEETING MINUTES.**

- (2) Special Council Meeting minutes dated April 29, 2019

-resolution # 2, **APPROVED APRIL 29, 2019 SPECIAL COUNCIL  
MEETING MINUTES.**

## **DELEGATIONS:**

At Clerk's discretion, delegations will be added

### *Non-Agenda Delegation*

- (1) Louis Lavoie, Field Unit Superintendent, Parks Canada  
Niagara National Historic Site Management Plan

Louis Lavoie Parks Canada, accompanied by Lisa Curtis, National Historic Site, thanked Council for the opportunity to speak about Parks Canada Management Plan.

Mr. Lavoie referred to a presentation and highlighted the following:

- 2018 Management Plan
  - Strategies
  - Management Area
- Collaboration Opportunities

Mr. Lavoie answered questions of Council and Lord Mayor Betty Disero thanked him for coming forward.

- (2) Ron Tripp, Acting CAO Niagara Region

## Niagara-on-the-Lake Wastewater Treatment Plant Decommissioning Project Update

Mr. Tripp introduced the Niagara-on-the-Lake Waste Water Treatment Plant Decommissioning Project Update and highlighted the following:

- Existing Niagara-on-the-Lake Wastewater Treatment Plant
- Decommissioning Existing WWTP Preferred Option
- Rehabilitated Site Features
- Estimated Timing of the Project

Mr. Tripp answered questions of Council and Lord Mayor Betty Disero thanked him for coming forward.

- (3) David Heyworth, Niagara Region, Official Plan Policy Consultant  
Creating a New Regional Official Plan - Spring 2019 Update

David Heyworth thanked Council for the opportunity to present the Niagara Official Plan and referred to a presentation highlighting the following:

- Process to Create the New Official Plan
- Growth Management
- Rural and Natural Systems
- Consultation Overview
- Primary Framework for New Official Plan

David Heyworth answered questions of Council and Lord Mayor Betty Disero thanked him for coming forward.

- (4) Sean Norman, Niagara Region, Senior Planner  
Natural Environment Background Study for the Regional Official Plan

Sean Norman introduced the Natural Environment work Program - New Niagara Official Plan, and highlighted the following:

- Scope for Natural Environment Work Program
- Natural Environment Background Study
- Interaction with Agriculture
- Woodlands
- Climate Change & Invasive Species
- Watershed Planning
- Ongoing Consultation and Engagement

Sean Norman answered questions of Council and Lord Mayor Betty

Disero thanked him for coming forward.

- (5) Rainer Hummel, Hummel Properties Inc.  
Affordable Housing Apartment Buildings

Rainer Hummel introduced the Affordable Rental Housing (Apartment Buildings) concept/plans for his land located in Virgil. He referred to an electronic presentation and highlighted affordable rental housing opportunities in Virgil.

Mr. Hummel answered questions of Council and Lord Mayor Betty Disero thanked him for coming forward.

### *Agenda Delegation*

- (1) Applications for Cancellation, Reduction or Refund of Taxes under Section 357 of the Municipal Act, 2001

The Clerk asked if anyone was in attendance to speak to the 357 Applications. No one came forward to speak.

-resolution #3, **APPROVED 357 APPLICATIONS.**

- (2) Robert Begin  
78 Four Mile Creek Road, Site Plan Agreement

Robert Begin thanked Council for the opportunity to speak about the proposed site plan agreement for his property at 78 Four Mile Road. Mr. Begin provided background information about his family history in the community, as well as restoration and repurposing of the shed, including its importance and significance to St. Davids. In closing, Mr. Begin stated he looked forward to doing something for the St. Davids Community, and Lord Mayor Betty Disero thanked him for coming forward.

- (3) Tom Richardson and Anne Just  
CDS-19-016 16006 Niagara River Parkway (Kurtz Orchards)  
Removal of Holding Symbol

Mr. Richardson stated he was present with Anne Just, Kurtz Orchard, and provided background information from the May 6th Committee of the Whole meeting. Mr. Richardson asked Council to reconsider that decision, and provided an update as to the current status of the property; staff and consultant's report; meeting with senior staff; and

steps taken to comply. In closing, Mr. Richardson requested that Council reconsider the COTW decision.

