



COUNCIL MEETING MINUTES

Monday October 16, 2017

06:00 PM

PRESENT:

Lord Mayor Pat Darte, Councillors: Jim Collard, Paolo Miele, Martin Mazza, Betty Disero, John Wiens, Jamie King (6:10 p.m.), Maria Bau-Coote (6:41 p.m.), Terry Flynn (6:40 p.m.).

REGRETS:

STAFF:

Holly Dowd	Chief Administrative Officer
Peter Todd	Town Clerk
Victoria Butters	Deputy Clerk
Sheldon Randall	Director of Operations
Craig Larmour	Director Community & Development
Shirley Cater	Manager of Planning
Rob Grimwood	Fire Chief

OTHERS:

Callum Shedden	Town Solicitor
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MEDIA:

Suzanne Mason	Sun Media
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CALL TO ORDER:

The Lord Mayor called the meeting to order at 6:00 p.m.

FOCUS STATEMENT:

Councillor Jim Collard opened the meeting with the focus statement.

O'CANADA:

Council, staff and those present sang O'Canada.

ADOPTION OF THE AGENDA:

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

Councillor Betty Disero announced a motion to come forward under Notice of Motions.

Councillor Martin Mazza announced a motion regarding Ash trees to come forward under Notice of Motions.

Moved By Councillor Jim Collard, seconded by Councillor Martin Mazza that the agenda be adopted, as amended.

APPROVED.

CONFLICT OF INTEREST:

Council members declare their conflicts of interest.

Councillor Betty Disero previously declared a conflict of interest with item d) Report CDS-17-061-432 Dorchester Street - Zoning By-law Amendment of the October 2, 2017 Community & Development Advisory Committee Meeting minutes as she lives within the notice area.

Councillor Jim Collard previously declared a conflict of interest with item b) Report FC-17-009 2018 Draft Operating and Capital Budgets of the October 2, 2017 Finance Advisory Committee Meeting minutes, specifically salary and benefits as a family member works within the Municipal Offices.

Councillor Jamie King previously declared a conflict of interest with the Niagara College Canada 2018 request for financial assistance, of the September 25, 2017 Finance Advisory Committee Meeting minutes as he is employed by a college.

Councillor Maria Bau-Coote declared a conflict of interest with the Niagara College Canada 2018 request for financial assistance, of the September 25, 2017 Finance Advisory Committee Meeting minutes as a family member is employed by the college.

LORD MAYOR'S REPORT, ANNOUNCEMENTS AND REMARKS:

Lord Mayor Pat Darte spoke to the following:

- Snowbirds Air Show, September 20
- Alzheimers Flag Raising & Hon. Rob Nicholson BBQ Fundraiser, September 21
- Queenston Canada 150 Celebration; PigOut 10 Year Celebration, September 23
- Upper Canada Heritage Trail Community Tree Planting, September 24
- John Hare & Chinese Delegates VIP Dinner, September 26
- Rt. Hon. John Turner Water & Environmental Leadership Award Gala, September 27
- RiverBrink Art Museum Fall Opening Reception, September 28
- Bravo Niagara, September 29
- Pondview Bold & Beautiful Event, September 30
- Red Roof Wine Run; Nurturing Our Roots Annual Pow Wow; Evergreen Singers & Grace United Church Choir; Jim Turner 75KM Walk Port Colborne to NOTL, October 1
- CIB Volunteer Appreciation Event, October 3
- Niagara College 50th Anniversary Celebration; Royal Oak Golf Tournament, October 4
- Town Golf Tournament, October 5
- Simspson's Pharmacy 40th Anniversary, October 6
- Harvest Celebration Pie Competition, October 7

MEMBERS' ANNOUNCEMENT:

Announcement of special functions Council attended and upcoming Community events

Councillor John Wiens provided an update with regard to renovations to the Niagara-on-the-Lake Public Library facility; and Canadian Library Month initiatives.

Councillor Betty Disero provided an update with regard to Canada 150 events in Queenston; unveiling of Queenston Village Common park; and Canada 150 Appreciation Event.

NEXT COMMITTEE OF THE WHOLE AND COUNCIL MEETING DATES: (Clerk to announce the dates)

The next meeting for Public Meetings under the Planning Act is scheduled for Monday, October 30th at 5:00 p.m.. The next Committee of the Whole meeting is scheduled for Monday, November 6, 2017, at 6:00 p.m. The next Council Meeting is scheduled for Monday, November 13, 2017 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.org or contact the office at 905-468-3266.

