

THE VILLAGE COMMUNITY ASSOCIATION

THE WAY FORWARD

Report prepared for: **VCA Executive**
VCA Members

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October 20, 2016

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1.0 Background

For some time many residents of The Village have felt that the changing dynamics and size of The Village and, indeed, of Niagara-on-the-Lake itself call for a community association which is not just focused on social activities, but which is an effective voice for The Village in issues which could potentially affect its residents.

Consequently, at the April 20, 2016 VCA Annual General Meeting a motion was introduced (and overwhelmingly approved) to establish a committee to develop a long-term strategy to ensure that The Village has a strong voice in issues that could potentially impact its residents. That committee is the Forward Planning Committee.

1.1 Purpose

This report will make recommendations to the VCA Executive regarding the future direction of the Association and what changes will have to be made to the VCA infrastructure to meet these challenges.

1.2 Objectives

The Committee felt that there were three major areas which required in-depth investigation:

- How to administer the Village Architectural Codes post Village Developments (NOTL) Inc. and Brookfield Developments involvement.
- How to facilitate interface with all levels of the Niagara-on-the-Lake municipal infrastructure.
- How the VCA will have to change to address these new challenges and make it more dynamic, proactive, and meaningful to Village residents.

1.3 Scope

The data for this report was obtained from meetings with several local residents'/ratepayers' associations, the Lord Mayor, NOTL Councillors, the NOTL Planning Dept., Village lawyer/residents in the urban planning and corporate law fields, past presidents of the VCA, a NOTL real estate professional, input from our Survey and Open House, and one-on-one meetings with several Village residents.

2.0 Architectural Codes

2.1 Background

- The Village Architectural Codes were established in 1997 to govern the exterior design elements of Village residences to ensure the protection of the overall general aesthetics of The Village. They were revised in 2011.
- The Codes are currently administered by John Hawley (and Village Architect, Nigel Scott) through John's company Village Developments (NOTL) Inc.
- The Codes are registered on the titles of all Village residences.

2.2 The Process

- Members of the Committee met several times with John Hawley as well as with lawyer/residents of the Village in the urban planning field, a NOTL real estate agent, past VCA presidents, and the NOTL Planning Dept. In addition substantial data was gathered from Village residents, our Survey and Open House.

2.3 Conclusions

- Many Village residents are confused and only somewhat familiar with the Village Architectural Codes and the process required for the approval of changes.
- Many Village residents view the Codes more as a controlling tool rather than a protective mechanism. Many Village residents feel that there has been a lack of consistency in the application of the Codes throughout The Village, with many non-approved variances.
- Legal enforcement of the Codes is an unknown and potentially expensive process if litigation were involved, and continues to be a matter of some concern to residents.
- Very few NOTL real estate agents correctly understand the Codes application process with respect to real estate transactions for Village residences. Some agents therefore do not actively promote or show Village properties.

*In the midst of our intelligence gathering with respect to the Codes, we were made aware of the new proposed Draft Development Permit System By-law applicable exclusively to The Village. **

This proposed DPS By-law has created its own set of concerns regarding the future administration of the Village Architectural Codes.

**See Appendix 5.2c, page 32: Feedback to Town of Niagara-on-the-Lake Planning Department regarding the Development Permit System Draft By-law for The Village.*

- Once the DPS By-law is in effect and John Hawley and Brookfield are no longer in the picture, there will be a vacuum with respect to the administration of the Codes as the Town will (through the DPS By-law) only be concerned with those exterior design elements which require building permits, leaving “soft” (i.e. non-building permit required) projects un-addressed.
- There will be no public input into the approval of variances (i.e. for those projects requiring building permits) to the DPS By-law’s “Design Guidelines”.

2.4 Recommendations

- a) The VCA can play a major role in the education of Village residents with respect to the Codes by:
- Demystifying the approval protocol.
 - Creating a higher level of awareness of the Codes and improving the communication of their nature and benefits to Village residents, NOTL real estate agents, real estate lawyers, etc.

This can be done by:

- Creation and production of a flyer for all residents (and perhaps NOTL real estate agents) – “The Architectural Codes and You”
 - A seminar with the same objective (aimed at the same audience(s)), with the participation of people such as John Hawley, Nigel Scott, perhaps a NOTL Planning Dept. staffer, and a NOTL real estate professional.
 - A seminar: “The Village – A Real Estate Perspective”, with the participation of NOTL real estate agents.
 - Using the VCA website to give information on the Codes, approved colours, procedures, etc.
- b) The VCA can play a role in the Codes advisory/approval process (both pre and post the DPS By-law) by participating in an “Architectural Codes Advisory Panel” (which could initially be made up of John Hawley plus 1 or 2 Village residents). This panel would handle enquiries from and provide assistance to Village residents regarding (non-building permit required) residential projects such as exterior painting, shutters, fencing, roofing, etc. In addition, this Panel (together with the Village Architect) could also, in the pre-DPS By-law environment, participate in the review of variance requests (with the Village residents only taking an advisory role). Obviously this recommendation would require discussion with John Hawley.
- c) Assuming the proposed DPS By-law is adopted, this Panel, together with the Village Architect and a representative of the NOTL Planning Dept., could also play a role in the (building permit required) variance approval process. This recommendation would require discussion with all parties, including the Town.

- d) The VCA Executive should seek a mandate from all Village residents (members and non-members), either through a vote or a signed petition, to advocate on their behalf to the Town and local politicians for the adoption of recommendations made by the Forward Planning Committee with respect to changes to the current Draft DPS By-law (*see Appendix 5.2c, page 32*).

3.0 NOTL Municipal Interface

3.1 Background

In recent years there appears to have been very little need for residents of The Village as a whole, or individual homeowners within it, to seek assistance from the Niagara-on-the-Lake municipal infrastructure. Consequently the VCA perceived little or no reason to develop relationships with the Town or Councillors or with other residents'/ratepayers' associations within the region.

3.2 The Process

Members of the Committee sought to research and establish contacts with:

- Local residents'/ratepayers' associations
- Local advocacy groups
- The Mayor, Town Councillors and Administration

These groups were interviewed about their overall structure, executive make-up, membership, contact with local municipal infrastructure, best practices, etc. Initial contact has been established with the Mayor, Councillors and staff by the Forward Planning Committee.

3.3 Conclusions

- Although the VCA is one of the longest-standing groups in the area, all of the others are much more active in local politics and make a point of being better informed and involved in local issues than the VCA. Most, if not all, of these other groups are incorporated as not-for-profit entities.
- The VCA has not developed strong enough relationships, and therefore has little presence, with the NOTL municipal infrastructure.
- According to the Survey, many Village residents feel that the VCA is not doing an adequate job of understanding residents' interests and concerns, and they do not see the VCA as a source of information/guidance on local issues.
- There is no effective communication channel established between the NOTL Town, the VCA and Village residents.
- There is no mechanism for harnessing the considerable voting strength of The Village.

3.4 Recommendations

- a) The VCA **must** develop more effective relationships at all levels of the NOTL municipal infrastructure. The framework of this has already been initiated by the Forward Planning Committee.
- b) The VCA should prepare a short introductory overview of The Village for distribution to the Mayor, all Councillors, the Chief Administrative Officer, and the Senior Management Team. Information should include a map of The Village, its boundaries, number of homes, number of residents (including children), homes planned to be built, parks, public spaces, information on the VCA, its membership, the annual Christmas decoration effort, Supper Market, Saturday Market, issues and concerns, as well as primary contact individuals, with their contact information.
- c) As suggested by more than one Councillor in our interviews, any proposals or significant communication to the Town should include copies to the Mayor and ALL Councillors, and (where appropriate) to the Chief Administrative Officer and Senior Management Team Directors.
- d) The VCA has to establish itself in the eyes of the residents as the source for information and knowledge – the “go-to” point for residents - in all matters that relate to the municipality. Residents should come to know that they can get the best results by going to the VCA first on these matters.
- e) The point person for liaison with the Town should be the VCA President, with assistance from the VCA Executive and support committees.
- f) The VCA President (or substitute) should attend NOTL council meetings to demonstrate interest and keep up-to-date on local issues, be visible to politicians, and should communicate in a timely fashion to Village residents on any issues which could potentially affect them.
- g) The VCA should seriously consider incorporating itself. This comes with advantages, but also necessitates adherence to strict regulatory requirements (*see Appendix 5.3a, page 37*).

N.B. Should the VCA decide to incorporate, the Constitution and By-laws should be revisited for possible amendments.

- h) In order to be taken seriously at the municipal level the VCA has to be, and has to be seen as, representing the majority of the Village residents. In the political arena numbers are king! **Increasing membership to a minimum of 60% of Village residents should be one of the principal goals of the VCA.**
- i) The VCA should improve and upgrade its communications initiatives, both internally and externally.

4.0 The Restructuring of the VCA

4.1 Background

The first meeting of the Village Community Association was held on January 29, 2002, at which time an Executive of five officers was elected with Neil Rumble as President. A Village Mission Statement was developed and proposed: "To unite all homeowners of The Village for the purpose of preserving the values that currently characterize our community, as well as to assure that future development continues to proceed in a timely fashion in full compliance with the original Master Plan as drawn by Andres Duany".

As The Village has expanded, we have reviewed and refreshed the mandate based on feedback from current members.