Anne Just spoke to the Kurtz Orchards property; compliance; site specific by-law; and new septic system investment. In closing, Ms. Kurtz requested that Council vote in favour of approving Report CDS-19-016.

The delegates answered questions of Council and Lord mayor Betty Disero thanked them for coming forward.

## **RESPONSE TO DELEGATIONS FROM COUNCIL:**

At this time Lord Mayor Betty Disero read the proclamation to declare Saturday June 22 & 23, 2019 "Laura Secord Weekend."

### **(1) Affordable Housing Apartment Buildings**

Moved by Councillor John Wiens, seconded by Councillor Al Bisback that the delegation received by Rainer Hummel be referred to staff and the Town's Economic Development Committee for comment and report to a future Council meeting.

**APPROVED.**

### **(2) New Regional Official Plan**

Rick Willson, Manager of Planning provided an update and answered questions from Council specifically related to the timing on the review by the Region on the Regional Official Plan and how it relates to the Town's Official Plan Update.

## **COMMITTEE REPORTS:**

### **(1) Committee of the Whole Meeting Minutes - May 6, 2019**

The following reports were lifted for discussion and voted on separately:

#### **Report CDS-19-016 File No. ZBA-03-2019 - 16006 Niagara River Parkway (Kurtz Orchards) - Removal of Holding Symbol**

Moved by Councillor Clare Cameron, seconded by Councillor Al Bisback:

Set aside the recommendations from COTW, and that Council approve the report as recommended by staff; and that the following be included in the recommendations:

1.3 the property owner be required to sign an undertaking to the effect that the owner will comply with the zoning requirements on the property, no more than the 24 maximum events be permitted on the property, and any other applicable Town By-laws.

**APPROVED.**

Report CDS-19-016 File No. ZBA-03-2019 - 16006 Niagara River Parkway (Kurtz Orchards) - Removal of Holding Symbol was voted on, as amended, and approved.

### **Report CS-19-017 Request for Proposals (RFP) for a Business Process and Operations - Improvement Plan**

Moved by Councillor Clare Cameron, seconded by Councillor Wendy Cheropita that recommendations contained in Report CS-19-017 be amended to include:

1.1 That staff develop an RFP for consulting services to provide the following; *treating below as suggested content to be in scope:*

1. Service Delivery Review - identifying opportunities to modernize and streamline services, ~~maximize efficiency and establish shared services agreements with the Region or other local area municipalities~~ *reduce costs and examine the effectiveness and efficiency and value of services. Investigate opportunities for shared services agreement where appropriate.*

2. Business Process Analysis - putting external stakeholders, customers and residents at the centre of process design.

3. Technology Strategy - prioritizing proposed software purchases and the creation of a new Town website, and recommending how to best utilize new and emerging technologies. *Improve Customer Service: Apply a service based lens to the structure and identify opportunities to improve service outcomes. Review and improve all digital communications channel. \*Broad based experience including Municipal Public Sector.*

4. Reduce Future Costs - identifying opportunities to save money, and maximise value of services provided.

And that the successful proponent:

- where appropriate, applies the principles and methods of customer journey mapping

- identifies where e-form functionality may assist in achieving service excellence and efficiency

- facilitates stakeholder engagement with Town Staff, Council, local business owners, advisory committees and members of the public

- considers the background information provided in report CS-19-017

- applies best practices and industry standards to support service excellence

- provides a written report with recommendations and an Implementation Plan that can begin as soon as possible and be realistically completed by 2022

- includes a 3 year capital and operating budget projection and funding needs analysis based on potential impact of recommendations

- during the course of engagement, communicates progress regularly to Council

- achieves alignment with the Town's new strategic plan

The successful proponent will have expertise in process analysis, customer service and change management;

And that experience working with municipal and public sector organizations will be preferred, but not an exclusive requirement;

And that the draft RFP will be remitted to Council for review before issue.

- 1.2 That the one-time payment received from the Ministry of Municipal Affairs and Housing aimed at becoming more efficient and modernized be used to fund the initiative.