MINUTES:

Clerk to read the resolution to adopt minutes

- (1) Council Meeting Minutes dated September 18, 2017

- resolution #1, **APPROVED SEPTEMBER 18, 2017 COUNCIL MEETING MINUTES.**

DELEGATIONS:

At Clerk's discretion, delegations will be added

Non-Agenda Delegation

- (1) Kevin Turcotte, Manager Parks & Recreation
Communities In Bloom Award Presentation

Mr. Turcotte, on behalf of the Communities In Bloom Committee, stated it was a pleasure to present the Town's CIB International Program participation. Mr. Turcotte referred to an electronic presentation and highlighted the following:

- This is our Committee
- International Awards
- Other Awards CIB has won
- 2017 Program Highlights
- Created a Community Profile Book
- +1000 Trees 2017, 2016, 2015
- Garden of the Week Program - 2017
- Garden of the Week Winners
- Banners & Seasonal Displays
- Legacy & Pollinator Gardens
- Voices of Freedom Park National Fundraising Campaign

- 2015, 2016 & 2017 CIB Donations
- Winning Video

Lord Mayor Pat Darte, on behalf of Council, congratulated the CIB Committee for all of its accomplishments. Kevin Turcotte, JB Hopkins Parks Supervisor, Councillors John Wiens & Betty Disero and Vicky Downes came forward to accept the awards.

- (2) Domenic Trapasso and Kaylin Bailey, United Way of St. Catharines and District
2017 United Way Update

Domenic Trapasso thanked Council for the opportunity to provide an update with respect to the United Way of St. Catharines & District. Mr. Trapasso referred to an electronic presentation and highlighted the following:

- United Way St. Catharines & District 100% LOCAL
- Domenic & Patrizia Trapasso, United Way Leadership Co-Chairs Initiative
- Welcome Home Kits
- Brushed Aside Dental Care Access Fund
- Indicators of Success
- What is New with this years Campaign?
- \$25,000 New Donor Match Verge Insurance Group
- How it Works
- \$25,000 Leadership Match The Ontario Paper Thorold Foundation Leadership Challenge
- How it Works
- Municipal Challenge
- Thank you

Lord Mayor Pat Darte provided an update with respect to Town staff's United Way campaign and thanked Mr. Trapasso and Kaylin Bailey for the presentation.

- (3) Doug Ingram, Kerry T Howe Engineering Ltd.
Fencing 113-115-117 Paxton Lane, St. Davids

Doug Ingram read a letter, addressed to the Lord Mayor and Council, with regard to a request from Jack Lowrey to make a presentation to review the history of the development area known as the Settlement

of St. Davids. Mr. Ingram spoke to background information; planning process; wet pond landscape plan/final plans; and rear swale. In closing, Mr. Ingram noted Mr. Lowery wanted to complete the development agreement requirements to providing a fence as shown on the approved plan due to fall quickly approaching/shortening the time frame. Lord Mayor Pat Darte thanked Mr. Ingram for coming forward.

Agenda Delegation

- (1) John & Monica Law, 13 Queen Street
Municipal Heritage Committee Minutes - September 12, 2017 15 Queen Street

John Law spoke to his concerns with the proposed fence to be erected in the rear yard along the west interior property at 15 Queen Street. Mr. Law noted the proposed fence would impede the use of his parking spaces at the back of 13 Queen Street; fence was too long at 27 feet; and impact to rear business deliveries. Mr. Law proposed a length of 20 feet that would clear a fire escape and also allow service vehicles at the back of another neighbouring property. In closing, Mr. Law felt this could be a solution that wouldn't hurt anyone.

Mr. Law answered questions of Council and Lord Mayor Pat Darte thanked him for coming forward.

- (2) Paul Grayley, 15 Queen Street
Municipal Heritage Committee Minutes - September 12, 2017 15 Queen Street

Paul Grayley referred to photographs and spoke to the aesthetic issue behind 15 Queen Street that he realized immediately after purchasing the property; and that he operated holiday units next door with the guest parking behind 15 Queen Street. Mr. Grayley stated he advised the owner of the neighbouring restaurant that he was proposing a 27 foot fence to hide their aesthetic issues. Mr. Grayley clarified the proposed fence location/design; MHC concerns; similar fence in the area; 13 Queen Street parking/easement; and storage area above 15 Queen Street.

Mr. Grayley answered questions of Council and Lord Mayor Pat Darte thanked him for coming forward.

(3) Judi Megarity, 529 Simcoe Street
NOTL Transit Rerouting

Judy Megarity recognized Town Council for establishing a public transit system in Niagara-on-the-Lake. Ms. Megarity read from her delegation, including pictures/video, and spoke to public transit operating best on main arteries; transit impact to residential areas; addition to daily/weekly vehicular traffic; potential for faster routes; busses going off route; recommended rerouting of Old Town bus; and Town redirection of buses as required.

In closing, Ms. Megarity submitted a petition requesting the NOTL Public Transit Bus be permanently rerouted to main streets from the Community Centre; and in order to serve and be accessible to a larger segment of our population, the bus should turn onto Mississagua Street, then onto Mary Street before heading to the Old Town, rather than the current route of Simcoe Street turning right onto John Street.

Ms. Megarity answered questions of Council and Lord Mayor Pat Darte thanked her for coming forward.

RESPONSE TO DELEGATIONS FROM COUNCIL:

1) NOTL Transit Rerouting

Further to the delegation, discussion took place regarding the request to reroute NOTL Transit. Further discussion took place regarding a more comprehensive report; occasional rerouting of bus; John Street construction; and need for reasons to change routes.

