



SPECIAL COUNCIL MEETING MINUTES

Saturday May 18, 2019

09:30 AM

PRESENT:

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

REGRETS:

STAFF:

Peter Todd Town Clerk
Sheldon Randall Director of Operations
Brett Ruck Irrigation & Drainage Superintendent &
 Manager of Environmental Services

OTHERS:

Jamie Knight Filion Wakely Thorup Angeletti LLP

MEDIA:

Melinda Cheevers Niagara This Week

CALL TO ORDER:

Lord Mayor Betty Disero called the meeting to order at 9:35 a.m.

ADOPTION OF THE AGENDA:

Councillor Clare Cameron noted that an additional exemption should be applied to the closed session item, specifically section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

Moved by Councillor Al Bisback, 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 addition of an item to the Special Council Meeting agenda, specifically the discussion of the Town's

Pool By-law, to be approved by a two-third majority of Council.

APPROVED.

Moved by Councillor Norm Arsenault, seconded by Councillor John Wiens that the Special Council meeting agenda be adopted, as amended.

APPROVED.

CONFLICT OF INTEREST:

No conflicts were declared at this time.

PRESENTATIONS

Sheldon Randall, Director of Operations Dock Area Update

Sheldon Randall and Brett Ruck provided an update to Council regarding the status of the Dock Area, flood risks, and the Town's actions for protection in the area.

Staff answered questions from Council regarding the following:

- Differences between shoreline erosion protection and flooding protection
- Water levels projections
- Reconstruction of pathway for vehicle access
- Rain garden at the storm outlet
- GIS Mapping and Modelling

Staff advised that they would return to Council with report recommending the implementation of a feasibility study prior to budget deliberations.

CORRESPONDENCE AND MOTIONS:

Clerk to read resolution

1. The following resolution(s) be adopted:

(a) Councillor Arsenault
Single Use Plastics

Moved by Councillor Cameron, seconded by Councillor Wendy Cheropita that the motion be amended to replace "in the municipality" with "in municipal facilities and operations" in paragraph 2 and 3, and to replace "change" to "encourage".

APPROVED.

A polled vote to amend the motion was requested by Councillor Clare Cameron.

COUNCILLOR	YEA	NAY
Norm Arsenault		X
Allan Bisback		X
Gary Burroughs	X	
Clare Cameron	X	
Wendy Cheropita	X	
Stuart McCormack		X
Erwin Wiens	X	
John Wiens	X	
Lord Mayor Betty Disero		X
TOTALS	5	4

APPROVED. (amendment).

Moved by Councillor Norm Arsenault, seconded by Councillor Al Bisback that the motion be adopted as amended.

A polled vote to approve the motion as amended was called by Councillor Norm Arsenault.

COUNCILLOR	YEA	NAY
Norm Arsenault	X	
Allan Bisback	X	
Gary Burroughs	X	
Clare Cameron	X	
Wendy Cheropita	X	
Stuart McCormack		X
Erwin Wiens	X	
John Wiens	X	
Lord Mayor Betty Disero	X	
TOTALS	8	1

APPROVED, AS AMENDED. (resolution #1).

(b) Private Pool By-law

Moved by Councillor Al Bisback, seconded by Councillor Norm Arsenault that staff be directed to prepare the necessary by-law to amend By-law 5155-19, being a by-law to regulate private outdoor swimming pools, hot tubs and swimming pool enclosures in the municipality, by adding Section 5.3.1.1 and Section 5.3.1.2 as follows:

5.3.1.1 Any fence that was in lawful existence prior to the effective date of this By-law shall be deemed to comply with this By-law and may be maintained to the same location , height and dimensions as previously existed; and

5.3.1.2 Where an existing fence is replaced or substantially altered, the replacement and or alteration shall be constructed in accordance with this By-law.

APPROVED.

CLOSED SESSION:

Clerk to read resolution

At 10:56 a.m. the following motion was read in open session:

Moved by Councillor Norm Arsenault, seconded by Councillor Al Bisback that Council proceed to go into a closed meeting to consider matters that qualify under 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.
- 239.(2)(b) personal matters about an identifiable individual, including municipal or local board employees; *and*
- 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

APPROVED (resolution #2).

At 2:00 p.m. the following motion was read in open session:

Moved by Councillor Stuart McCormack, seconded by Councillor Erwin Wiens that Council rise from the closed meeting to consider matters that qualify under 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, with no report.

APPROVED (resolution #3).

Moved by Councillor Al Bisback, seconded by Councillor Erwin Wiens that Council rise from the closed meeting to consider matters that qualify under 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, a property on Wellington Street, with no report.