**APPROVED.**

Report CDS-19-017 Request for Proposals (RFP) for a Business Process and Operations - Improvement Plan was voted on, as amended, and approved.

The balance of the May 6, 2019 Committee of the Whole Meeting minutes was voted on and approved.

-resolution #4, **APPROVED, AS AMENDED, MAY 6, 2019 COMMITTEE OF THE WHOLE MEETING MINUTES.**

- (2) Municipal Heritage Committee Meeting Minutes - April 9, 2019

-resolution #5, **APPROVED APRIL 9, 2019 MUNICIPAL HERITAGE COMMITTEE MEETING MINUTES.**

- (3) Report CS-19-012B Council and Staff Relations Policy

Report CS-19-012B was previously removed under adoption of the agenda.

- (4) Report CS-19-016A Special Event Application - Rotary Rocks Picnic - July 30, 2019

-resolution #6, **APPROVED RECOMMENDATIONS CS-19-016A.**

#### **BY - LAWS:**

**Clerk to introduce the by-laws before Council**

**Clerk to read resolution(s) for readings of by-laws**

(by-laws and agreements are available for viewing in the Clerk's Department)

#### **5124-19 - For third reading only**

A by-law to provide for a drainage works in the Town of Niagara-on-the-Lake, in the Regional Municipality of Niagara, to be known as the Lavigne Drain (Section 65 Schedule Update & Realignment on Neuman Property)

By-law 5124-19 was lifted for third and final reading and approved.

-resolution #7, **BY-LAW RECEIVED THIRD READING.**

**5096A-19** - A by-law to amend By-law 5096-18 to authorize a site plan agreement between The Corporation of the Town of Niagara-on-the-Lake and David Norman Jones and Ryan Jones and Niagara North Standard Condominium Corporation No. 221

**5139A-19** - A by-law to amend By-law 5139-19 being a by-law to regulate the destruction or injuring of trees on private property in the urban areas of the municipality

Councillor Norm Arsenault requested that By-law 5139A-19 be lifted for discussion and voted on separately.

Moved by Councillor Norm Arsenault, seconded by Councillor Clare Cameron that all ash trees be removed from the list identified in Schedule 'C'.

**APPROVED.**

Moved by Councillor Clare Cameron, seconded by Councillor Erwin Wiens for the removal of the replanting numbers based on diameters.

**DEFEATED.**

By-law 5139A-19 was voted on, as amended, and approved.

**5145-19** - Deferred from April 8th Council Meeting

A by-law to authorize a site plan agreement between The Corporation of the Town of Niagara-on-the-Lake and 1346700 Ontario Limited (78 Four Mile Creek Road)

Councillor Wendy Cheropita requested the By-law 5145-19 be lifted for discussion and voted on separately.

By-law 5145-19 was voted on and approved.

**5149-19** - Deferred from April 8th Council Meeting

A by-law to enact a Corporate Policy - Council and Staff Relationship - for The Corporation of the Town of Niagara-on-the-Lake

By-law 5149-19 was previously removed under adoption of the agenda and did not receive any readings.

**5151-19** - A by-law to assume municipal services including the acceptance of primary, secondary and tertiary services in The Village Phase I of

Garrison Village Phase III, Plan 30M-386

**5152-19** - A by-law to assume municipal services including the acceptance of primary, secondary and tertiary services in Phase 2 of Garrison Village Phase III, Plan 30M-402

**5153-19** - A by-law to appoint Thomas Mingle as a Municipal Law Enforcement Officer for The Corporation of the Town of Niagara-on-the-Lake

**5154-19** - A by-law to authorize a development agreement between The Corporation of the Town of Niagara-on-the-Lake and The Orchards On Creek Inc.(Legacy Landing)

Councillor Norm Arsenault requested that By-law 5154-19 be lifted for discussion and voted on separately.

Moved by Councillor Norm Arsenault, seconded by Councillor Al Bisback that section 2.10 be amended to include "streetlighting":

“The Owners will be responsible for the following services once all units are sold: storm and sanitary sewers, water infrastructure including fire hydrant maintenance, curb and gutter maintenance, asphalt maintenance and snow removal *and street lighting.* ”

**APPROVED.**

By-law 5154-19 was voted on, as amended, and approved.