Moved by Councillor Jim Collard, seconded by Councillor Martin Mazza that the issues brought forward by the delegation regarding the NOTL Transit System in the John and Simcoe Street area be referred to staff to report back to Council by December, 2017.

APPROVED.

2) Fencing 113-115-117 Paxton Lane, St. Davids

Further to the delegation, discussion took place regarding the request to complete the development agreement fence requirements. In answer to questions, the Directors of Operations and Community & Development provided an update regarding the developer's conversations with staff and his intent to complete the fence as per

the original agreement; and the various levels of approval required for the subdivision. It was noted the developer wanted to fulfil the agreement as he did not want to set a precedent.

COMMITTEE REPORTS:

(1) **Public Community & Development Advisory Committee** **Clerk to read the resolution to receive Minutes**

The following applications were heard at the September 25, 2017 Public Community & Development Advisory Committee Meeting:

- 1240 Line 6 - Application for Zoning By-law Amendment
- 1 Rampart Street (The Village Phase 4 West) - Draft Plan of Subdivision

- resolution #2, **APPROVED SEPTEMBER 25, 2017 PUBLIC COMMUNITY & DEVELOPMENT ADVISORY COMMITTEE MEETING MINUTES.**

(2) **Finance Advisory Committee Meeting**

Chair Councillor Paolo Miele, Vice Chair Lord Mayor Pat Darte

The following are the recommendations from the September 25, 2017 Finance Advisory Committee Meeting, which have been referred to this Council meeting for consideration:

(a) That the Finance Advisory Committee recommends the following amounts for 2018 requests for financial assistance and budget line items:

2018 Requests for Financial Assistance

	Applicant	2018 Request	2017 Granted	2018 Amount
(a)	Bravo Niagara	10,000	4,000	6,000
(b)	Music Niagara	12,300	4,000	6,000
(c)	Niagara Nursery School	2,000	2,000	2,000
(d)	RiverBrink Art Museum	5,000	4,000	4,000
(e)	Royal Canadian Legion	5,000	5,000	5,000
(f)	Niagara Workers Welcome	1,000	1,000	1,000
(g)	Royal Oak Community School	25,000	1,000	9,500
(h)	Shaw Festival	60,000	35,000	35,000
(i)	Niagara Jazz Festival	20,000	4,000	6,000
(j)	Yellow Door Theatre Project	5,000	2,000	2,000
(k)	NOTL Rotary Club	5,000	3,000	3,000
(l)	Friends of Fort George	15,000	15,000	10,000

(m)	NOTL Community Palliative Care	3,000		3,000
(n)	Niagara Pumphouse Visual Arts Centre	7,500	8,000	7,500
TOTAL		175,800	88,000	100,000

2018 Budget Line Items

		2018 Request	2017	2018 Amount
(o)	Niagara College	37,445	20,000	20,000
(p)	Niagara Historical Society	204,782	154,645	154,645
(q)	NOTL Chamber of Commerce -Fee for Service 70,000 -Icewine Festival 40,000 -Peach Festival 6,000 -Candlelight Stroll 2,000	118,000	118,000	118,000
(r)	Niagara District Airport		39,236	39,236
TOTAL		360,227	331,881	331,881

The Clerk read a brief summary from the September 25, 2017 Finance Advisory Committee meeting.

Councillor Jamie King previously declared a conflict of interest with the Niagara College Canada 2018 request for financial assistance, of the September 25, 2017 Finance Advisory Committee Meeting minutes as he is employed by a college. Councillor King did not take part in any discussion or vote on this item.

Councillor Maria Bau-Coote declared a conflict of interest with the Niagara College Canada 2018 request for financial assistance, of the September 25, 2017 Finance Advisory Committee Meeting minutes as a family member is employed by the college. Councillor Bau-Coote did not take part in any discussion or vote on this item.

2018 Budget Line Item Niagara College \$20,000 of the September 25, 2017 Finance Advisory Committee Meeting minutes was lifted and voted on separately and approved.

Discussion took place regarding the proposed funding for 2018 Requests for Financial Assistance and 2018 Budget Line Item groups.

Councillor Maria Bau-Coote spoke to her concerns with some of the decisions made, and noted that Council should support not for profit organizations in the community and not support for profit organizations. Councillor Bau-Coote noted the need to be careful of

who Council supports in the for profit sector, and who is not being supported in the not for profit sector.

Discussion took place regarding the requested 2017 - 3 year phase in for the Niagara Historical Society. There was no seconder for Councillor Betty Disero's motion to amend the 2018 Budget Line Item Niagara Historical Society to \$204,782.

