



THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE COMMITTEE OF THE WHOLE MEETING MINUTES/REPORT

The members of the Committee of the Whole met on Monday August 23, 2021 in the Council Chambers, at 06:00 PM.

PRESENT:

This meeting was held via Video Conference due to COVID-19 and public health concerns and was able to be viewed via Livestream on the Town's website.

Chair Councillor Al Bisback, Lord Mayor Betty Disero, Councillors: John Wiens, Sandra O'Connor, Norm Arsenault, Wendy Cheropita, Gary Burroughs, Clare Cameron

REGRETS:

Councillor Erwin Wiens

STAFF:

OTHERS:

Callum Shedden Daniel & Partners LLP

MEDIA:

1. CALL TO ORDER

Chair Councillor Al Bisback called the meeting to order at 4:00 p.m.

2. ADOPTION OF AGENDA

The follow members requested to speak under New Business: Lord Mayor Betty Disero, Councillor: Gary Burroughs, Wendy Cheropita

Moved by Councillor Gary Burroughs that the agenda be adopted, as amended.

APPROVED, AS AMENDED.

3. CONFLICT OF INTEREST

No conflicts of interest were declared at this time.

4. CLOSED SESSION

Clerk to read motion:

- Closed meeting under Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose specifically dealing with a noise by-law prosecution;
- Closed meeting under Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose specifically dealing with Dyck Lane;
- Closed meeting under Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose specifically dealing with Homestead Park.

At 4:03 pm the following motion was read in open session.

Moved by Councillor Wendy Cheropita, 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 dealing with a noise by-law prosecution;
- Closed meeting under Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose specifically dealing with Dyck Lane;
- Closed meeting under Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose specifically dealing with Homestead Park.

APPROVED.

At 6:05 pm the following motion was read in open session.

Moved by Councillor Norm Arsenault, 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 dealing with a noise by-law prosecution ;
- Closed meeting under Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose specifically dealing with Dyck Lane;
- Closed meeting under Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose specifically dealing with Homestead Park,

with no report.

APPROVED.

5. DELEGATIONS

5.1 Julian Trachsel

Julian Trachsel referred to an electronic presentation for providing space and start up capital for a community garden. He spoke to the background for his request, why in NOTL, the benefits, the requested commitments from the Town, mechanics. Mr. Trachsel closed his presentation with a summary of personal recommendations.

Mr. Trachsel answered questions from the Committee. Chair Councillor Al Bisback thanked Mr. Trachsel for his presentation.

6. RESPONSE TO DELEGATIONS

5.1 Community Gardens Proposal

Moved by Councillor Gary Burroughs that the matter of the community garden proposal, be directed to staff requesting that a staff report return to Council regarding location, cost, insurance etc and that the repercussions of self management be included within and that such be done early in 2022.

APPROVED.

7. PRESENTATIONS

7.1 Cathy Simpson, Chief Librarian & CEO
Niagara-on-the-Lake Library

Cathy Simpson spoke to an electronic presentation regarding the Niagara-on-the-Lake Library 2021-2024 Strategic Plan. Ms. Simpson spoke to the process, the Community's Library, the Vision and Mission, Values, and Direction & Goals. She also referenced the 2021-2024 Strategic Directions being Inspire Lifelong Learning, Discovery & Creation; Build Community; Increase Awareness; Innovate for Efficient & Sustainable Operations. Ms. Simpson answered questions from the Committee.

Moved by Lord Mayor Betty Disero that the presentation regarding the 2021-2024 Strategic Plan for the Niagara-on-the-Lake Library be received and forwarded to Council for endorsement.

APPROVED.

7.2 Brett Ruck, Irrigation & Drainage Superintendent
Balls Beach Shoreline Presentation

Brett Ruck, Irrigation & Drainage Superintendent introduced Jane Graham, P.Eng with

ShorePlan and Peter Ventin, P.Eng with GEI Consultations who spoke to the presentation on the Shoreline Protection. The following was referenced: high water levels and the existing historical culvert, construction of the breakwater and damage, bottom elevations and scour, average flow from the Niagara River, gauge in Fort Erie, and recommended realignment of breakwater. Also referenced was the assessment of the area and suggested recommendations.

Mr. Ruck, Ms. Graham, Mr. Ventin and Mr. Callum Shedden answered questions from the Committee.

Chair Councillor Al Bisback thank everyone for their presentations.