4.2 The Process

Members of the Committee reviewed the Constitution and By-laws of the VCA as well as those of other local residents' associations. In addition, data was collected from meetings with lawyer/residents in the corporate law field, one-on-one meetings with Village residents and from our Survey and Open House. The Committee then reviewed what the overall impact of our recommendations would be on the VCA's future focus, infrastructure, membership and financials.

4.3 Conclusions

- The Constitution and By-laws require updating.
- The Mission Statement needs to reflect current residents' needs.
- The VCA is perceived to have little relevance to many Village residents.
- The VCA has little presence with the NOTL municipality.
- VCA communication efforts to members need to be improved.
- There appears to be a disconnect between the newer and older areas of The Village.
- The VCA website is not used much by Village residents.
- The VCA seems to be uninformed about issues that could affect Village residents and slow in responding to concerns expressed by its members.
- VCA meetings need to be better organized and run.
- Membership of the VCA has not been given a high enough priority and has led to a drop-off in numbers when compared to completed/occupied residences.

Year Ending	Paid by Resident	Paid (1 st Year) By Brookfield	Total
April 2016 (to date)	71	0	71
March 2016	86	17	103
March 2015	92	19	111
March 2014	74	15	89
March 2013	74	11	85
March 2012	76		76
March 2011	53		53
March 2010	52		52
March 2009	37		37

The chart above shows annual membership totals dating back to 2009. In the years ending March 2012, 2013, and 2014 paid-up membership appears to be static, with any increases solely attributed to free first-year memberships paid by Brookfield. This means that membership was actually dropping off since it didn't keep pace with the new construction. Then in the year ending March 2015 paid-up memberships rose to a robust 92, not including Brookfield-funded memberships. However, in the following year membership dropped off once again, which could point to the fact that there is less interest in membership renewal – or that past members have not been contacted with respect to renewing their membership. Obviously the latter point is a key element for the VCA to focus on.

4.4 Recommendations

- a) The VCA should seriously investigate incorporation and directors'/officers' liability insurance (*see Appendix 5.3a, page 37; Appendix 5.3b, page 38; Appendix 5.3c, page 39*). However, incorporation would incur set-up costs and ongoing expenses with respect to annual filings and possibly audits. With pending legislative changes, these issues still need further detailed investigation. Estimated Incorporation set-up costs: \$1,000 - \$1,500.
Estimated D&O Liability Insurance premiums: \$400 annually.
Estimated Annual Filings: \$500 annually.
- b) The VCA should consider changing its name - perhaps to "The Village Residents' Association".
- c) The VCA Constitution and By-laws should be revised and updated (*see Appendix 5.4a, page 41; Appendix 5.4b, page 43*).
- d) The VCA Executive organization should be updated to address current and future initiatives (*see Appendix 5.5, page 51*).

- e) The VCA should develop relationships with key members of the NOTL municipality. This initiative should be spearheaded by the VCA President with support from the VCA Executive and Advisory Committees.
- f) The VCA should be aware of issues which could potentially affect Village residents by attending council meetings.
- g) The process of payment for membership should be modernized by establishing PayPal or credit card online. This will reduce line-ups at VCA meetings.
- h) The VCA should designate a senior member of the Executive Committee (the Vice-President?) to be responsible for meeting on a regular basis with the chairs of the 2 condo-laneway associations, the heads of the (4?) laneway committees and a representative of the non-laneway residences to ensure that the VCA Executive is aware of the “street-level” concerns/problems of all areas of The Village.
- i) VCA membership should be given a much higher priority. In order for the VCA to effectively represent The Village to the NOTL municipality it is imperative that the Association’s membership represents 60% - 75% of the total residences. The additional revenue that this increase in membership would generate would help the VCA to fund its new initiatives.
- j) The VCA will need to adhere to provincial and federal privacy laws with respect to personal data collected from residents and obtain “opt-in” permission from residents to comply with Canada’s Anti-Spam legislation.
- k) The VCA administrative and presentation initiatives should be improved by:
 - Purchase/rental of equipment to facilitate more professional VCA meetings.
 - Purchase and application of latest presentation software.
 - Purchase of general administration software (see: www.theara.org and www.southamptonontario.org - users of Wild Apricot software).
- l) In addition to the Annual General Meeting and mid-term meeting, consideration should be given to holding one or more guest-speaker/topic-driven meetings annually.
- m) Monthly, more professional (in appearance and content), and relevant newsletters to members (*see Appendix 5.7, page 53*). Residents should be informed of the dates of publication, dates for material submission, and the Executive should be required to see and approve the newsletter draft by a specific date.

- n) The VCA website should be updated to improve its value and relevance to Village residents, becoming a “go-to” resource:
- All current documents should be on the website (meetings, agendas, minutes, information sheets, etc.)
 - The Village Architectural Codes, approved paint colours, Code approval protocol, etc., should be posted.
 - The website should include contact co-ordinates for the “Architectural Codes Advisory Panel”.
 - According to the VCA website administrator, the site software needs updates, and could use add-ons to allow easier input of calendar events, tracking visits to the site, and possibly email capability. These add-ons would carry a cost of approximately \$200 p.a.
 - The Facebook, Instagram, and Twitter links on the website do not lead to VCA accounts, so they should be eliminated.
 - The Bulletin Board page on the site should also have a monitored “Community Content” section where residents can post comments, questions, and concerns on issues.
 - The contact information for the Chairs of the condo-laneway associations and laneway committees should be posted on the “Contact Us” page.
- o) A link to the website should be included in every email to members.
- p) Establish a back-up person to send out the newsletter and blast emails so that communication is not interrupted if the main person is not available to do so.
- q) Design and send out an annual survey (using Survey Monkey) two months prior to the AGM, review survey summary at the AGM, and use the results to establish direction and priorities for the upcoming year.
- r) New revenue streams should be investigated (advertising/sponsorships on the VCA website, a VCA Golf Tournament?).
- s) Additional discounts from local retailers, restaurants, etc., should be investigated to provide additional membership benefits.
- t) The VCA should develop and maintain a list of talented and willing residents to join ad hoc committees to evaluate issues as they arise.
- u) The FPC is prepared to continue in an advisory role for the VCA Executive.

5.0 APPENDICES

Appendix 5.1

Village Residents' Survey

In August, 2016, the Forward Planning Committee (via the Village Community Association) sent an email to approximately 190 residents of The Village, of which approximately 80 are members of the Village Community Association, and 110 are not.

The email asked for their participation in an online survey, and a link to this survey was emailed to the same list a few days later.

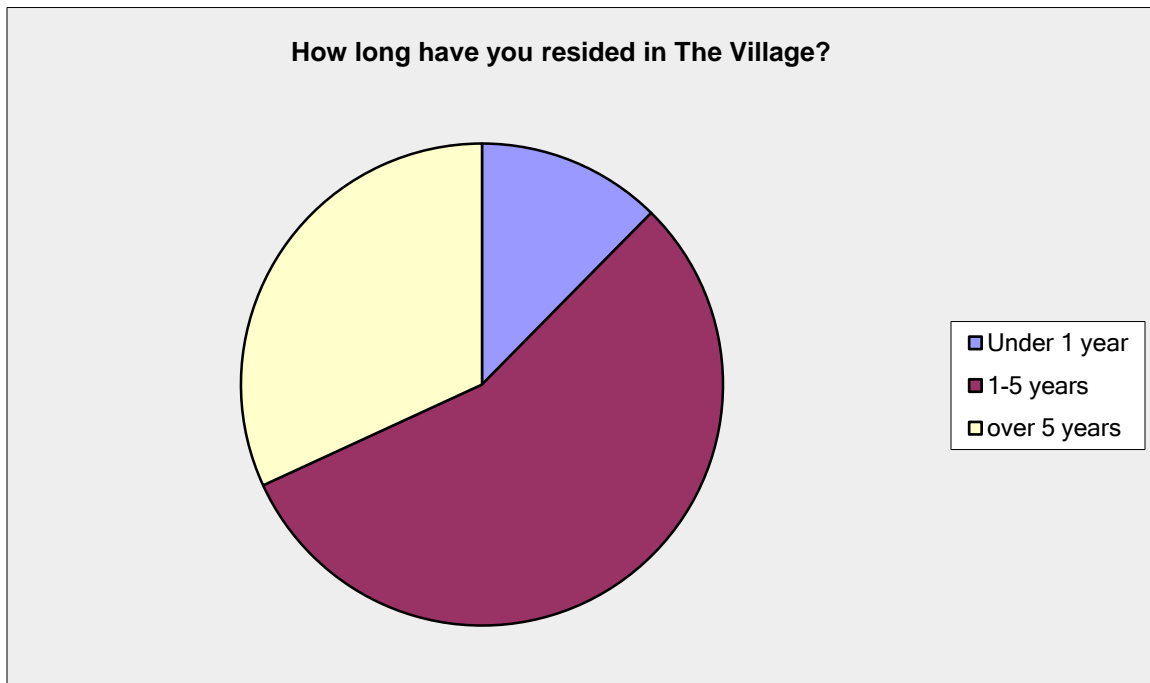
People were given one week to respond. By the time the survey closed, 114 responses had been received, roughly a 60% response rate overall.