- resolution #3, **APPROVED SEPTEMBER 25, 2017 FINANCE ADVISORY COMMITTEE MEETING MINUTES.**

(3) **Community & Development Advisory Committee**

Chair Councillor Martin Mazza, Vice Chair Councillor Betty Disero

The following are the recommendations from the October 2, 2017 Community & Development Advisory Committee Meeting, which have been referred to this Council meeting for consideration:

(a) Report CDS-17-058

1.1 The Draft Plan of Subdivision having File No. 26T-18-17-01, "The Village, Phase 4 West", for lands known municipally as 1 Rampart Street, attached as Appendix B to this report, be approved in accordance with the provisions of the Planning Act, and regulations thereunder, subject to the conditions contained in Appendix C to this report; and

1.2 The Lord Mayor be authorized to endorse the Draft Plan of Subdivision having File No. 26T-18-17-01, "The Village, Phase 4 West", for lands known municipally as 1 Rampart Street, attached as Appendix B to this report, as 'approved' 20 days after notice of Council's decision has been given provided that no appeals have been received; and

1.3 The Lord Mayor and the Clerk be authorized to execute a Subdivision Agreement for the subdivision having File No. 26T-18-17-01, "The Village, Phase 4 West", for lands known municipally as 1 Rampart Street, in a form approved by the Town's Solicitor and Directors of Operations and Community & Development Services, subject to the provision of all securities, fees, charges and other documents required pursuant to the Agreement, and the issuance of approved engineering plans by the Town's Operations Department

(b) Report CDS-17-059

1.1 The Zoning By-law Amendment application for 1240 Line 6 Road be approved; and

1.2 The draft Zoning By-law Amendment for 1240 Line 6 Road, attached as Appendix B to this report, be forwarded to Council for

adoption

(c) Report CDS-17-060

1.1 The Zoning By-law Amendment application for 723 King Street be approved; and

1.2 The draft Zoning By-law Amendment, attached as Appendix B and Appendix B1 to this report, for 723 King Street, be forwarded to Council for adoption

(d) Report CDS-17-061

1.1 The Zoning By-law Amendment application for 432 Dorchester Street, be approved; and

1.2 The draft Zoning By-law Amendment, attached as Appendix C and Appendix C1 to this report, for 432 Dorchester Street, be forwarded to Council for adoption

The Clerk read a brief summary from the October 2, 2017 Community & Development Advisory Committee meeting.

Councillor Betty Disero previously declared a conflict of interest with item d) Report CDS-17-061-432 Dorchester Street - Zoning By-law Amendment of the October 2, 2017 Community & Development Advisory Committee Meeting minutes as she lives within the notice area. Councillor Disero did not take part in any discussion or vote on this item.

Report CDS-17-061 432 Dorchester Street - Zoning By-law Amendment of the October 2, 2017 Community & Development Advisory Committee Meeting was lifted and voted on separately and approved.

The balance of the October 2, 2017 Community & Development Advisory Committee Meeting minutes was voted on and approved.

- resolution #4, **APPROVED OCTOBER 2, 2017 COMMUNITY & DEVELOPMENT ADVISORY COMMITTEE MEETING MINUTES.**

(4) Operations Advisory Committee

Chair Councillor Jim Collard, Vice Chair Councillor Jamie King

The following are the recommendations from the October 2, 2017 Operations Advisory Committee Meeting, which have been referred to this Council meeting for consideration:

(a) Report OPS-17-062

1.1 the low tender from Badger Daylighting Ltd., in the amount of \$52,179.00 (excluding taxes), be accepted for the 2017 Sewer

Flushing tender, with final payment based on actual quantities at the tendered price of \$1.21/meter plus applicable taxes

(b) Report OPS-17-063

1.1 Council accept the low tender of \$566,080.40 (excluding applicable taxes) from Provincial Construction for the Commons Watermain Replacement from Wellington Street to Queens Parade to Ricardo Street with final payment based on actual quantities and tendered unit prices; and

1.2 Council accept the estimated engineering costs for inspection and contract administration, from Quartek Group Inc. in the amount of \$50,000.00 (excluding applicable taxes)

The Clerk read a brief summary from the October 2, 2017 Operations Advisory Committee meeting.

- resolution #5, **APPROVED OCTOBER 2, 2017 OPERATIONS ADVISORY COMMITTEE MEETING MINUTES.**

(5) Corporate Services Advisory Committee

Chair Councillor Maria Bau-Coote, Vice Chair Councillor John Wiens

The following are the recommendations from the October 2, 2017 Corporate Services Advisory Committee Meeting, which have been referred to this Council meeting for consideration:

(a) Report CS-17-029, as amended

1.1 Council amend the draft Terms of Reference for the Niagara-on-the-Lake Indoor Pool Committee to include three members of Council; and

1.2 Council appoint three members of Council to the Niagara-on-the-Lake Indoor Pool Committee being Councillors: Terry Flynn, Martin Mazza and Paolo Miele; and

1.3 Staff be directed to advertise in the local newspaper, website, and social media accounts, for interested residents to sit on the Niagara-on-the-Lake Indoor Pool Committee; and

1.4 The Indoor Pool Committee review the disposition of all other pools; and

1.5 The Indoor Pool Committee prepare a report back to Council by March 2018

(b) Report CS-17-030, as amended

1.1 The Terms of Reference for the Economic Development Working Group, attached to this report as Appendix A, be forwarded to Council for approval

The Clerk read a brief summary from the October 2, 2017 Corporate

Services Advisory Committee meeting.