**5155-19** - A by-law to regulate private outdoor swimming pools, hot tubs and swimming pool enclosures in the Municipality and to rescind By-law 803-77

Councillor Norm Arsenault requested that By-law 5155-19 be lifted for discussion and voted on separately.

Moved by Councillor Norm Arsenault, seconded by Councillor Stuart McCormack that 5.3.1 The provisions of By-law 803-77, as amended, shall continue to apply to any existing swimming pool enclosure in good repair that is in compliance with By-law 803-77 until six (6) months after the passing of this by-law, at which point in time the provisions of this By-law shall apply.

-resolution #8, **APPROVED.**

By-law 5155-19 was voted on, as amended, and approved.

**5156-19** - A by-law of The Corporation of the Town of Niagara-on-the-Lake for the management, regulation, control and maintenance of Niagara Lakeshore Cemetery and to repeal By-law 721-76 and By-law 2580-93

**5157 - 19** - A by-law to regulate heavy motor vehicle traffic on highways under the jurisdiction of the Town of Niagara-on-the-Lake.

The balance of the by-laws was voted on and approved.

-resolution #9, **BY-LAWS, AS AMENDED, RECEIVED THREE READINGS.**

**CORRESPONDENCE AND MOTIONS:**  
**Clerk to read resolutions**

1. The following resolution(s) be adopted:

- (a) Councillor John Wiens  
Financial Implications for Councillor Motions

-resolution #10, **APPROVED, AS AMENDED.**

- (b) Lord Mayor Betty Disero  
Draft Official Plan and Community Planning Permit System

-resolution #11, **APPROVED.**

- (c) Lord Mayor Betty Disero  
Council Expense Policy

-resolution #12, **APPROVED.**

- (d) Councillor Gary Burroughs  
Street Lighting Policy

-resolution #13, **APPROVED.**

- (e) Councillor Clare Cameron  
Development Charges and Incentive Programs

-resolution # 14, **APPROVED.**

- (f) Councillor Clare Cameron

Bill 108 and Heritage Funding

-resolution #15, **APPROVED.**

Moved by Councillor Gary Burroughs, seconded by Councillor Al Bisback that the meeting be extended to 11:00 p.m.

**APPROVED.**

- (g) Councillor Gary Burroughs  
Queenston Village Vehicle Weight Restrictions

-resolution #16, **APPROVED.**

Moved by Councillor Clare Cameron, seconded by Councillor Al Bisback that under section 2.2 of the Town's Procedure By-law, the rules be temporarily suspended in order to extend the Council meeting, to be approved by a two-thirds majority of Council.

**DEFEATED.**

- (h) Councillor Norm Arsenault  
Single Use Plastics

Due to the meeting adjourning at 11:00 p.m., this item was referred to the May 18, 2019 Special Council meeting.

2. Information Package(s):

- May 9, 2019

Council lifted the following items from the Information Package for discussion:

Item 2 - Visual Work Plan

Item 7 - Media Advisory - Communities in Bloom Project Announcement

-resolution #17, **RECEIVED MAY 9, 2019 INFORMATION PACKAGE FOR INFORMATION.**

**NEW BUSINESS:**

New Business may be introduced at a regular Meeting under adoption of the Agenda. Items of direction to staff must be in the form of a motion.

(1) Council Resolution - Opposition to Bill 108

Moved by Councillor Norm Arsenault, seconded by Councillor Gary Burroughs that under section 2.2 of the Town's Procedure By-law, the rules be temporarily suspended in order to allow for the addition of an item to the Council meeting, specifically a motion regarding Opposition to Bill 108, to be approved by a two-thirds majority of Council.