A word of caution: due to the small sample size on some questions, the results below should be regarded as being directional, not statistically complete.

Question 1:

HOW LONG HAVE YOU RESIDED IN THE VILLAGE?

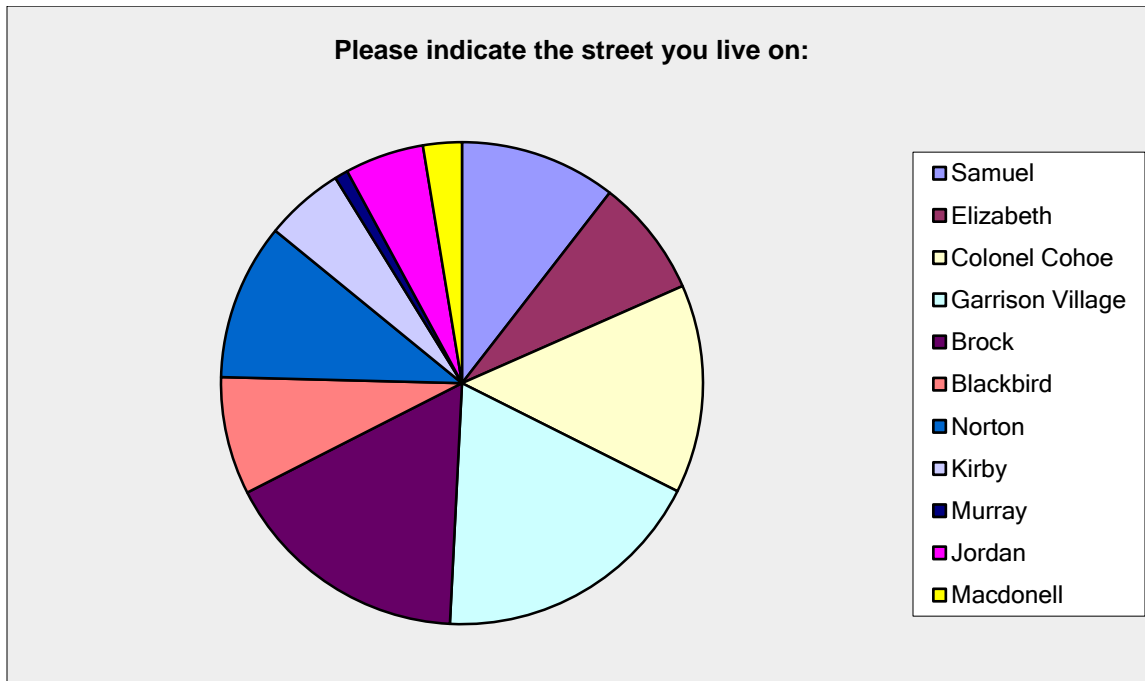
Answer Options	Response Percent	Response Count
Under 1 year	12.4%	14
1-5 years	55.8%	63
over 5 years	31.9%	36
answered question		113
skipped question		1



Question 2:

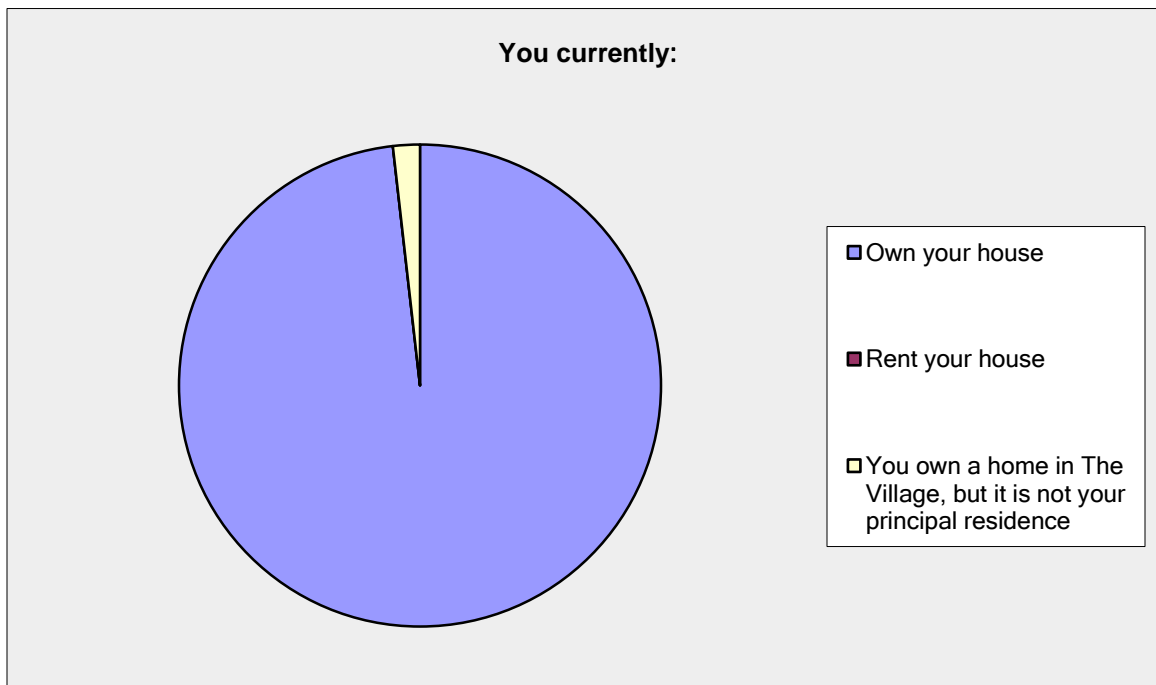
PLEASE INDICATE THE STREET YOU LIVE ON

Answer Options	Response Percent	Response Count
Samuel	10.5%	12
Elizabeth	7.9%	9
Colonel Cohoe	14.0%	16
Garrison Village	18.4%	21
Brock	16.7%	19
Blackbird	7.9%	9
Norton	10.5%	12
Kirby	5.3%	6
Murray	0.9%	1
Jordan	5.3%	6
Macdonell	2.6%	3
answered question		114
skipped question		0



Question 3:
YOU CURRENTLY:

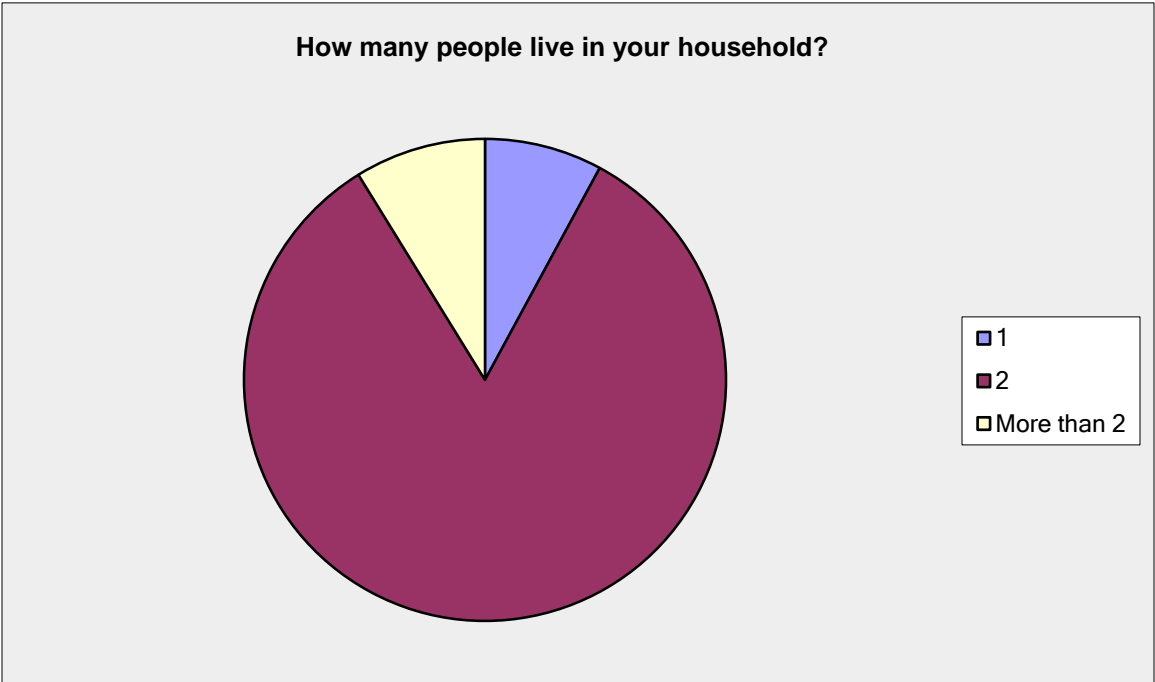
Answer Options	Response Percent	Response Count
Own your house	98.2%	112
Rent your house	0.0%	0
You own a home in The Village, but it is not your principal residence	1.8%	2
answered question		114
skipped question		0



Question 4:

HOW MANY PEOPLE LIVE IN YOUR HOUSEHOLD?