Councillor Paolo Miele requested that item (a) Report CS-17-029, as amended, Indoor Pool Committee - Terms of Reference of the October 2, 2017 Corporate Services Advisory Committee Meeting minutes be lifted for discussion and voted on separately.

In answer to a question, the Director of Operations provided an update regarding discussions about indoor pools with the company providing the Town facilities master plan; and information to come forward to the Indoor Pool Committee, based on the company's experience with other municipalities, including operating/capital costs.

A motion to amend Report CDS-17-029 recommendation 1.5 to read: The Indoor Pool Committee prepare a report back to Council by May 2018, was withdrawn by Councillor Paolo Miele.

- resolution #6, **APPROVED OCTOBER 2, 2017 CORPORATE SERVICES ADVISORY COMMITTEE MEETING MINUTES.**

(6) **Finance Advisory Committee Meeting**

Chair Councillor Paolo Miele, Vice Chair Lord Mayor Pat Darte

The following are the recommendations from the October 2, 2017 Finance Advisory Committee Meeting, which have been referred to this Council meeting for consideration:

(a) Report FC-17-008

1.1 that the September 18, 2017 Finance Advisory Subcommittee meeting minutes be received; and the following recommendation be approved:

1.1.2 that Town staff be directed to aim for a budget increase of no more than 2% for the 2018 Corporate Operating budget

(b) Report FC-17-009, as amended

1.1 The first draft of the 2018 Capital and Operating Budgets, as contained in this report, be received; and

1.2 The following items in the proposed 2018 Capital and Operating Budget presentation be removed from the Potential Consideration reductions:

- Sell the cemetery;
- Closing of the St. Davids Pool - Salaries;
- Reduce roadside mowing - Salaries;

- Reduction in hanging baskets;
 - Convert Simcoe Park wading pool - Salaries; and
- 1.3 The following items in the proposed 2018 Capital and Operating Budget presentation under Potential Consideration reductions be further investigated and reports be forwarded to Council in November:
- Increase parking rates and times;
 - Eliminate planning co-op student request;
 - Eliminate winter decor program;
 - Reduce transfer to capital from \$1000,000 to \$200,000;
 - Legally use the 2017 tax rate for 2018 and what would that number be;
 - Expense accounts for councillors and senior management team for further reductions, along with employee recognition initiatives;
 - Cemetery Trusts; what money can the Town use; and
- 1.4 The following items in the proposed 2018 Capital and Operating Budget presentation be considered as Potential Consideration options for reduction in the 2018 budget:
- Reduce arena staff time - Salaries;
 - The Director of Corporate Services salary not be included in 2018 budget but reallocated in the 2019 budget; and
- 1.5 The Finance Advisory Committee meet in November to further discuss the 2018 budget

The Clerk read a brief summary from October 2, 2017 Finance Advisory Committee meeting.

At the conclusion of the Corporate Services Advisory Committee Meeting minutes, Councillor Jim Collard left the Council Chambers (8:40 p.m.) and did not return to the meeting. Therefore, Councillor Collard's conflict of interest was not declared at this time.

Councillor Paolo Miele requested that item (b) Report FC-17-009 2018 Draft Operating and Capital Budgets of the October 2, 2017 Finance Advisory Committee Meeting minutes be lifted for discussion and voted on separately.

Council agreed to correct Report FC-17-009 recommendation 1.3 - Reduce transfer to capital from \$1000,000 to \$200,000, to read: \$ *100,000* to \$200,000.

Discussion took place regarding Report FC-17-009; Finance Advisory Sub-Committee; assessment impact; and public process.

At 9:00 p.m. Council agreed to take a 5 minute recess and resumed the Council meeting at 9:05 p.m.

Further discussion took place regarding Council's availability for public input; Council process for comments to staff; parking violations/revenues; tree trimming/removal; and October 30th Council Budget Workshop.

Report FC-17-009 2018 Draft Operating and Capital Budgets was voted on and approved.

The balance of the October 2, 2017 Finance Advisory Committee Meeting minutes was voted on and approved.

- resolution #7, **APPROVED OCTOBER 2, 2017 FINANCE ADVISORY COMMITTEE MEETING MINUTES.**

- (7) **Clerk to read resolution to adopt recommendation**
Community & Development Report CDS-17-062
Tree Preservation and Protection

- resolution #8, **APPROVED RECOMMENDATIONS CDS-17-062.**

- (8) **Clerk to read resolution to adopt recommendation**
Community & Development Report CDS-17-063
Municipal Heritage Committee Minutes - September 12, 2017

- resolution #9, **APPROVED RECOMMENDATIONS CDS-17-063.**

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)

4964-17- A by-law to authorize maintenance and repair of the Epp Drain under the provisions of the Drainage Act

4968-17- 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 Routh Drain

By-law Nos. 4964-17 and 4968-17 were lifted and voted on separately for third reading and approved.