APPROVED (resolution #4).

Moved by Councillor Clare Cameron, seconded by Councillor Erwin Wiens that Council rise from the closed meeting to consider matters that qualify under the Municipal Act 2001, as amended

- 239.(2)(b) personal matters about an identifiable individual, including municipal or local board employees; and
- 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, with no report.

APPROVED (resolution #5).

PROCEEDINGS BY-LAW:

Clerk to read resolution for reading of by-law

5161-19 - A by-law to confirm the proceedings at the Council Meeting of the Corporation of the Town of Niagara-on-the-Lake on May 18, 2019.

-resolution #6, **BY-LAW RECEIVED THREE READINGS.**

VERBAL MOTIONS:

1. Moved by Councillor Al Bisback, 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 addition of an item to the Special Council Meeting agenda, specifically the discussion of the Town's Pool By-law, to be approved by a two-third majority of Council.

APPROVED.

2. Moved by Councillor Norm Arsenault, seconded by Councillor John Wiens that the Special Council meeting agenda be adopted, as amended.

APPROVED.

3. Moved by Councillor Cameron, seconded by Councillor Wendy Cheropita that the motion be amended to replace "in the municipality" with "in municipal facilities and operations" in paragraph 2 and 3, and to replace "change" to "encourage".

APPROVED.

A polled vote to amend the motion was requested by Councillor Clare Cameron.

COUNCILLOR	YEA	NAY
Norm Arsenault		X
Allan Bisback		X
Gary Burroughs	X	
Clare Cameron	X	
Wendy Cheropita	X	
Stuart McCormack		X
Erwin Wiens	X	
John Wiens	X	
Lord Mayor Betty Disero		X
TOTALS	5	4

APPROVED. (amendment).

4. Moved by Councillor Al Bisback, seconded by Councillor Norm Arsenault that staff be directed to prepare the necessary by-law to amend By-law 5155-19, being a by-law to regulate private outdoor swimming pools, hot tubs and swimming pool enclosures in the municipality, by adding Section 5.3.1.1 and Section 5.3.1.2 as follows:

5.3.1.1 Any fence that was in lawful existence prior to the effective date of this By-law shall be deemed to comply with this By-law and may be maintained to the same location , height and dimensions as previously existed; and

5.3.1.2 Where an existing fence is replaced or substantially altered, the replacement and or alteration shall be constructed in accordance with this By-law.

APPROVED.

RESOLUTIONS:

1. that Staff, with the assistance of Councillor Norm Arsenault, be directed to report back to Council on the impacts of single-use plastics in the municipal facilities and operations; and how to reduce those impacts;
AND FURTHER that in preparing the report referenced above, Staff shall give consideration to the following:
 - I. Creation of a public communication plan using the 3R's strategy of

Reduce, Reuse, Recycle

II. Developing a plan that identifies measurable targets and sets out timelines for the immediate reduction and eventual elimination of the distribution and supply of single-use plastics in Municipal facilities and operations; and

III. Community consultation with local residents/businesses on the possibility of a process to encourage replacement of single-use plastics with more environmentally friendly products.

IV. Anticipate costs and timing for implementing the strategy identified above.

APPROVED, AS AMENDED.

2. Moved by Councillor Norm Arsenault, seconded by Councillor Al Bisback that Council proceed to go into a closed meeting to consider matters that qualify under 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.

239.(2)(b) personal matters about an identifiable individual, including municipal or local board employees; *and*

239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

APPROVED.

3. Moved by Councillor Stuart McCormack, seconded by Councillor Erwin Wiens that Council rise from the closed meeting to consider matters that qualify under 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, with no report.

APPROVED.

4. Moved by Councillor Al Bisback, seconded by Councillor Erwin Wiens that Council rise from the closed meeting to consider matters that qualify under 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, a property on Wellington

Street, with no report.

APPROVED.

5. Moved by Councillor Clare Cameron, seconded by Councillor Erwin Wiens that Council rise from the closed meeting to consider matters that qualify under the Municipal Act 2001, as amended 239.(2)(b) personal matters about an identifiable individual, including municipal or local board employees; and 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, with no report.

APPROVED.

6. Moved by Councillor Stuart McCormack, seconded by Councillor Wendy Cheropita that leave be given to introduce By-law No. 5161-19, and that the same be considered read a first and second time, any ruling of this Council to the contrary notwithstanding

APPROVED.

7. Moved by Councillor Norm Arsenault, seconded by Councillor Al Bisback 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:

ADJOURNMENT:

LORD MAYOR BETTY DISERO

TOWN CLERK PETER TODD



Single Use Plastics.pdf