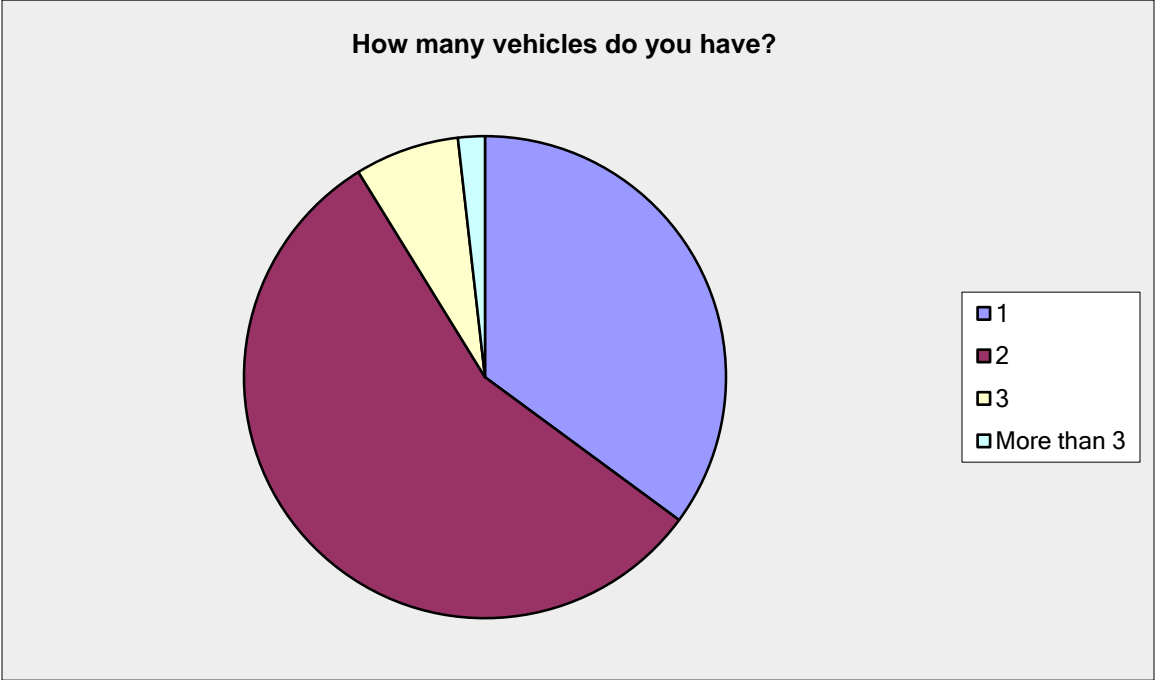
Answer Options	Response Percent	Response Count
1	7.9%	9
2	83.3%	95
More than 2	8.8%	10
answered question		114
skipped question		0



Question 5:

HOW MANY VEHICLES DO YOU HAVE?

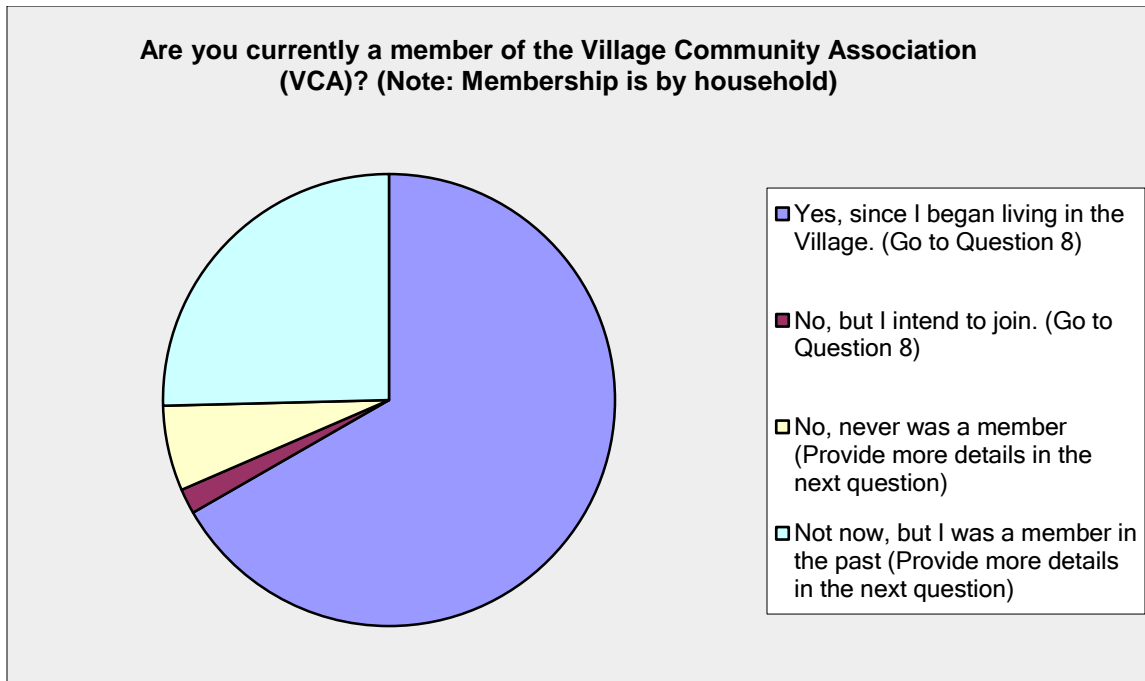
Answer Options	Response Percent	Response Count
1	35.1%	40
2	56.1%	64
3	7.0%	8
More than 3	1.8%	2
answered question		114
skipped question		0



Question 6:

ARE YOU CURRENTLY A MEMBER OF THE VILLAGE COMMUNITY ASSOCIATION (VCA)?

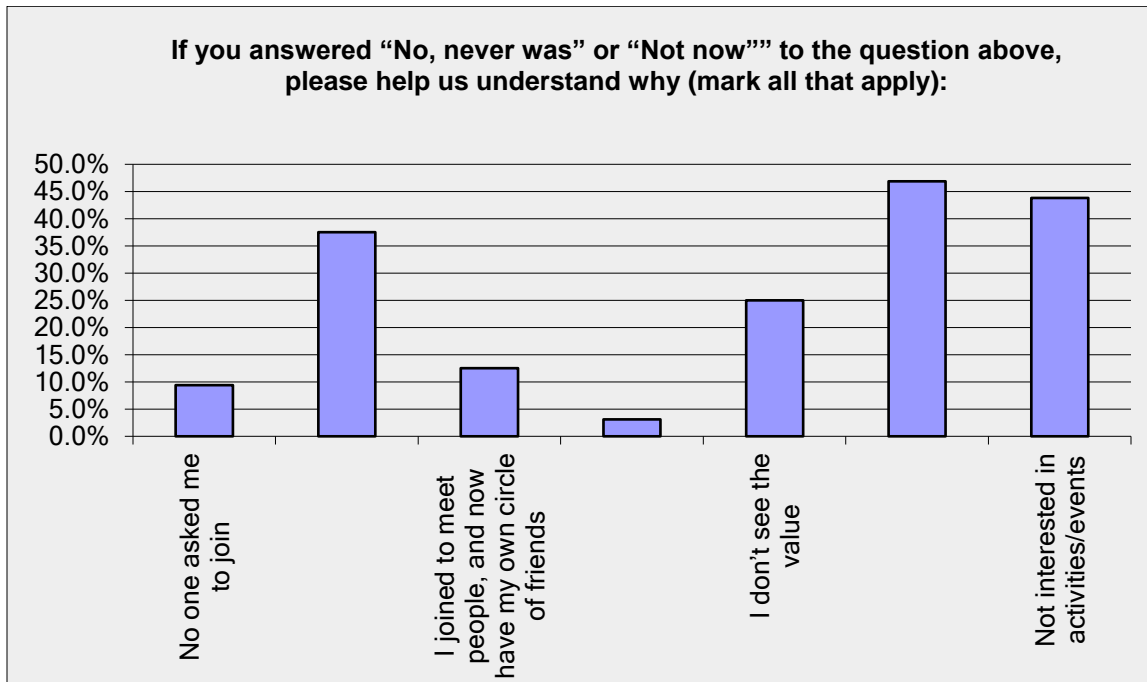
Answer Options	Response Percent	Response Count
Yes, since I began living in the Village. (Go to Question 8)	66.7%	76
No, but I intend to join. (Go to Question 8)	1.8%	2
No, never was a member (Provide more details in the next question)	6.1%	7
Not now, but I was a member in the past (Provide more details in the next question)	25.4%	29
answered question		114
skipped question		0



Question 7:

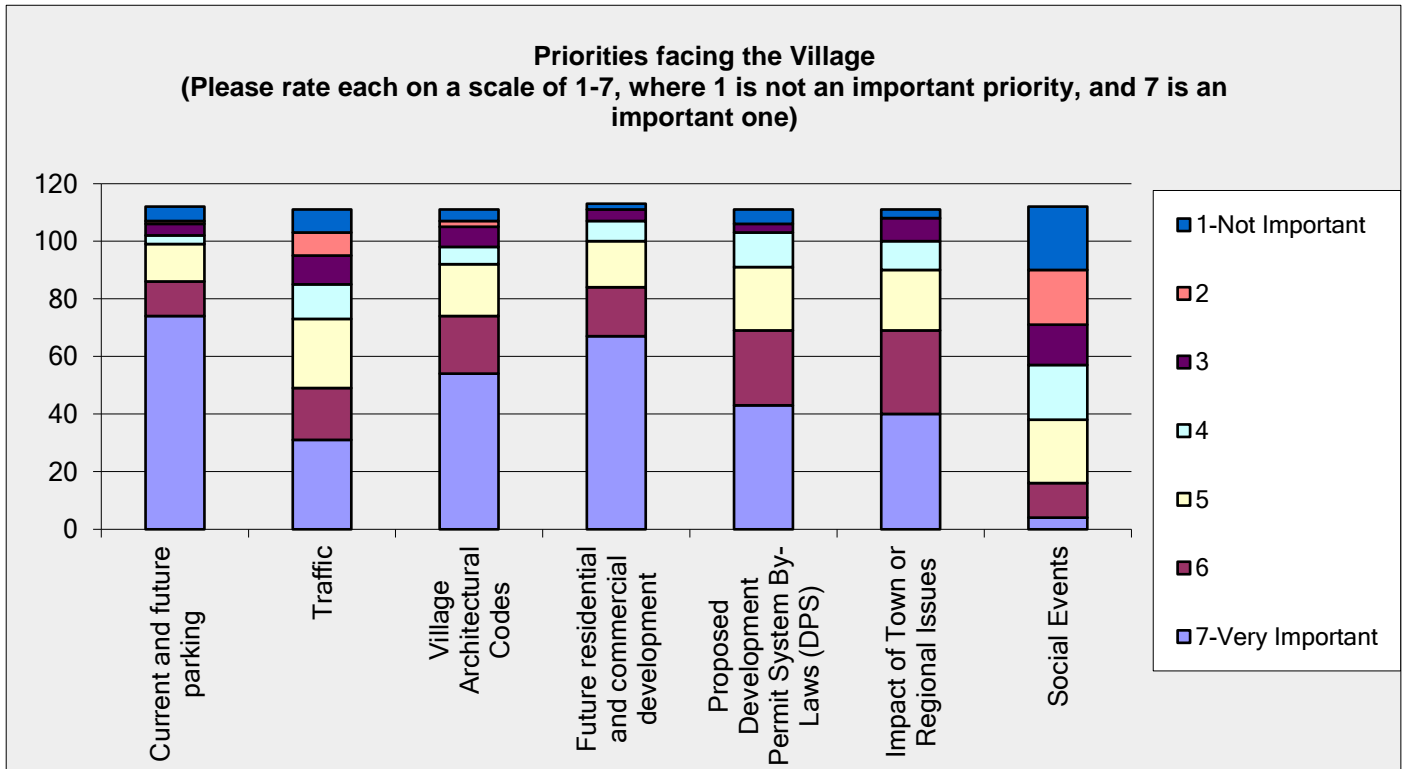
IF YOU ANSWERED “NO, NEVER WAS” OR “NOT NOW” TO THE QUESTION ABOVE, PLEASE HELP US UNDERSTAND WHY

Answer Options	Response Percent	Response Count
No one asked me to join	9.4%	3
VCA was relevant to me previously, but is not now	37.5%	12
I joined to meet people, and now have my own circle of friends	12.5%	4
Fees are too high	3.1%	1
I don't see the value	25.0%	8
Doesn't represent my interests	46.9%	15
Not interested in activities/events	43.8%	14
Other (please specify), or Comment:		14
answered question		32
skipped question		82



Question 8:
PRIORITIES FACING THE VILLAGE

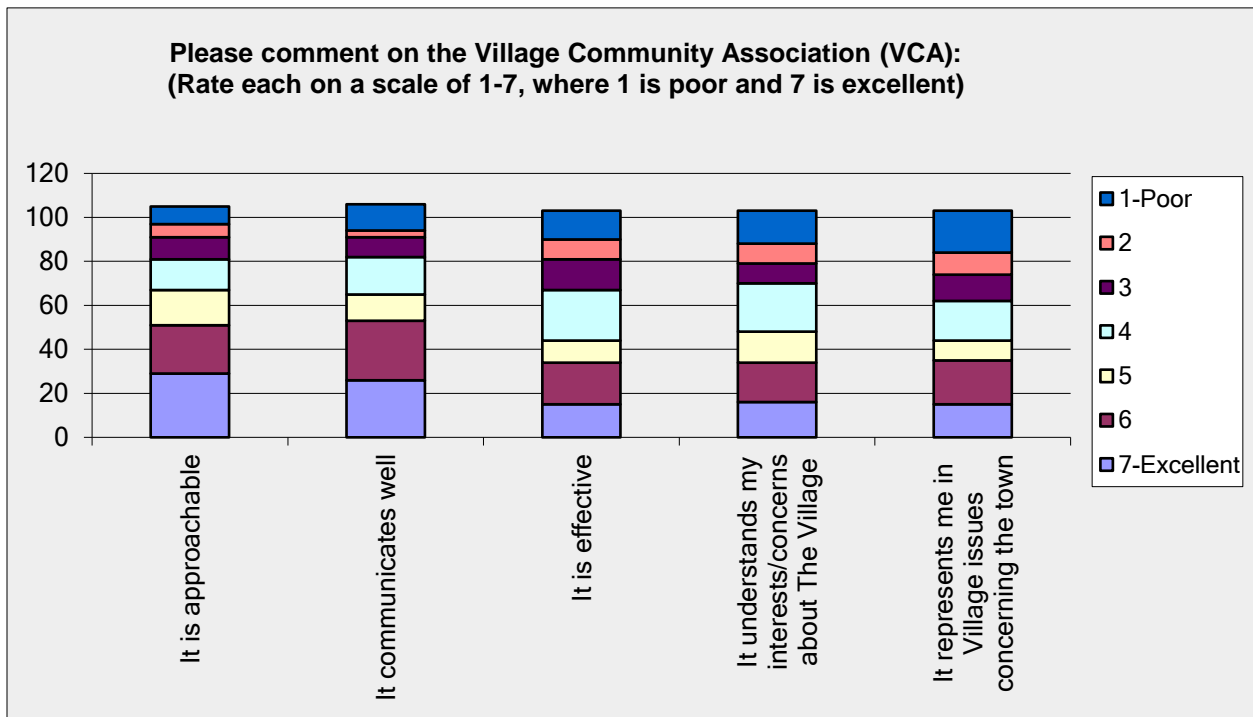
Answer Options	1-Not Important	2	3	4	5	6	7-Very Important	Response Count
Current and future parking	5	1	4	3	13	12	74	112
Traffic	8	8	10	12	24	18	31	111
Village Architectural Codes	4	2	7	6	18	20	54	111
Future residential and commercial development	2	0	4	7	16	17	67	113
Proposed Development Permit System By-Laws (DPS)	5	0	3	12	22	26	43	111
Impact of Town or Regional Issues	3	0	8	10	21	29	40	111
Social Events	22	19	14	19	22	12	4	112
Other (please specify), or Comments:								15
	answered question							113
	skipped question							1



Question 9:

PLEASE COMMENT ON THE VILLAGE COMMUNITY ASSOCIATION (VCA)

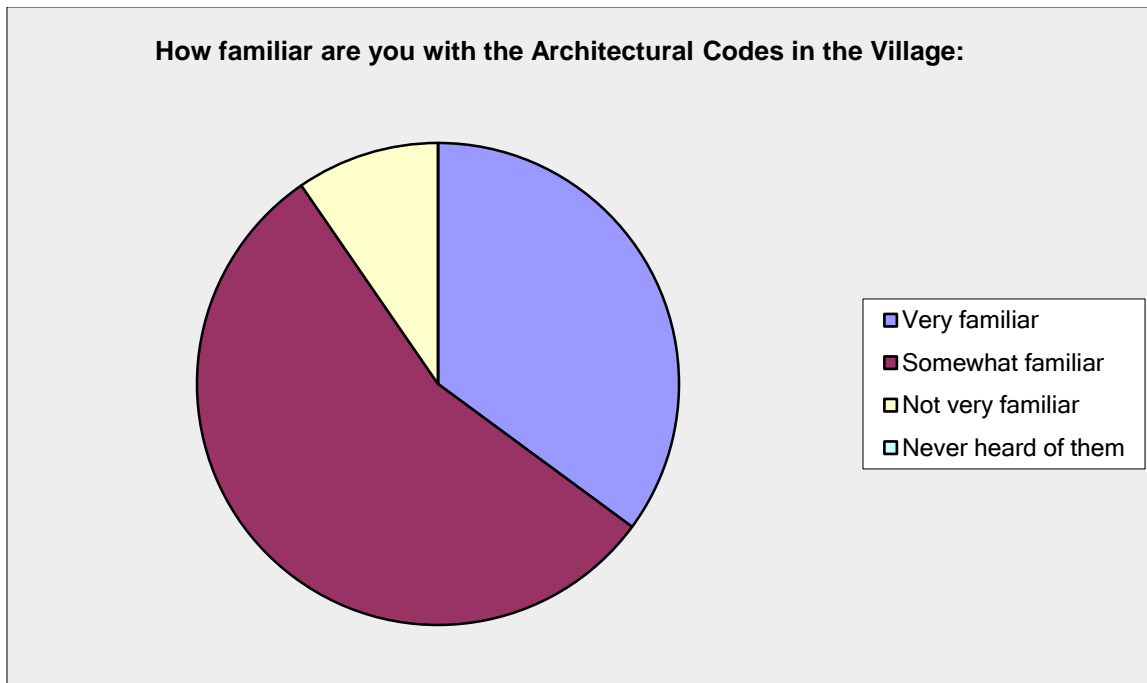
Answer Options	1-Poor	2	3	4	5	6	7-Excellent	Response Count
It is approachable	8	6	10	14	16	22	29	105
It communicates well	12	3	9	17	12	27	26	106
It is effective	13	9	14	23	10	19	15	103
It understands my interests/concerns about The Village	15	9	9	22	14	18	16	103
It represents me in Village issues concerning the town	19	10	12	18	9	20	15	103
answered question								107
skipped question								7



Question 10:

HOW FAMILIAR ARE YOU WITH THE ARCHITECTURAL CODES IN THE VILLAGE?