- resolution #10, **BY-LAWS 4964-17 AND 4968-17 RECEIVED THIRD READING.**

500XD-17- A by-law pursuant to section 34 of the Ontario Planning Act to amend By-law 500A-74, as amended, entitles a by-law to regulate the use of land and the character, location and use of buildings and structures thereon (1240 Line 6 Road)

4316CU-17- A by-law to amend By-law No. 4316-09, as amended, entitled a by-law to regulate the use of lands and the erection, use, bulk, height, location, and spacing of buildings and structures within the Town of Niagara-on-the-Lake (723 King Street)

4316CV-17- A by-law to amend By-law No. 4316-09, as amended, entitled a by-law to regulate the use of lands and the erection, use, bulk, height, location, and spacing of buildings and structures within the Town of Niagara-on-the-Lake (432 Dorchester Street)

4842A-17- A by-law to amend By-law 4842-15 being a by-law to authorize a Limited Partnership Agreement between The Corporation of the Town of Niagara-on-the-Lake and Taiyo Energy Holding Inc. and Taiyo Energy Inc. (Niagara District Airport Renewable Energy Project)

5009-17- A by-law to authorize the Lord Mayor and Town Clerk to execute an agreement between The Corporation of the Town of Niagara-on-the-Lake and the Niagara Parks Commission (Access to Lands for Fire Services Training)

Councillor Betty Disero previously declared a conflict of interest with By-law 4316CV-17 as she lives within the notice area. Councillor Disero did not take part in any discussion or vote on any readings of this by-law.

By-law 4316CV-17 was lifted and voted on separately for three readings and approved.

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

- resolution #11, **BY-LAWS RECEIVED THREE READINGS.**

CORRESPONDENCE AND MOTIONS:

Clerk to read resolution

1. The following resolution(s) be adopted:

- (a) Councillor Betty Disero - NOTL Transit Pilot
 - resolution #12, **APPROVED RESOLUTION.**
- (b) Councillor Martin Mazza - QEW Signage
 - resolution #13, **APPROVED RESOLUTION.**

2. Information Package(s):

- [October 5, 2017](#)
- [October 12, 2017](#)

-resolution #14, **RECEIVED OCTOBER 5 & 12, 2017
INFORMATION PACKAGES.**

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 Martin Mazza gave notice of two motions regarding Ash Borer disease; and Remembrance Day NOTL Transit.

Councillor Betty Disero gave notice of two motions regarding an Ontario Ministry of Agriculture, Food and Rural Affairs 2017 nomination; and a property on Paxton Lane.

Councillor Maria Bau-Coote gave notice of motion regarding outstanding Council issues.

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.

There was no new business brought forward at this meeting.

CLOSED SESSION:

Clerk to read resolution

The Municipal Act 2001, as amended,

- Section 239.(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, specifically Fire Code violations.
- Section 239.(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board; specifically a property on King Street
- Section 239.(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board; and 239.(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, specifically a property on Wellington Street
- Section 239.(2)(b) personal matters about an identifiable individual, including municipal or local board employees

At 9:49 p.m. the following motion was read in open session:

Moved by Councillor Jamie King, seconded by Councillor Maria Bau-Coote that Council proceed to go into a closed meeting to consider matters that qualify under the Municipal Act 2001, as amended:

- Section 239.(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, specifically Fire Code violations.
- Section 239.(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board; specifically a property on King Street
- Section 239.(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board; and 239.(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, specifically a property on Wellington Street
- Section 239.(2)(b) personal matters about an identifiable individual, including municipal or local board employees

APPROVED (resolution #15).

Councillor Martin Mazza declared a conflict of interest with the closed session item, specifically two fire code violation properties. At 9:57 p.m. Councillor Mazza left the closed session meeting and did not take part in any discussion of these items. Councillor Mazza returned to the closed session meeting after deliberation of the Fire Code violations.

At 10:25 the following motion was read in open session:
Moved by Councillor Martin Mazza, seconded by Councillor Maria Bau-Coote that the Council meeting be extended to complete the agenda.
APPROVED.

At 10:51 the following motions were read in open session:

Moved by Councillor Paolo Miele, seconded by Councillor Terry Flynn that Council rise from the closed meeting to consider matters that qualify under the Municipal Act 2001, as amended:

- Section 239.(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, specifically Fire Code violations, with no report.

APPROVED (resolution #16).

Moved by Councillor Paolo Miele, seconded by Councillor Maria Bau-Coote that Council rise from the closed meeting to consider matters that qualify under the Municipal Act 2001, as amended:

- Section 239.(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, specifically a property on Wellington Street, with the following:

That the Lord Mayor and Town Clerk be authorized to execute the Waiver of Purchaser's Condition for the property located at 176 Wellington Street, Niagara-on-the-Lake.

APPROVED (resolution #17).

Moved by Councillor John Wiens, seconded by Councillor Martin Mazza that Council rise from the closed meeting to consider matters that qualify under the Municipal Act 2001, as amended:

- Section 239.(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board; specifically a property on King Street, with no report.

APPROVED (resolution #18).