**APPROVED.**

Moved by Councillor Norm Arsenault, seconded by Councillor Gary Burroughs

WHEREAS the legislation that abolished the OMB and replaced it with LPAT received unanimous support from all parties; and

WHEREAS all parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and

WHEREAS Bill 108 will once again allow an unelected, unaccountable body to make decisions on how our communities evolve and grow; and

WHEREAS on August 21, 2018 Minister Clark once again signed the MOU with the Association of Municipalities of Ontario and entered into "...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government."; and

WHEREAS this MOU is "enshrined in law as part of the Municipal Act" and recognizes that as "...public policy issues are complex and thus require coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest"; and

WHEREAS by signing this agreement, the Province made "...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact"; and

WHEREAS Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental

Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

NOW THEREFORE BE IT RESOLVED that the Council of The Corporation of the Town of Niagara-on-the-Lake oppose Bill 108 which in its current state will have negative consequences on community building and proper planning;

AND FURTHER that the Council of The Corporation of the Town of Niagara-on-the-Lake call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved;

AND FURTHER that a copy of this resolution be sent to the Honourable Doug Ford, Premier of Ontario, the Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and Wayne Gates, MPP, the Association of Municipalities of Ontario (AMO) and local area municipalities.

**APPROVED.**

(2) Dock Area Update

Due to the meeting adjourning at 11:00 p.m., this item was referred to the May 18, 2019 Special Council meeting.

**NOTICE OF MOTION:**

As per the Town's Procedural By-law, "A notice of motion may be introduced by any Member at a regular Meeting of Council or Committee of the Whole for consideration at the next or a subsequent regular meeting of Council, and the same shall then be included in the notice of the Meeting at which it is to be considered."

Councillor Wendy Cheropita gave notice of motion for the June 10, 2019 Council meeting.

**LORD MAYOR'S REPORT, ANNOUNCEMENTS AND REMARKS:**

- Laura Secord Weekend 2019 Proclamation

Lord Mayor Betty Disero read the proclamation regarding Saturday June 22 & 23, 2019 "Laura Secord Weekend" under response to delegations.

## **TOWN COUNCIL WORK PLAN 2019 AND MEMBERS' ANNOUNCEMENTS:**

There was no discussion regarding these items.

### **CLOSED SESSION: Clerk to read resolution**

Due to the meeting adjourning at 11:00 p.m., this item was referred to the May 18, 2019 Special Council meeting.

The Municipal Act 2001, as amended,

- 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 a Town facility; and
- 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, a property on Wellington Street.

### **PROCEEDINGS BY-LAW:**

#### **Clerk to read resolution for reading of by-law**

**5160-19-** A by-law to confirm the proceedings at the Council Meeting of The Corporation of the Town of Niagara-on-the-Lake on May 13, 2019

-resolution #18, **BY-LAW RECEIVED THREE READINGS.**

### **RESOLUTIONS:**

1. Moved by Councillor Stuart McCormack, seconded by Councillor John Wiens that the minutes of the Council Meeting held April 8, 2019 be adopted.  
**APPROVED, AS AMENDED.**
2. Moved by Councillor Gary Burroughs, seconded by Councillor John Wiens that the minutes of the Special Council Meeting held April 29, 2019 be adopted.  
**APPROVED.**

3. Moved by Councillor Gary Burroughs, seconded by Councillor John Wiens THAT application No. 2018-00001 and 2018-00002 for cancellation, reduction or refund of taxes under Section 357 of the Municipal Act, 2001 be approved.

**APPROVED.**

4. Moved by Councillor Al Bisback, seconded by Councillor Clare Cameron the Minutes and Reports of the May 6, 2019 Committee of the Whole Meeting be adopted.

**APPROVED, AS AMENDED.**

5. Moved by Councillor Gary Burroughs, seconded by Councillor Norm Arsenault that the minutes of the Municipal Heritage Committee Meeting Held April 9, 2019 be adopted.

**APPROVED.**

6. Moved by Councillor Gary Burroughs, seconded by Councillor Stuart McCormack that the recommendations contained in Corporate Services Report CS-19-016A be adopted to include:

- 1.1 that the recommendation contained in Corporate Services Report CS-19-016 be received; and
- 1.2 that Council approve the Special Event Application for the Rotary Rocks Picnic Event on July 30, 2019 in Queen's Royal Park as a one time event, subject to the following conditions:

a damage deposit in the amount of \$5000, to address damage to Town property or recovery of staff and Town resources

- provide a copy of the notice sent to attendees regarding the parking strategy to address the number of vehicles to attend the event
- provide a copy of the notice addressed to neighbours regarding the event
- vehicles not be permitted on the park grounds; and
- all associated items must be removed at the conclusion of the event (ie. picnic tables, fencing, garbage & recycling).

