



TOWN OF GRIMSBY

COUNCIL MEETING MINUTES

**November 6, 2023, 5:30 p.m.
Town Hall Council Chambers
160 Livingston Avenue**

Present: Mayor J. Jordan
Councillor D. Davoli
Councillor R. Freake
Councillor D. Howe
Councillor L. Vardy
Councillor V. Charrois
Councillor J. Korstanje
Councillor J. Baradziej
Councillor N. DiFlavio

Staff: Chief Administrative Officer, S. Kim
Director of Community Services, S. Sweeney
Assistant Director of Planning, W. Basic
(A) Deputy Clerk, K. Viccica
(A) Town Clerk, B. Nistico-Dunk
Committee Coordinator, J. Beaupre
Director of Finance/Treasurer, S. Nagel
Director of Planning, H. Madi
Coordinator of Municipal Law Enforcement, H. Boese
Senior Planner, T. Donia-Edwards
Supervisor of Capital Engineering, S. Pierce
Heritage Planner, B. Verrecchia

Others: Representative from Gillian's Place, G. Dargavel
Regional Councillor, M. Seaborn

1. **Call to Order**

The Mayor called the meeting to order 5:30 pm.

2. **Playing of National Anthem**

Everyone rose for the playing of the National Anthem.

3. Land Acknowledgement

The Mayor read the Land Acknowledgement:

Grimsby is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hattiwendaronk, the Haudenosaunee, and the Anishinaabe, including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The Regional Municipality of Niagara/Grimsby stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

4. Disclosure of Interest

There were no disclosures of pecuniary or non-pecuniary interest.

5. Approval of Agenda

C-23- 279

Moved by: Councillor Freake

Seconded by: Councillor Baradziej

Resolved that the November 6, 2023 Council meeting agenda be approved.

CARRIED

6. Delegations/Presentations

6.1 Gillian's Place - Intimate Partner Violence Presentation

Graeme, a representative from Gillian's Place, gave a presentation on Intimate partner violence and gender based violence. Council engaged in a question and answer period with Graeme.

C-23- 280

Moved by: Councillor Vardy

Seconded by: Councillor Korstanje

Resolved that the presentation from Gillian's Place be received.

CARRIED

7. Chair's Report

The Chairs of the Standing Committees provided short verbal updates of the business at their meetings.

7.1 Planning and Development Committee – October 18, 2023

7.2 Community Services Committee – October 23, 2023

- 7.3 Finance Committee – October 26, 2023
- 7.4 Public Works Committee – October 30, 2023

8. Adoption of Previous Minutes

- 8.1 Council - October 16, 2023
- 8.2 Planning and Development Committee - October 18, 2023
- 8.3 Community Services Committee- October 23, 2023
- 8.4 Finance Committee - October 26, 2023
- 8.5 Public Works Committee - October 30, 2023

C-23- 281

Moved by: Councillor Davoli
Seconded by: Councillor Charrois

Resolved that resolution CS-23-039 from the Community Services Committee minutes of October 23, 2023 be lifted for separate consideration.

CARRIED

C-23- 282

Moved by: Councillor Baradziej
Seconded by: Councillor Freake

Resolved that resolution CS-23-039 be deferred.

Yes (6): Mayor Jordan, Councillor Davoli, Councillor Freake, Councillor Howe, Councillor Vardy, and Councillor Baradziej

No (3): Councillor Charrois, Councillor Korstanje, and Councillor DiFlavio

CARRIED (6 to 3)

C-23- 283

Moved by: Councillor Charrois
Seconded by: Councillor DiFlavio

Resolved that resolution FC-23-024 from the Finance Committee minutes of October 26, 2023 be lifted for separate consideration.

Yes (9): Mayor Jordan, Councillor Davoli, Councillor Freake, Councillor Howe, Councillor Vardy, Councillor Charrois, Councillor Korstanje, Councillor Baradziej, and Councillor DiFlavio

CARRIED (9 to 0)

The Chair determined the following vote was a reconsideration. A minimum of six votes was not achieved.

C-23- 284

Moved by: Councillor Charrois

Seconded by: Councillor Baradziej

Resolved that resolution C-23-265 from the Council minutes of October 16, 2023 be lifted for separate consideration.