Moved by Councillor Maria Bau-Coote, seconded by Councillor Terry Flynn that Council rise from the closed meeting to consider matters that qualify under the Municipal Act 2001, as amended:

- Section 239.(2)(b) personal matters about an identifiable individual, including municipal or local board employees, with the following:

That the contract for the CAO be extended to January 31, 2019.

APPROVED (resolution #19).

PROCEEDINGS BY-LAW:

Clerk to read resolution for reading of by-law

5010-17- A by-law to confirm the proceedings at the Council Meeting of the Corporation of the Town of Niagara-on-the-Lake on October 16, 2017

- resolution #20, **BY-LAW RECEIVED THREE READINGS.**

RESOLUTIONS:

1. Moved by Councillor Jamie King, seconded by Councillor John Wiens that the minutes of the Council Meeting held September 18, 2017 be adopted.

APPROVED.

2. Moved by Councillor Jamie King, seconded by Councillor Maria Bau-Coote that the Public Community & Development Advisory Committee minutes dated September 25, 2017 be received, regarding:

- 1240 Line 6 - Application for Zoning By-law Amendment
- 1 Rampart Street (The Village Phase 4 West) – Draft Plan of Subdivision

APPROVED.

3. Moved by Councillor Paolo Miele, seconded by Councillor Terry Flynn that the Minutes and Reports of the September 25, 2017 Finance Advisory Committee Meeting be adopted.

APPROVED.

4. Moved by Councillor Martin Mazza, seconded by Councillor Betty Disero that the Minutes and Reports of the October 2, 2017 Community & Development Advisory Committee Meeting be adopted.

APPROVED.

5. Moved by Councillor Jim Collard, seconded by Councillor Jamie King that the Minutes and Reports of the October 2, 2017 Operations Advisory Committee Meeting be adopted.

APPROVED.

6. Moved by Councillor Maria Bau-Coote, seconded by Councillor John Wiens that the Minutes and Reports of the October 2, 2017 Corporate Services Advisory Committee Meeting be adopted.

APPROVED.

7. Moved by Councillor Paolo Miele, seconded by Councillor Terry Flynn that the Minutes and Reports of the October 2, 2017 Finance Advisory Committee Meeting be adopted.

APPROVED.

8. Moved by Councillor Terry Flynn, seconded by Councillor Jamie King that the recommendations contained in Community & Development Report CDS-17-062 be adopted to include that:
- 1.1 this report be received for information;
 - 1.2 the current Tree By-law 4517-12 regarding Public Property not be amended; and
 - 1.3 staff continue to move forward with public consultation to establish an Urban Tree By-law as previously approved by Council.

APPROVED.

9. Moved by Councillor Terry Flynn, seconded by Councillor Martin Mazza that the recommendations contained in Community and Development Report CDS-17-063 be adopted to include that:
- 1.1 the September 12, 2017 Municipal Heritage Committee minutes (**Appendix A** to this report) be received and:
 - 1.2 staff recommend the following Heritage Permits be approved subject to the following conditions as outlined in the September 12, 2017 Municipal Heritage Committee minutes that:
 - 1.2.1 the Heritage Restoration & Improvement Grant and Heritage Permit to re-putty and repair 17 sets of wood windows, repair window frames, sills and trim as per the quote and specifications provided by Drew Chapman Carpentry at \$33,674.00, with the Town and Region each providing \$7,500.00 in grant funding (Regional funding subject to availability) be approved for 16 Queen Street.
 - 1.2.2 the applicant complete a Grant Agreement, to be submitted to the Town, for the approved Heritage Restoration & Improvement Grant at 16 Queen Street.
 - 1.2.3 the Heritage Restoration & Improvement Grant and Heritage Permit Applications to repaint the stucco on the designated portion of the home as per the quote and specifications provided by Painting the Town at \$5500.00, with the Town and Region each providing \$1,375.00 in grant funding (Regional funding subject to availability) be approved for 235 Simcoe Street.
 - 1.2.4 the Heritage Permit Application to repaint the parlor fireplace mantle and kitchen door in white rather than the existing

cranberry colour be approved at 235 Simcoe Street.

1.2.5 the Heritage Permit Application to extend the asphalt parking lot at 137 Queen Street be approved.

1.2.6 a minimum of two trees of sufficient size be planted in the sodded area to replace the trees to be removed and further screening be provided with decorative tree plantings directly in front of the board fence along Queen Street all to the satisfaction of the Town at 137 Queen Street.

1.2.7 that the trees will be appropriate to the area (Carolinian Canada species) and that drainage will be properly considered for the application at 137 Queen Street.

1.2.8 the Heritage Permit Application to erect a wood fence along the west interior property in the rear yard at 15 Queen Street be approved.

1.2.9 the Heritage Committee provide comments on the concept proposal for demolition and construction of a new rear addition at 421 Hunter Road.

1.2.10 that the Committee refuse the application for a car port addition at 164 Victoria Street and request that the owners come back when they have more detailed drawings.