**APPROVED.**

7. Moved by Councillor Stuart McCormack, seconded by Councillor John Wiens that leave be given to introduce By-law 5124-19, and that the same having been read a first and second time, now be considered read a third time and passed, any ruling of this Council to the contrary notwithstanding.

**APPROVED.**

8. Moved by Councillor Norm Arsenault, seconded by Councillor Stuart McCormack that 5.3.1 The provisions of By-law 803-77, as amended, shall continue to apply to any existing swimming pool enclosure in good repair that is in compliance with By-law 803-77 until six (6) months after the passing of this by-law, at which point in time the provisions of this By-law shall apply.

**APPROVED.**

9. Moved by Councillor Clare Cameron, seconded by Councillor Al Bisback that leave be given to introduce By-law Nos. 5096A-19, 5139A-19, 5145-19, ~~5149-19~~, 5151-19, 5152-19, 5153-19, 5154-19, 5155-19 and 5156-19 *and 5157-19* 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, AS AMENDED.**

10. Moved by Councillor John Wiens, seconded by Councillor Al Bisback WHEREAS the Town's Procedure By-law states that a notice of motion may be introduced by any Member at a regular Meeting of Council or COTW for consideration at the next or a subsequent regular Meeting of Council, and the same shall then be included in the notice of the Meeting at which it is to be considered.

AND WHEREAS requests to staff made through notice of motion may have significant financial implications.

THEREFORE BE IT RESOLVED that direction be provided to staff to report to Council when there are use of staff resources and financial implications resulting from motions approved by Council made through notice of motion which were originally not identified.

*Following the example established by the Council Work Plan, that staff create a public workplan composed of all outstanding Notices of Motion passed by Council since December 2018, including information on current status, resource and financial implications, with updates to be provided via an Information Report quarterly.*

**APPROVED, AS AMENDED.**

11. Moved by Councillor Stuart McCormack, seconded by Councillor Norm Arsenault

THEREFORE, BE IT RESOLVED that the Director of Community and Development Services report to the June COTW with an update on the Official Plan;

AND FURTHER that Council request staff to prepare an Official Plan Amendment to the existing Official Plan to enable the introduction of

a CPPS By-law.

**APPROVED.**

12. Moved by Councillor Gary Burroughs, seconded by Councillor Norm Arsenault  
THEREFORE, BE IT RESOLVED that the Council Remuneration and Expense Bylaw 3701-03 be referred to the Audit Committee for review, and that the Staff expense Policy P-CS-16-015 be used as reference during the review.  
**APPROVED.**
  
13. Moved by Councillor Gary Burroughs, seconded by Councillor Wendy Cheropita  
WHEREAS LED lighting is becoming the preferred choice for exterior lighting, both on private property, and on Town property;  
AND WHEREAS there are minimum light requirements, but there are no maximums;  
AND WHEREAS excess brightness is becoming an issue for surrounding neighbours;  
AND WHEREAS the use of shades or directional deflectors are not an appropriate solution.  
THEREFORE BE IT RESOLVED that staff review the standards for lighting, both for developers and for Town work, to see if there should be maximum standards added to our requirements, to ensure quality of life for our residents  
**APPROVED.**
  
14. Moved by Councillor Clare Cameron, seconded by Councillor Stuart McCormack  
WHEREAS there is a dearth of industrial and commercial space available for occupancy in Niagara-on-the-Lake;  
AND WHEREAS a complete community requires adequate space for people to work and run businesses, in addition to residential and recreational areas;  
AND WHEREAS other municipalities in Ontario have established incentive programs to encourage the construction of new industrial and commercial space, through the deferral, reduction or waiving of development charges and building permit fees;  
THEREFORE BE IT RESOLVED that staff provide a report to Economic Development Committee on available options for establishing an ICI incentive program through the deferral, reduction, or waiver of development charges and building permit fees for industrial and commercial purposes, including a comparison of incentive programs in Niagara municipalities, the Niagara Region and

other communities of comparable population in Ontario.