Yes (5): Councillor Davoli, Councillor Charrois, Councillor Korstanje, Councillor Baradziej, and Councillor DiFlavio

No (4): Mayor Jordan, Councillor Freake, Councillor Howe, and Councillor Vardy

DEFEATED (5 to 4)

C-23- 285

Moved by: Councillor Korstanje

Seconded by: Councillor Freake

Resolved that the following minutes be approved:

- Council - October 16, 2023
- Planning and Development Committee - October 18, 2023
- Community Services Committee - October 23, 2023, as amended
- Finance Committee - October 26, 2023
- Public Works Committee - October 30, 2023

CARRIED

9. Council Endorsement Package

9.1 Grimsby Heritage Advisory Committee

C-23- 286

Moved by: Councillor Korstanje

Seconded by: Councillor Freake

Resolved that the Grimsby Heritage Advisory Committee Council Endorsement Package be approved.

CARRIED

10. Receipt of Board Minutes

10.1 Grimsby Public Library Board - September 13, 2023

10.2 Committee of Adjustment - September 19, 2023

10.3 Grimsby Heritage Advisory Committee - October 10, 2023

C-23- 287

Moved by: Councillor Howe

Seconded by: Councillor Davoli

Resolved that the following board minutes be received:

- Grimsby Public Library Board - September 13, 2023
- Committee of Adjustment - September 19, 2023
- Grimsby Heritage Advisory Committee - October 10, 2023

CARRIED

11. Announcements

The Mayor thanked Councillor Freake and Councillor Davoli for presiding over Council meetings as Deputy Mayor, and announced Councillor Vardy will be Deputy Mayor for the upcoming six-month cycle. He also announced he attended the Veteran's Lunch at the Legion, and reminded Council that on Saturday, November 11th, there will be a service at the Cenotaph at the Museum, starting just after 10 am.

Councillor Korstanje commended Grimsby Rotary and Community Services Staff on a successful Grimsby Glow's event. She also commended the Grimsby Firefighters Association on their Turkey Roll event, and thanked the Businesses who donated and the firefighters for all their work.

Councillor DiFlavio announced the Grimsby author series continued on October 27 at the Public Library, where Harriet Alida Lye and Hannah Mary McKinnon were there to talk about their books; it was a sold out event. The next event is on November 17th, 2023 where Craig Shreve and Terry Fallis will be there to speak about their books. The tickets for the spring season will be on sale soon. He also announced he attended the Curl for Kids charity event with Councillor Baradziej and Stephanie Nagel (Director of Finance) to raise money for Big Brothers and Big Sisters. Lastly, he announced he will be hosting a Trivia night at the Legion on Friday with Councillor Baradziej.

Councillor Charrois thanked the Grimsby and Lincoln fire department for allowing Council to come to "Firefighter for a Day", they were gracious hosts and provided them with an opportunity to see how they work.

Councillor Baradziej encouraged everyone to check out the poppy display at the Museum and Trinity Church. He also announced he will be hosting a Trivia night with Councillor DiFlavio on Friday November 10th, at the Legion. It will begin at 7 pm, and will be focusing on Canadian Military History. For more information, folks can visit the Grimsby Legion Facebook page.

12. Consent Reports

12.1 * TC-23-15 2024 Council and Committee Meeting Schedule

C-23- 288

Moved by: Councillor Davoli

Seconded by: Councillor Freake

Resolved that Council hereby approves the following item and that the consent item be approved on the recommendations as contained therein:

TC-23-15

a) That report TC-23-15, 2024 Council and Committee Meeting Schedule, dated November 6, 2023 be received; and

1. That Council approve the 2024 calendar attached herein.

CARRIED

13. Discussion Reports

13.1 TC-23-14 Closed Session Meeting Security Options

The Acting Town Clerk gave a summary of the report and Council engaged in discussion.

C-23- 289

Moved by: Councillor Baradziej

Seconded by: Councillor Davoli

Resolved that report TC-23-14, Closed Session Meeting Security Options, dated November 6, 2023 be received; and

1. That Council implement option 1 from the report.

DEFEATED

C-23- 290

Moved by: Councillor Howe

Seconded by: Councillor Davoli

Resolved that report TC-23-14, Closed Session Meeting Security Options, dated November 6, 2023 be received; and
2. That Council consider and implement one or more of the recommended security options.

CARRIED

13.2 DCS-23-52 Parks Master Plan Project

The Director of Community Services gave a summary of the report and Council engaged in discussion.