1.3 staff recommend the following recommendation as outlined in the September 12, 2017 Municipal Heritage Committee Minutes not be approved that:

1.3.1 the fence at 15 Queen Street can be extended to the proposed end post, so long as sufficient safety egress as per the Ontario Building Code Act is maintained with the neighbouring building.

1.4 staff recommend the following staff recommendation be approved that:

1.4.1 the wood fence at 15 Queen Street be permitted to extend from the rear fence to no further than the start of the stucco building at 19 Queen Street.

APPROVED.

10. Moved by Councillor Terry Flynn, seconded by Councillor Maria Bau-Coote that leave be given to introduce By-law Nos. 4964-17 and 4968-17 and that the same be considered read a third time and passed, any ruling of this Council to the contrary notwithstanding.

APPROVED.

11. Moved by Councillor Maria Bau-Coote, seconded by Councillor Paolo Miele that leave be given to introduce By-law Nos. 500XD-17, 4316CU-17, 4316CV-17, 4842A-17, and 5009-17 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.

12. Moved by Councillor Betty Disero, seconded by Councillor Jamie King
BE IT RESOLVED that Council request staff to report on the financial implications of implementing a "children 12 and under ride free" pilot program on the NOTL transit system commencing January 1st, 2018 to June 30th 2018.

And further, that staff report back in July of 2018 on the results regarding increase or decrease of ridership and revenue.

APPROVED.

13. Moved by Councillor Martin Mazza, seconded by Councillor Terry Flynn
WHEREAS Niagara Stone Road is a major artery for the Town of Niagara-on-the-Lake;
AND WHEREAS the Glendale interchange is currently the main gateway to and from the Town of Niagara-on-the-Lake via the Queen Elizabeth Way (QEW);
AND WHEREAS it is in the interest of this Council to ensure that visitors can safely and conveniently access the QEW;
AND WHEREAS the current signage (2 smaller pole signs) may not give the uninformed traveler enough time to properly signal and make safe turns onto Airport Road.
THEREFORE BE IT RESOLVED that the Lord Mayor, on behalf of Council request the Region to install a third sign south west of the Concession 6 road roundabout in order to ensure that visitors leaving our community can easily access the QEW.

APPROVED.

14. Moved by Councillor John Wiens, seconded by Councillor Martin Mazza that Council receive the October 5, 2017 and October 12, 2017 Information Packages for information.

APPROVED.

15. Moved by Councillor Jamie King, seconded by Councillor Maria Bau-Coote that Council proceed to go into a closed meeting to consider matters that qualify under the Municipal Act 2001, as amended:
- Section 239.(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for

- that purpose, specifically Fire Code violations.
- Section 239.(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board; specifically a property on King Street
- Section 239.(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board; and 239.(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, specifically a property on Wellington Street
- Section 239.(2)(b) personal matters about an identifiable individual, including municipal or local board employees

APPROVED.

16. Moved by Councillor Paolo Miele, seconded by Councillor Terry Flynn that Council rise from the closed meeting to consider matters that qualify under the Municipal Act 2001, as amended:

- Section 239.(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, specifically Fire Code violations, with no report.

APPROVED.

17. Moved by Councillor Paolo Miele, seconded by Councillor Maria Bau-Coote that Council rise from the closed meeting to consider matters that qualify under the Municipal Act 2001, as amended:

- Section 239.(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, specifically a property on Wellington Street, with the following:

That the Lord Mayor and Town Clerk be authorized to execute the Waiver of Purchaser's Condition for the property located at 176 Wellington Street, Niagara-on-the-Lake.

APPROVED.

18. Moved by Councillor John Wiens, seconded by Councillor Martin Mazza that Council rise from the closed meeting to consider matters that qualify under the Municipal Act 2001, as amended:

- Section 239.(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board; specifically a property on King Street, with no report.

APPROVED.

19. Moved by Councillor Maria Bau-Coote, seconded by Councillor Terry Flynn that Council rise from the closed meeting to consider matters that qualify under the Municipal Act 2001, as amended:

- Section 239.(2)(b) personal matters about an identifiable individual, including municipal or local board employees, with the following:

That the contract for the CAO be extended to January 31, 2019.

APPROVED.

20. Moved by Councillor Maria Bau-Coote, seconded by Councillor Terry Flynn that leave be given to introduce By-law No. 5010-17, 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.

21. Moved by Councillor Jamie King, seconded by Councillor Paolo Miele that this Council adjourn to the next regular meeting to be held November 13, 2017 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 Jim Collard, seconded by Councillor Martin Mazza that the agenda be adopted, as amended.

APPROVED.

2. Moved by Councillor Jim Collard, seconded by Councillor Martin Mazza that the issues brought forward by the delegation regarding the NOTL Transit System in the John and Simcoe Street area be referred to staff to report back to Council by December, 2017.

APPROVED.

3. Moved by Councillor Martin Mazza, seconded by Councillor Maria Bau-Coote that the Council meeting be extended to complete the agenda.

APPROVED.

ADJOURNMENT: 10:57 PM

LORD MAYOR Pat Darte

TOWN CLERK PETER TODD