**APPROVED.**

15. Moved by Councillor Clare Cameron, seconded by Councillor Norm Arsenault

WHEREAS the Ontario Government's Bill 108 introduces significant changes to the Ontario Heritage Act, including the imposition of new timelines on municipal councils for the completion of designation by-laws and enhanced role for the Land and Planning Appeal Tribunal in heritage matters;

AND WHEREAS these proposed changes are likely to require extensive expertise in heritage analysis, research and reporting in order to support the decisions of municipal councils;

AND WHEREAS the preservation, maintenance and adaptive reuse of heritage properties and cultural heritage resources is a fundamental element of the history, economy and quality of life in Niagara-on-the-Lake;

AND WHEREAS the Town is expected to benefit from the addition of further expertise in heritage analysis, research and reporting;

THEREFORE, BE IT RESOLVED that Council direct staff to create new operational line items in the 2020 Budget as follows:

a) Create new line item to support the work of the Town Historian  
b) Create new line item to facilitate the ongoing use of a heritage consulting firm, to complement the work of Town staff with external expertise

c) Create new line item for implementation of the Ontario heritage property tax relief program for properties designated under Parts IV and/or V of the Ontario Heritage Act

AND FURTHER that staff report back to Council during the Budget 2020 planning process with analysis and recommendations on suggested funding amounts for each.

**APPROVED.**

16. Moved by Councillor Gary Burroughs, seconded by Councillor Clare Cameron

WHEREAS the Town is moving towards new vehicle weight restrictions regarding buses;

AND WHEREAS the new rules are intended for the Old Town only.

THEREFORE BE IT RESOLVED that staff review these restrictions, and see if they could be applied in the village of Queenston.

**APPROVED.**

17. Moved by Councillor John Wiens, seconded by Councillor Erwin Wiens that Council receive the May 9, 2019 Information Package for information.  
**APPROVED.**
18. Moved by Councillor Gary Burroughs, seconded by Councillor Stuart McCormack that leave be given to introduce By-law No. 5160-19 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.**
19. Moved by Councillor Stuart McCormack , seconded by Councillor Erwin Wiens that this Council adjourn to the next regular meeting to be held June 10, 2019 and if a special meeting is required, it will be held at the call of the Lord Mayor.  
**APPROVED.**

#### **VERBAL MOTIONS:**

1. Moved by Councillor Norm Arsenault seconded by Councillor Clare Cameron that the agenda be adopted, as amended.  
**APPROVED.**
2. Moved by Councillor John Wiens, seconded by Councillor Al Bisback that the delegation received by Rainer Hummel be referred to staff and the Town's Economic Development Committee for comment and report to a future Council meeting.  
**APPROVED.**
3. Moved by Councillor Clare Cameron, seconded by Councillor Al Bisback:  
Set aside the recommendations from COTW, and that Council approve the report as recommended by staff; and that the following be included in the recommendations:  
1.3 the property owner be required to sign an undertaking to the effect that the owner will comply with the zoning requirements on the property, no more than the 24 maximum events be permitted on the property, and any other applicable Town By-laws.  
**APPROVED.**
4. Moved by Councillor Clare Cameron, seconded by Councillor Wendy Cheropita that recommendations contained in Report CS-19-017 be amended to include:  
1.1 That staff develop an RFP for consulting services to provide the

following; *treating below as suggested content to be in scope:*

1. Service Delivery Review - identifying opportunities to modernize and streamline services, ~~maximize efficiency and establish shared services agreements with the Region or other local area municipalities~~ *reduce costs and examine the effectiveness and efficiency and value of services. Investigate opportunities for shared services agreement where appropriate.*

2. Business Process Analysis - putting external stakeholders, customers and residents at the centre of process design.

3. Technology Strategy - prioritizing proposed software purchases and the creation of a new Town website, and recommending how to best utilize new and emerging technologies. *Improve Customer Service: Apply a service based lens to the structure and identify opportunities to improve service outcomes. Review and improve all digital communications channel. \*Broad based experience including Municipal Public Sector.*

4. Reduce Future Costs - identifying opportunities to save money, and maximise value of services provided.

And that the successful proponent:

- where appropriate, applies the principles and methods of customer journey mapping