8. COVID-19 UPDATE

Marnie Cluckie, Chief Administrative Officer provided the following:

- Niagara-on-the-Lake, along with the rest of the Province, is still in Step Three of the Roadmap to Reopen
- The next step in Ontario's recovery plan is to exit Step 3 and go into the 'Roadmap Exit' step after certain vaccination thresholds are met.
- Niagara-on-the-Lake, along with the rest of the Province, is still in Step Three of the Roadmap to Reopen
- The next step in Ontario's recovery plan is to exit Step 3 and go into the 'Roadmap Exit' step after certain vaccination thresholds are met.
- On August 17, 2021, Ontario announced it is updating eligibility for the COVID-19 vaccine to protect individuals most at risk of serious illness from the virus, as well as children and youth, to minimize disruptions from COVID-19.
- The federal government has identified that vaccination is the most effective tool to reduce the risk of COVID-19 for Canadians and to protect broader public health. As our best line of defense, they continue to take action to get as many Canadians vaccinated as possible.
- On August 13, 2021, the Government of Canada announced its intent to require vaccination as early as the end of September across the federal public service.
- The Government of Canada is also calling on all organizations beyond the federally regulated sector to put in place their own vaccination strategies.
- The Ontario government, in consultation with the Chief Medical Officer of Health, is also taking action related to mandatory vaccinations. The Following are looking at Mandatory Vaccination policies: The City of Toronto, Canada's Big 5 banks, Ontario teachers' unions and Airports.
- Niagara-on-the-Lake and other Niagara municipalities are closely monitoring what

other jurisdictions are doing.

- Canada opened the borders to American citizens and permanent residents, who are currently residing in the U.S., and have been fully vaccinated at least 14 days prior to entering Canada for non-essential travel.
- The United States extended the closure of its land borders with Canada and Mexico to non-essential travel such as tourism through Sept. 21.
- Arenas are still on track for a September 7 opening.
- The Track and Fitness Area at the Niagara-on-the-Lake Community Centre is open
- Room Rentals and bookings at the Community Centre will commence on September 7.
- The ECG and Town Staff are currently working on our Recovery, Reopening and Reimagining Plan.
- Staff will be bringing forward a presentation offering some options to Council members regarding Council meetings
- The Niagara on the Lake vaccination clinics on August 16 & 17 in NOTL at the Community Centre went well.
- The next clinics in NOTL are booked for and September 5 & 6.
- Effective August 23, at 11:45 a.m., Niagara Region's website is reporting that approximately 652,332 doses have been administered to Niagara residents.
- 71.5% of Niagara residents have had their first dose and 64.6% have a complete series.
- From a traffic perspective, the total of incoming cars on this past Saturday August 21 & Sunday, August 22 was 13,432.
- The Covid Complaint phone received no calls over the weekend. The COVID-related service requests are also minimal.
- Staff spent Monday and Friday morning walking Old Town to speak with restaurant owners and inspect patio layouts.
- By-law Staff also spent time following up on Short Term Rental issues over the weekend. There were two (2) STR complaints on Saturday night.
- Parking Officers issued 140 Parking Tickets this weekend.
- Special Enforcement area pilot program, to date, By-law has issued 21 tickets in the special enforcement area in Chautauqua
- Today is the final day of the Town's first Park Hop - a family-friendly initiative encouraging families with children and grandchildren to explore the many great parks and play structures throughout Niagara-on-the-Lake.
- Our volunteer Ambassadors continue to do a great job walking the streets of Old

Town on the weekends, welcoming visitors, answering questions, and providing friendly reminders regarding COVID-19 protocols.

9. CONSENT AGENDA

At this time the Chair asked for members to identify any items to be lifted for separate discussion.

The following report was lifted for separate discussion: CDS-21-022, CS-21-025, and OPS-21-23.

Moved by Councillor Gary Burroughs that the Consent Agenda be approved, with the exception of item listed for separate discussion above, and that the reports and recommendations contained therein be forwarded to Council for adoption.

APPROVED.

(1) Reports not requiring separate discussion.

OPS-21-022 Parking and Traffic By-law Amendments - Anderson Lane

- 1.1 Council approve the installation of an all-way stop at the intersecting legs of Anderson Lane.
- 1.2 The Town Clerk be directed to amend the Traffic and Parking By-law No. 4308-09 to provide for an all-way stop at the intersecting legs of Anderson Lane.
- 1.3 The change in traffic control at this intersection occurs following passage of the by-law, notification in the local newspaper and installation of the appropriate signs and markings.

OPS-21-024 Line 4 Road Extension - Servicing Agreement

- 1.1 The draft agreement for the extension of Line 4 Road, attached as Appendix I to this report, be approved and forwarded to the Owner(s) for signatures; and
- 1.2 The Lord Mayor and Town Clerk be authorized to execute an agreement with the Owners of PT LOT 16, Part 1 on 30R-1019 for the construction of a road, including the provision of a turnaround, to a point approximately 135 meters east of Concession 1 Road to a rural road cross-section on Line 4 Road, to Town standards and at their own expense, including the necessary deposits and fees for the construction and inspection of said works.

(2) Reports lifted for separate discussion.