Answer Options	Response Percent	Response Count
Very familiar	35.1%	40
Somewhat familiar	55.3%	63
Not very familiar	9.6%	11
Never heard of them	0.0%	0
answered question		114
skipped question		0



Question 11:

WHEN YOU PURCHASED YOUR PROPERTY, DID YOUR LAWYER/REAL ESTATE AGENT MAKE YOU AWARE OF THE VILLAGE ARCHITECTURAL CODES THAT ARE ATTACHED TO THE DEED FOR YOUR PROPERTY?

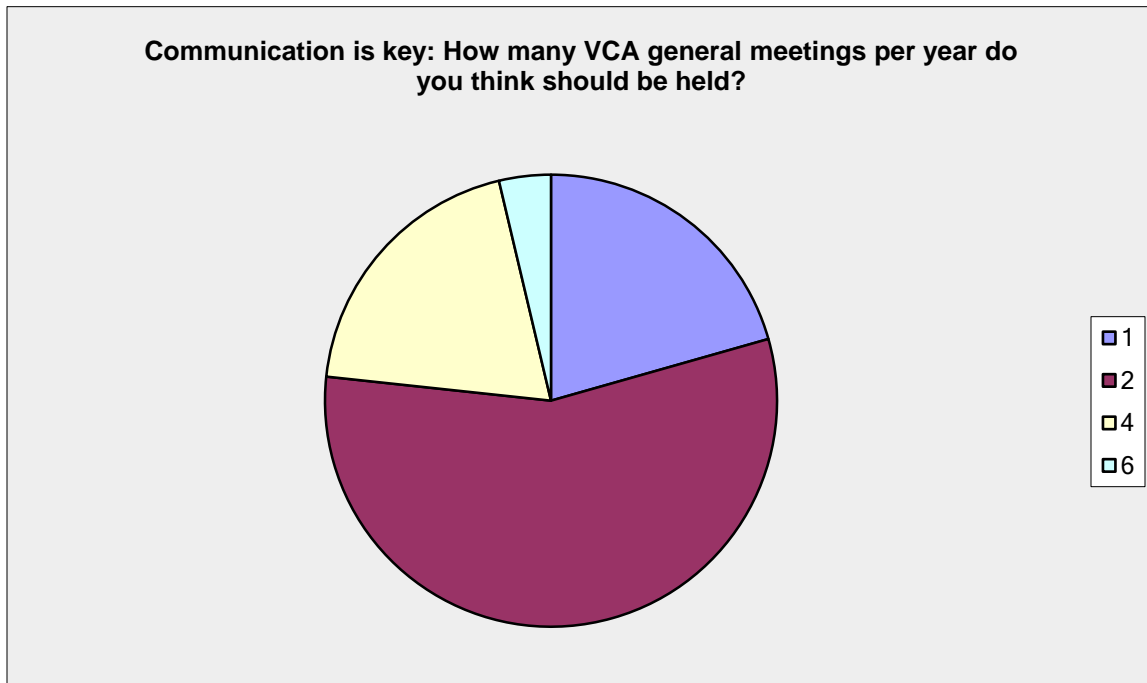
Answer Options	Response Percent	Response Count
Yes	74.3%	84
No	18.6%	21
Not sure	7.1%	8
Comments:		20
answered question		113
skipped question		1



Question 12:

COMMUNICATION IS KEY. HOW MANY VCA GENERAL MEETINGS PER YEAR DO YOU THINK SHOULD BE HELD?

Answer Options	Response Percent	Response Count
1	20.6%	22
2	56.1%	60
4	19.6%	21
6	3.7%	4
answered question		107
skipped question		7



APPENDIX 5.2a

Architectural Codes – background

Every residential property in The Village has restrictive covenants (Architectural Codes) registered on title. This restrictive title was registered on all Village Lands on January 15, 1998 at the request of Cosmar, the land owner at the time. Subsequently, Cosmar agreed to transfer the development to The Village Developments (NOTL) Inc., a company owned by John Hawley.

In March 2011, an application was made to the Ontario Superior Court of Justice to approve a transfer of the authority to enforce the restrictive covenants from Cosmar to VDI. The Court approved a new agreement between All Interested Parties (primarily the residents in The Village) and The Village Developments (NOTL) Inc. for the transfer of the authority and to also register on title a revised set of Architectural Codes that reflects changes deemed by the developer as appropriate. These changes were reviewed and agreed to by a panel of 3 Village residents.

The Architectural Codes remain on property titles with each ownership transfer and each transfer should have a compliance certificate stating that the property meets the Architectural Code requirements and that any variances have been approved by The Village Architect. Currently the Developer and the Village Architect have been approving variances and the agreement gives them the sole authority to do so, as long as they are not in violation of any local or municipal regulations.

The Codes primarily cover the exterior of houses and were developed to maintain a consistent look within The Village using as reference publications “The Early Architecture and Townships of Niagara” by John Stokes, and “Traditional Construction Patterns” by Steven Mouzon. The Codes are in addition to the current Town planning regulations which typically only cover zoning uses, site plan requirements, etc. Types of materials, design elements of buildings, styles of windows and doors, paint colours and hard landscaping elements are some of the aspects of the Architectural Codes. At times the language and the meaning of descriptions in the Codes can be difficult to comprehend and the management of them requires some level of expert or trade knowledge. In addition, the constant introduction of new building materials and construction methods is acknowledged in the Code agreement, giving the Developer and Village Architect the authority to use discretion when approving variances to the Codes.

It is believed that there have been a number of variances granted to properties in The Village and, more than likely, minor violations of the Codes by owners have occurred but have yet to be approved. It is unclear who will have legal authority for the Administration of the Codes once the Village is fully developed. This should be of significant concern to residents, as enforcing the Codes is integral to maintaining the image of our community, thereby ensuring property values are maximized. There is also a concern as to whether the Codes are actually enforceable. It is believed that mechanisms are in place to take legal action if necessary, particularly in extreme cases of violation. However, a “soft” enforcement is more practical through ensuring all residents understand the benefit to each property owner of maintaining the Codes.

APPENDIX 5.2b

What is a Development Permit System?

It is an optional land use planning tool available for municipalities:

- Streamlines the process: combining zoning, minor variance and site plan into one approval process.
- Provides increased flexibility: allows for discretionary uses, subject to identified criteria; allows for variances from Town development standards, within specified limits.
- Impacts conditions of approval: municipalities have the ability to impose a range of conditions on the issuance of a development permit.

DPS – From a Community Perspective

- It replaces site-by-site planning with “vision-based neighbourhood scale” planning.
- Encourages a transparent and consistent planning process.
- Provides a streamlined development approval system and allows flexible development standards.

Does a DPS by-law remove any public rights of consultation and approval, thereby favouring applicants?

It seems that a DPS allows the delegation of final approval authority away from public representatives to planning staff (or others), thereby taking out of the picture both councillors and residents – advocates for those who actually live in the area (in effect, bypassing the public process)!

N.B. Presumably the adoption of a DPS by-law at this specific time has been prompted by the creation of the Town’s Official Plan.

An Open House is the first step in the DPS by-law approval process. This will be followed by a public meeting.

Development Permit System for The Village - background

The Town is considering implementing this new planning tool which might be a long-term solution to the administration and enforcement of The Village Architectural Codes. As presented by the Town to Village residents at the July 11, 2016 Open House, the proposed By-law would be specific to The Village and merge the existing Zoning by-laws and other regulatory requirements with some (not all) of the Architectural Codes.

The process of finalizing a satisfactory DPS By-law will be lengthy and complicated. The current Architectural Codes would be overridden by the new DPS By-law but, unless they cover all elements of The Village Codes, there would still be some restrictive covenants on residential properties. These different layers of regulations would be very complicated and difficult to manage. In addition, the current Draft By-law only covers a portion of The Village, leaving the commercial area and some parts of the residential area under the old Zoning By-laws.

It is in the interest of all Village residents to become engaged in the process of the development of the DPS By-law as it will have both short-term and long-term impact on the community. It is unlikely that the VCA would be able to obtain the necessary resources and expertise to take a lead role in the management and enforcement of the Architectural Codes. A properly constituted DPS By-law could fill that role.