- identifies where e-form functionality may assist in achieving service excellence and efficiency

- facilitates stakeholder engagement with Town Staff, Council, local business owners, advisory committees and members of the public

- considers the background information provided in report CS-19-017

- applies best practices and industry standards to support service excellence

- provides a written report with recommendations and an Implementation Plan that can begin as soon as possible and be realistically completed by 2022

- includes a 3 year capital and operating budget projection and funding needs analysis based on potential impact of recommendations

- during the course of engagement, communicates progress regularly to Council

- achieves alignment with the Town's new strategic plan

The successful proponent will have expertise in process analysis, customer service and change management;

And that experience working with municipal and public sector organizations will be preferred, but not an exclusive requirement;

And that the draft RFP will be remitted to Council for review before issue.

- 1.2 That the one-time payment received from the Ministry of Municipal Affairs and Housing aimed at becoming more efficient and modernized be used to fund the initiative.

**APPROVED.**

5. Moved by Councillor Norm Arsenault, seconded by Councillor Clare Cameron that all ash trees be removed from the list identified in Schedule 'C'.

**APPROVED.**

6. Moved by Councillor Clare Cameron, seconded by Councillor Erwin Wiens for the removal of the replanting numbers based on diameters.

**DEFEATED.**

7. Moved by Councillor Norm Arsenault, seconded by Councillor Al Bisback that section 2.10 be amended to include "streetlighting":  
"The Owners will be responsible for the following services once all units are sold: storm and sanitary sewers, water infrastructure including fire hydrant maintenance, curb and gutter maintenance, asphalt maintenance and snow removal *and street lighting.* "

**APPROVED.**

8. Moved by Councillor Norm Arsenault, seconded by Councillor Stuart McCormack that 5.3.1 The provisions of By-law 803-77, as amended, shall continue to apply to any existing swimming pool enclosure in good repair that is in compliance with By-law 803-77 until six months after the passing of this By-law, at which point in time this By-law shall apply.

**APPROVED.**

9. Moved by Councillor Gary Burroughs, seconded by Councillor Al Bisback that the meeting be extended to 11:00 p.m.

**APPROVED.**

10. Moved by Councillor Clare Cameron, seconded by Councillor Al Bisback that under section 2.2 of the Town's Procedure By-law, the rules be temporarily suspended in order to extend the Council meeting, to be approved by a two-thirds majority of Council.

**DEFEATED.**

11. Moved by Councillor Norm Arsenault, seconded by Councillor Gary Burroughs that under section 2.2 of the Town's Procedure By-law, the rules be temporarily suspended in order to allow for the addition of an item to the Council meeting, specifically a motion regarding Opposition to Bill 108, to be approved by a two-thirds majority of Council.

**APPROVED.**

12. Moved by Councillor Norm Arsenault, seconded by Councillor Gary Burroughs  
WHEREAS the legislation that abolished the OMB and replaced it with LPAT received unanimous support from all parties; and  
WHEREAS all parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and  
WHEREAS Bill 108 will once again allow an unelected, unaccountable body to make decisions on how our communities evolve and grow; and  
WHEREAS on August 21, 2018 Minister Clark once again signed the MOU with the Association of Municipalities of Ontario and entered into "...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government."; and  
WHEREAS this MOU is "enshrined in law as part of the Municipal Act" and recognizes that as "...public policy issues are complex and thus require coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest"; and  
WHEREAS by signing this agreement, the Province made "...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact"; and  
WHEREAS Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.  
NOW THEREFORE BE IT RESOLVED that the Council of The Corporation of the Town of Niagara-on-the-Lake oppose Bill 108

which in its current state will have negative consequences on community building and proper planning;  
AND FURTHER that the Council of The Corporation of the Town of Niagara-on-the-Lake call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved;

AND FURTHER that a copy of this resolution be sent to the Honourable Doug Ford, Premier of Ontario, the Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and Wayne Gates, MPP, the Association of Municipalities of Ontario (AMO) and local area municipalities.

**APPROVED.**

**ADJOURNMENT: 11:00 PM**

**LORD MAYOR BETTY DISERO      TOWN CLERK PETER TODD**

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