C-23- 291

Moved by: Councillor DiFlavio
Seconded by: Councillor Freake

Resolved that report DCS-23-52, Parks Master Plan Project, dated November 6, 2023 be received; and

1. That Council approve a new Parks Master Plan operating project with a budget request of \$110,000; and
2. That Council approve a budget amendment of \$110,000 for the Parks Master Plan Project to be funded from Development Charges – Growth Studies (\$78,364) and Parkland Dedication Reserve (\$31,636).

Yes (7): Mayor Jordan, Councillor Davoli, Councillor Freake, Councillor Vardy, Councillor Charrois, Councillor Korstanje, and Councillor DiFlavio

No (2): Councillor Howe, and Councillor Baradziej

CARRIED (7 to 2)

14. Resolutions

14.1 Councillor DiFlavio - GOTL BIA

C-23- 292

Moved by: Councillor DiFlavio
Seconded by: Councillor Baradziej

Whereas Council received information report TC-23-12 Grimsby on the Lake-Business Improvement Area Investigation on July 4th, 2023 that provided a response to the validity and the benefits of forming a Grimsby on the Lake BIA; and

Whereas at that time, Council received the information and no further action was taken.

Therefore be it resolved that Staff be requested to survey the businesses in the BIA geographical area as was presented in Appendix A of the same report to see if the support for this formation still exists, as well as willing to participate; and

Be it further resolved that Staff report back to Council regarding the results and next steps in this process.

CARRIED

14.2 Councillor Charrois - Creation of a Lobbyist Registry

C-23- 293

Moved by: Councillor Charrois

Seconded by: Councillor DiFlavio

Whereas access to local government is an essential element of democratic governance; and

Whereas lobbying by honest and appropriate means is a legitimate activity; and

Whereas it is reasonable for Members of Council and the public at large to know the nature and amount of legitimate lobbying of local government; and

Whereas Section 223.9 of the Municipal Act, 2001, authorizes the Town of Grimsby to establish and maintain a Lobbyist Registry in which shall be kept registrations and returns filed by persons who lobby the Town of Grimsby's public office holders; and

Whereas Section 223.11 of the Municipal Act, 2001 authorizes the Town of Grimsby to appoint a Lobbyist Registrar who is responsible for performing in an independent manner the functions assigned by the Town of Grimsby with respect to the Lobbyist Registry; and

Whereas Sections 8, 9, and 10 of the Municipal Act, 2001 authorize the Town of Grimsby to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 2 of subsection 10(2) authorizes by-laws respecting the accountability and transparency of the municipality and its operations; and

Whereas the Town of Collingwood on January 20, 2020 enacted a Lobbyist Registry By-law including a Lobbyist Code of Conduct; and

Whereas the Collingwood model represents a principled and cost-effective approach to a Lobbyist Registry for smaller municipalities.

Therefore be it resolved that Staff be directed to research and bring forward a Lobbyist Registry By-law and Lobbyist Code of Conduct, based on the Collingwood model, for the consideration of Council before the end of Q4 2023

Yes (1): Councillor Charrois

No (8): Mayor Jordan, Councillor Davoli, Councillor Freake, Councillor Howe, Councillor Vardy, Councillor Korstanje, Councillor Baradziej, and Councillor DiFlavio

DEFEATED (1 to 8)

14.3 Councillor Charrois - Escribe Voting

C-23- 294

Moved by: Councillor Charrois
Seconded by: Councillor DiFlavio

Whereas Section 11.2 of the Town of Grimsby's procedural by-law states; except where a recorded vote is requested, voting shall be a show of hands; and

Whereas the Town of Grimsby purchased ESCRIBE to ensure the most efficient recorded voting system; and

Whereas Council has reverted to using a less effective manual roll call in place of ESCRIBE for recorded voting.

Therefore be it resolved that Section 11.2 of the Town of Grimsby's procedural by-law be amended to state; except where a recorded ESCRIBE vote is requested by a member of council, voting shall be a show of hands.

CARRIED

15. Notice of Motions

15.1 Councillor Davoli - Keeping of Farm Animals

15.2 Councillor Freake - Access to Adjoining Property By-law

Councillor Baradziej exited the meeting at 7:59 p.m. and returned at 8:08 p.m. The Councillor was not present for the following vote.

C-23- 295

Moved by: Councillor Freake
Seconded by: Councillor Davoli

Resolved that the Rules of Procedure be temporarily suspended by an affirmative vote of two-thirds to discuss Councillor Freake's notice of motion regarding an access to adjoining property by-law.