APPENDIX 5.2c

VILLAGE COMMUNITY ASSOCIATION

FORWARD PLANNING COMMITTEE

Feedback to Town of Niagara-on-the-Lake

Development Permit System Draft By-Law

for

The Village

The following is feedback on the Draft DPS By-law as introduced at the Open House on July 11, 2016 at the Community Centre:

1. The Draft By-law as presented contained quite a few errors, such as an incomplete map of the proposed areas to be covered by the DPS. Therefore, in order to ensure the full participation of all Village residents, another Open House should be held and a revised Draft DPS By-law be presented that is accurate and reflects the full scope and intent of the By-law.
2. As best as can be determined, the By-law combines some of the current Architectural Codes of The Village with comprehensive Zoning By-law 4316.09 (the Draft DPS By-law refers to 4369.09, which we believe to be an error). The Architectural Codes are restrictive covenants on all residential properties in The Village and therefore the DPS By-law must be consistent with the current Architectural Codes. The Draft By-law has a number of inconsistencies and does not encompass all of the Architectural Codes. For example, the Codes contain site plans and set-backs for 4 different house styles, none of which are contained in the Draft By-law. There are also inconsistencies on specific set-back requirements such as garages and the front property lines.
3. As mentioned in paragraph 2 above, before the DPS By-law is adopted, commitments must be obtained by the Developer (currently the Administrator of the Architectural Codes) that these restrictive covenants will be removed from all deeds in The Village.

This of course is dependent on the Town setting up a suitable administrative mechanism for approving and enforcing the DPS By-law.

4. There have been variances to the Architectural Codes granted to individual properties and it will be necessary to have full documentation of these and provisions made to “grandfather” these or establish some other method to incorporate legitimate variances into the DPS. In addition, there may have been changes made to properties that violate the current Architectural Codes and which have not been approved as variances. Consideration should be given as to how these violations would be addressed in a DPS environment.
5. All properties in The Village should be covered under the DPS By-law, both existing residential properties and new construction. Any exterior changes to existing buildings and properties must meet the current Architectural Codes and be approved. Currently when properties are sold, a Code Compliance Certificate is obtained by the seller, indicating that the property complies with the restrictive covenants and that any approved variances are listed. Under the proposed DPS By-law, only those changes requiring building permits would require approval. Some administrative mechanism needs to be added to the By-law to replace the current advisory/approval process for non-Building Permit “soft” changes to existing properties.
6. Section 1.1.4 of the Draft Official Plan of the Town of Niagara-on-the-Lake outlines that the focus of the Plan is to provide “a compact, walkable community with convenient access to a mix of jobs, shopping and community facilities”. In this regard, the current Commercially Zoned Section of The Village should be included in the DPS By-law and the Developer encouraged to include in future Commercial Development those services, etc., that are consistent with the Draft Official Plan.
7. The current draft of the DPS By-law only provides for public input “up front” and once adopted with the variance parameters, ongoing approvals will be delegated to Town staff. In the “Development Permit System Handbook for Municipal Implementation”, the Province of Ontario recommends in Section 4:3 that Municipalities consider an advisory panel similar to those established under the Ontario Heritage Act. For The Village, we suggest a similar panel that would review and approve variances, etc., to properties, with its members consisting of Town staff, outside expertise (perhaps the current Village Architect who approves Architectural Code variances) and representatives of The Village residents.

With the above changes and continuing consultation with Village residents, the DPS By-law for The Village would be a valuable tool in helping maintain a very unique and enjoyable community. As always with any By-law, enforcement will be key to its success and,

therefore, having the correct administrative mechanisms in place is as critical as the By-law itself.

The Village was developed with a vision that is close to being realized and therefore a well thought out Development Permit System will help residents ensure that the vision is maintained and improved for years to come.

Submitted August 30, 2016 by:

Forward Planning Committee

Mike Siverns (Chair)

Luba Fraser

Mona Babin

Dale DesIslets

Frank Coster

Dana Branscombe

The following transcript of an email from a concerned Village resident, which was sent to VCA President, Bill Smelser, was also included with the Forward Planning Committee's feedback to the Town of Niagara-on-the-Lake, with the approval of the resident:

July 9, 2016

To Bill Smelser

Re the proposed Development Permit Bylaw for the Village subdivision.

Regrettably I will be away when the information meeting is to be held but I would like to set out points that arise from my review of the draft or proposed bylaw. If the information meeting is part of the process that the Town and the Developer must follow then the form of the notice is defective.

Look at the schedule to the bylaw at the end of the draft. The plan is difficult to review because it is difficult to determine where Garrison Village Drive is. But of greater significance is the fact that the homes on both sides of Samuel and Elizabeth and Colonel Cohoe are given no zoning designation and appear not to be included and therefore not affected by the bylaw. As a result the plan is misleading and could cause a person who owns or lives on Colonel Cohoe or Elizabeth or Samuel (and a portion of Garrison Village Drive which includes the Developer's house) to conclude that they need not attend the meeting as the draft bylaw does not (according to the map) affect them. I am informed that the plan errs and that the houses on the 3 streets mentioned are included in and are impacted by the draft bylaw. The bylaw must have the complete and the proper plan before there can be a full and complete bylaw review with the Village community.

The Village properties are presently the subject of building restrictions registered upon the title to the homes. The Town now, in cooperation with the Developer wants to pass a bylaw relating to the use of the Village properties. But there are building development and use restrictions registered on the title to the properties. The two are mutually exclusive. Each has many sections that are in conflict or cannot coexist with the other. Therefore, there must be an undertaking by the Developer, as a condition precedent to the passage of the bylaw by the Town Council, to register on the titles to the Village properties a release from and a discharge of the Developer's registered restrictions.

Here is an example of the confusion. At the entry to the asphalt lanes that service the rear of many Village houses there is a sign "do not enter "private laneway". In the proposed bylaw, in the definition section, there is no definition for "private laneway".

There is a definition for a "private lane." In the bylaw a "private lane" is "private access within a property not maintained by the public but is not a lane or private road." The asphalt lanes in the Village are not private access "within a property." The important words are "within a property." In my opinion, each Village lane marked as "private laneway" is according to the bylaw definition, really is a "private road" which is defined as "a private right of way over private property which affords access to abutting lots not maintained by a public body and is not a lane, private lane or street." Let's get it right. Perhaps the Developer can get a brush and a small tin of cream colour paint and just paint out "way" on "laneway" so that the sign conforms to the bylaw definition of private lane. In the bylaw section 6.23 concerning parking requirements there is reference to an "alley" but there is no definition of "alley" in the bylaw definition section. The word alley should be deleted and the word "private road" substituted.

An important and common issue in the Village is parking. Recently the parking rules were delivered to each home in the Village. I first want to discuss street parking. The Town stipulates in its Parking Bylaw that there is no overnight parking from 2.00 am to 6.00 am on any street in the Town. The Developer has provided no areas within the subdivision in which a resident can direct an overnight guest to park lawfully. There is no overnight guest

parking anywhere in the Village. There are a number of solutions but the simplest would be to have a paragraph in the miscellaneous section of the proposed bylaw prescribes that the prohibition against overnight parking in the Village only applies to emergency streets such as Garrison Village Drive and Peres and Brock (which I believe will ultimately link up with Upper Canada Drive).

Finally at the rear of many homes there is the strip of private land, between 3 feet and 8 feet in width, lying between the asphalt lane and the rear fence for the backyard garden. Most of the homes in the Village have a one car garage. But a large number of homeowners have 2 cars. The Developer says that a person cannot park a second car on the apron between the asphalt lane and the garden fence. The second car must be parked in the backyard garden. But, wait a minute, if the back garden area must be a second parking space, that is in conflict with the draft bylaw which stipulates that the residence must have 30% of the property landscaped. A parking spot is not landscaping. The parking spot in the rear yard garden reduces the amount of the landscaped area. The new bylaw uses the word "may" which is permissive as to the use of the rear lot for a second parking spot. It seems to permit a parking spot between the garden fence and the asphalt lane. This is an issue that shows the conflict between the registered restrictions and the proposed bylaw and the issue makes it clear that the building restrictions must be discharged or vacated from the title to Village properties.

Doug Phibbs

APPENDIX 5.3a

Whether to Incorporate the VCA?

If the VCA wishes to incorporate, it should consider doing so under Ontario law (rather than federally) as an Ontario not-for-profit corporation. (Please note that Ontario has a new non-profit corporation statute which will govern Ontario not-for-profit corporations but which is not yet in force; legal advice should be obtained as to the incorporation process to be followed in the interim).

Advantages of Incorporation

Separate legal entity apart from its members.

Perpetual existence, continuity is assured while membership changes.

Limited liability of members; members are not personally liable for debts or obligations of the corporation (but does not obviate due diligence, i.e. directors may still be exposed to personal liability for breach of fiduciary and management oversight responsibilities).

Permits indemnification of directors and officers; and corporation may obtain directors and officers liability insurance.

Can hold property in its own name regardless if membership changes.

Capacity to commence and defend legal actions in its own name.

Chances of governmental recognition (and attention) may increase because of stability that organization appears to have.

Disadvantages of Incorporation

Generally speaking, imposes a higher degree of formality (which may not be, in and of itself, a disadvantage).

Corporation must comply with statute under which it was incorporated.

Costs of incorporating and maintaining corporation (relatively modest).

Must complete corporate annual filings and returns with government agencies (corporate and tax).

Must maintain separate bank accounts and not mix personal and corporate funds.

Must comply with and maintain formal corporate proceedings and records, i.e. director and members' meetings and keeping minutes thereof; maintaining members' register; annual financial statements, whether audited or not; and annual appointment of officers and directors.