CDS-21-022 Non-Parking AMPS - Short Form Wording and Set Amendments Fine

Moved by Councillor Norm Arsenault that the recommendations contained in Community & Development Services Report CDS-21-022 be approved as follows:

- 1.1 Council receive Report No. CDS-21-022 regarding the required amendments to the Town's by-laws to allow for the implementation of the Administrative Monetary Penalty System; and
- 1.2 Council direct Staff to prepare amendments creating Short-Form Wording and Set Fines for the following By-laws as outlined in Appendix I:
 - Animal Care & Control (By-law 4512-11);
 - Clean Yards (By-law 5190-19);
 - Fences (By-law 4778-14);
 - Fireworks Sale of and Use (By-law 5172-19);
 - Noise (By-law 4588-12);
 - Nuisance (By-law 4397-10);
 - Parks (By-law 5306-21);
 - Property Standards (By-law 5192-19);
 - Sign (By-law 4586-12);
 - Site Alteration (By-law 3941-05);
 - Short Term Rental (By-law 4634-13);
 - Swimming Pool (By-law 5155-19);
 - Private Trees (By-law 4571-12); and
 - Public Trees (By-law 5139-19).

APPROVED.

**CS-21-025 Short Term Rental Licences - Non Payment of 2021
Licence Fee**

Moved by Councillor John Wiens that the recommendation contained in Corporate Services Report CS-21-025 be approved as follows:

- 1.1 the Short Term Rental licences for the properties listed in Appendix I be revoked for 2021, as the annual licence fees for these properties remain outstanding.

APPROVED.

**OPS-21-023 Irvine Road Drain 2021 Engineering Report –
Meeting to Consider**

Moved by Councillor Sandra O'Connor that the recommendations contained in Operation Services Report OP-21-023 be approved as follows:

- 1.1 Council adopt the Engineering Report prepared by K. Smart Associates Limited

- for the Irvine Road Municipal Drain, dated March 26, 2021;
- 1.2 Council, having adopted the Engineering Report, give the attached Provisional By-law the two readings required by Section 45(1) of the *Drainage Act*, R.S.O. 1990 ;
 - 1.3 Council direct the Clerk to set a date for the first sitting of the Court of Revision and distribute the Provisional By-law and the Notice of the Court of Revision, in accordance with Sections 46(2) and 46(3) of the *Drainage Act*, R.S.O. 1990;
 - 1.4 Council approve, in principle, a maximum 20-year repayment plan for assessed landowners to assist in reducing the burden of the project, subject to interest, administration costs and specific terms to be determined at the time of completion of the project; and
 - 1.5 Council approve a debenture in principle, to fund any portion of the project which is deferred over 20 years, or, which cannot be covered through the Capital Levy for Town portions, funded by repayments from landowners and the general tax levy for any Town portions, to be finalized upon the completion of the project.

APPROVED.

10. COMMITTEE OF COUNCIL MINUTES

- 10.1 Licensing Appeal Committee Minutes - August 3, 2021

Moved by Councillor Norm Arsenault that the recommendation of the Licensing Appeal Committee for 522 Mississagua Street be set aside and the license remain revoked

APPROVED.

11. INFORMATION PACKAGES

Moved by Councillor Wendy Cheropita that the Information Package of August 12, 2021 be received.

APPROVED.

August 19, 2021

Item No. 3 - Information Report - Daycare Addition

Item No. 4 - Information Report - Commorants

Item No. 18 - Email re Flag Pole/Canadian Flag location

Moved by Councillor Wendy Cheropita that the Information Package of August 19, 2021 be received.

APPROVED.

12. NEW BUSINESS

Discussion took place regarding:

- Firelane 11A
- Committee of Adjustment
- Protestors

(a) Notice of Motion - Heritage & Municipal Register

Lord Mayor Betty Disero put forward a notice of motion regarding heritage and municipal register

(b) Notice of Motion - Municipal Accommodation Tax

Lord Mayor Betty Disero put forward a notice of motion regarding municipal accommodation tax.

(c) Notice of Motion - Bike Lanes

Lord Mayor Betty Disero put forward a notice of motion regarding bike lanes.

(d) Notice of Motion - Parking & Honk Mobile Program

Lord Mayor Betty Disero put forward a notice of motion regarding parking and honk mobile program.

(e) Notice of Motion - Zoning

Lord Mayor Betty Disero put forward a notice of motion regarding zoning.

(f) Notice of Motion - Agriculture Property Standards

Lord Mayor Betty Disero put forward a notice of motion regarding by-law on agriculture.

(g) Notice of Motion - A-frame signs

Lord Mayor Betty Disero put forward a notice of motion regarding A-frame signs.

13. ADJOURNMENT

ADJOURNMENT: 09:07 PM

Lord Mayor, this concludes the Minutes/Report of the Committee of the Whole General Meeting. I Councillor _____ move, seconded by Councillor _____ that the Minutes/Report of the August 23, 2021 Committee of the Whole General Meeting be adopted.