Yes (8): Mayor Jordan, Councillor Davoli, Councillor Freake, Councillor Howe, Councillor Vardy, Councillor Charrois, Councillor Korstanje, and Councillor DiFlavio

CARRIED (8 to 0)

C-23- 296

Moved by: Councillor Freake
Seconded by: Councillor Davoli

Whereas there has been ongoing concerns across the Town of Grimsby with residents requiring access to a neighbouring property for the purpose of necessary repairs on structures, and these neighbouring residents

refusing access; and

Whereas there are situations in which urgent repairs are required on residential homes before the upcoming winter season; and

Whereas the Town of Grimsby does not currently have an Access to Adjoining Property By-law.

Therefore be it resolved that staff be directed to draft and bring forward an Access to Adjoining Property By-law at the next Council meeting.

CARRIED

16. Correspondence

16.1 Niagara Region - Areas of Strategic Focus for Shared Services

16.2 Niagara Region - 2024 Proposed Operating and Capital Budget Submission and Requisition - Niagara Transit Commission

16.3 Ontario Ministry of Finance - Ontario Municipal Partnership Fund

16.4 Joint Accessibility Advisory Committee Meeting Invitation

C-23- 297

Moved by: Councillor Freake

Seconded by: Councillor Vardy

Resolved that the correspondence from the Niagara Region, Ontario Ministry of Finance, and Joint Accessibility Advisory Committee be received.

CARRIED

17. Regional Councillor Update

17.1 Regional Councillor Seaborn

Regional Councillor Seaborn gave an update on the speed camera project, and she explained it should be operational by mid-December. She also shared an update from Regional Director of Transit regarding concerns around traffic surrounding the new high school in Beamsville. She also provided an update on the Regional budget, which has been in progress for the past 12 weeks. She explained that this will be a difficult budget, as they are seeing the pressures of inflation, supply chain increases and continual impacts of Bill 23, but nothing for 2024 has been determined yet. Lastly, she noted they will be speaking about transit and wastewater management in regards to the budget at the next Regional Council meeting.

Councillor Howe exited at 8:26 pm, and re-entered at 8:30 pm.

18. By-laws

18.1 23-88 A By-law to regulate the discharge of firearms and bows in the Town of Grimsby

Councillor Baradziej requested By-law 23-88 be considered separately. The Clerk indicated this item must be reconsidered with a two-thirds majority, as the minutes were passed earlier this evening. The following reconsideration motion was passed:

C-23- 298

Moved by: Councillor Charrois

Seconded by: Councillor Baradziej

Resolved that By-law 23-88 be amended to approve the use of bow hunting on the south side of Ridge Road by landowners only or by permission of the landowner only.

Yes (6): Councillor Davoli, Councillor Howe, Councillor Charrois, Councillor Korstanje, Councillor Baradziej, and Councillor DiFlavio

No (3): Mayor Jordan, Councillor Freake, and Councillor Vardy

CARRIED (6 to 3)

C-23- 299

Moved by: Councillor Baradziej

Seconded by: Councillor Charrois

Resolved that leave be given to introduce By-law 23-88, and that the same be read a first time, considered, and passed as amended.

Yes (5): Councillor Davoli, Councillor Howe, Councillor Charrois, Councillor Baradziej, and Councillor DiFlavio

No (4): Mayor Jordan, Councillor Freake, Councillor Vardy, and Councillor Korstanje

CARRIED (5 to 4)

19. Next Meeting

The next Council meeting is scheduled on November 20, 2023 at 6:30 pm.

20. Closed Session

20.1 37 Bartlett Settlement OPA/ZBA

20.2 Approval of Closed Minutes

C-23- 300

Moved by: Councillor Baradziej
Seconded by: Councillor Korstanje

Resolved that Council proceed to closed session under:

- Section 239(2)(e) of the Municipal Act, where a closed meeting is held if the subject matter being considered is litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
- Section 239(2)(f) of the Municipal Act, where a closed meeting is held if the subject matter being considered is advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

21. Open Session

C-23- 301

Moved by: Councillor Korstanje
Seconded by: Councillor Freake

Resolved that the information provided in closed session with regards to the 37 Bartlett Settlement be received.

CARRIED

22. Confirming By-law

22.1 23-89

C-23- 302

Moved by: Councillor Davoli
Seconded by: Councillor Howe

Resolved that leave be given to introduce By-law 23-89 and that the same be read a first time, considered, and passed.

CARRIED

23. Adjournment

The meeting was adjourned at 9:18 pm.

J.A. Jordan, Mayor

B. Nistico-Dunk, Acting Town Clerk