APPENDIX 5.3b

What is a Not-for-Profit Organization?

Essentially, it is an organization (whether or not incorporated) that is organized and operated exclusively for social welfare, civic improvement, pleasure or recreation, or any other purpose except profit.

An unincorporated association (which the VCA currently is) is a voluntary association of individuals. It has no separate existence apart from its members, is not a legal person, has no ability to own property in its own name and has no separate protection from liability for its members.

No part of the income of a not-for-profit organization can be payable or available for the personal benefit of any proprietor, member or shareholder thereof.

It is not mandatory for a not-for-profit organization to incorporate in order to receive not-for-profit status under the Income Tax Act.

A not-for-profit organization generally does not pay tax on income or capital gains. However, unlike a charity, a not-for-profit organization cannot issue charitable receipts for income tax purposes.

A not-for-profit organization cannot have an income-earning purpose, even if that profit is to be used for the not-for-profit purposes of the organization. In other words, a not-for-profit organization can make money as a result of activities and use it to cover expenses but only so long as such activities are associated with the non-profit purposes. It is a question of fact whether an organization is operating for the purposes of earning a profit.

A not-for-profit organization must meet the definition of a not-for-profit organization under the Income Tax Act on a yearly basis.

It may not maintain a reserve in excess of a reasonable operating reserve (i.e. maintaining a large amount of capital solely for the purpose of generating income to support the organization will deny the organization its tax-exempt status).

APPENDIX 5.3c

If an Ontario not-for-profit association is provincially incorporated, would it be advisable for the association to also carry directors'/officers' liability insurance?

The question presupposes that the association has incorporated as a non-profit organization (as a non-incorporated organization is not able to obtain D&O liability insurance).

Although D&O liability insurance is associated with large for-profit companies, they are not the only ones that require it. Many people hold the common misperception that directors and officers of a non-profit do not have a meaningful exposure to personal liability. The reality of today's legal environment, at least in some jurisdictions, is quite the opposite. Indeed, it is arguable that non-profit directors and officers may have an even more demanding job than their for-profit counterparts, because affairs of the organization may be less familiar to the individual and may be conducted under less efficient conditions than in business corporations. However, the fact remains that the applicable legal standards for non-profit directors and officers are at least as high as the standards applicable to their for-profit counterparts.

Regardless of organizational structure, directors and officers of all non-profit organizations share certain common responsibilities which, if not properly discharged, may give rise to personal liability. Generally speaking, this liability may arise in the following three situations:

1. When a law (statute) is broken, the consequences of which could be a fine or having restrictions placed on one's rights or privileges.
2. When a contract is breached or violated, and that contract is a legally enforceable promise between two or more parties, the consequences of which could be correcting the breach through some form of performance or service or paying financial compensation.
3. When an act, or a failure to act, whether intentionally or unintentionally, causes injury or damage to another person, the consequences of which could be payment of a remedy in the form of financial compensation.

The primary role of non-profit directors and officers is to maintain financial stability and provide the necessary resources and environment to accomplish the goals and purposes of the organization. The unique nature of non-profit organizations presents directors and officers with difficult challenges in performing this role. For example, many for-profit corporations are subject to external forces which tend to monitor corporate performance

and dictate standards of behaviour. Reporting requirements and oversight by regulatory agencies serve to identify and guide for-profit corporate performance and behaviour. These external forces are largely absent for non-profit organizations. Because non-profit directors and officers are frequently subjected to less external scrutiny than their for-profit counterparts, a greater tendency may exist to become complacent, reactive and perhaps even careless in the fulfillment of their duties. The potential for inadvertent misconduct is further heightened by the directors' and officers' commitment to the non-profit organization as, for many, service as a non-profit director or officer is a part-time activity with no compensation.

D&O liability insurance covers individual directors and officers in circumstances where the non-profit organization is either not able or not permitted to indemnify the director or officer. The non-profit corporation would not be able to fulfill its indemnification obligation to a director or officer if, for example, the corporation were to become insolvent. Similarly, the non-profit would not be permitted to indemnify its directors or officers in cases where such is either prohibited or limited by governing statutes or precluded by public policy considerations.

D&O liability insurance indemnifies directors and officers of non-profit organizations for damages and defence costs arising from lawsuits alleging various "wrongful acts". The policy also reimburses non-profit corporations for any indemnification that their by-laws, applicable law or contractual indemnities may require them to provide to directors or officers. Many people are reluctant to serve as directors or officers of non-profit organizations if the organization does not provide D&O liability insurance, since they otherwise could be forced to pay damages out of their personal assets.

Essentially, the purpose of D&O insurance is to provide the financial backing for the indemnity that the organization provides (or should provide) to its directors and officers. The risk is not so much that a director or officer will be found guilty of a wrongful act, but simply that there will be an allegation of a wrongful act. Although few claims against directors and officers may be substantiated and fewer of these result in large financial awards, the cost of defending any claim can be significant. This is where directors' and officers' liability insurance proves particularly valuable.

If the VCA chooses to consider obtaining such insurance it should obtain appropriate legal and insurance advice to ensure that it obtains the appropriate insurance coverage for its circumstances at an affordable cost.

Appendix 5.4a

THE VILLAGE COMMUNITY ASSOCIATION CONSTITUTION

JUNE 2002

(as amended April 2006 and April 2014)

PROPOSED CONSTITUTION - 2017

NAME:

The Village Community Association (the “Association”)

HEAD OFFICE:

Town of Niagara-on-the-Lake, Ontario (“NOTL”)

MISSION STATEMENT:

To unite all homeowners of The Village by: preserving the architectural integrity of the original master plan; fostering a harmonious community; and providing them with a strong voice within the municipality.

PURPOSES:

The purposes of the Association are:

- a) To provide a forum whereby members of the Association may interact and communicate with each other and the community at large, express individual ideas and concerns, identify issues, and foster an appreciation of the benefits of working together in order to maintain the community spirit of The Village.
- b) To create committees that solve problems, plan for the future in ways that are in the best interest of the entire Village, and discuss areas of mutual interest.
- c) To provide guidance to members in communicating with the developers/managers of The Village.
- d) To develop relationships with key members of the Niagara-on-the-Lake municipality.
- e) To plan social events, welcome and help new residents by inviting them to become involved.
- f) To participate in an Architectural Codes Advisory Panel to **assist** in maintaining codes for the purpose of ensuring that all property owners and residents of The Village know and understand the codes and the rules and regulations of The Village, **encouraging** them to inquire about any restrictions prior to making alterations to the outside of their houses or property. These codes include all appropriate Town of Niagara-on-the-Lake codes and those codes and covenants as outlined in Schedules and each resident’s copy of their Agreement of Purchase and Sale.
- g) To help clean up and maintain the common elements of The Village.

OPERATION:

The operation of the Association shall be carried on without purpose of gain for its members. Profits or other assets of the Association shall be used in the promotion of its objectives. These provisions shall be unalterable.

DISSOLUTION:

In the event of dissolution or the winding up of the Association, disposal of any money or assets of the Association after the satisfaction of its debts and liabilities shall be decided by a vote of the membership. This provision shall be unalterable.

Appendix 5.4b

THE VILLAGE COMMUNITY ASSOCIATION

BY-LAWS

JUNE 2002

(as amended April 2006, November 2006, November 2009, April 2011, and April 2014)

PROPOSED BY-LAWS - 2017

ARTICLE I - MEMBERSHIP

- a) To be eligible for membership in the Association, a person must be at least eighteen (18) years of age and must own a property located in the area of Niagara-on-the-Lake ("NOTL") known as "The Village" as indicated on The Village Master Plan which is attached as Schedule A to these By-laws. Only persons residing at the same address can be included under the same membership fee and registration.
- b) Membership in this Association shall be on a household basis, with one household (one address) constituting one membership and one vote.
- c) The membership year shall be from May 1st to April 30th in each year.
- d) Dues are payable by new members at the time of joining the Association. The amount of dues shall be proposed by the Executive and approved by a vote of the membership at each Annual General Meeting. Annual dues for renewal of membership shall be due and payable by May 1st for the current membership year to be entitled to voting privileges. Dues are non-refundable.
- e) For voting purposes, in the case of joint owners of any property, they shall be counted as one (1) member and entitled to one (1) voting card.
- f) There shall be a register of members in the custody of the Treasurer stating the names and addresses of the members. The Membership committee Chair shall have access to the membership list.
- g) Members shall abide by the By-laws and rules of the Association.
- h) Any non-member may attend meetings of the Association but may not participate except at the request of the Executive. A non-member is not eligible to vote.

ARTICLE II – MEETINGS OF MEMBERS

- a) The Association shall hold an Annual General Meeting of its members on or before the 30th day of April in each and every year for the following purposes:
 - i. Presentation of annual reports;
 - ii. Approval of dues for the next membership year;
 - iii. Transaction of such other business as may properly come before the meeting, and;
 - iv. As the last order of business, election of the Executive Board for the next membership year.

- b) A minimum of two (2) annual meetings of members shall be convened by order of the President or by a majority of the Executive and generally shall be held on the third Wednesday in the months of April and October. The April meeting shall be the Annual General Meeting. In addition, the President shall call a meeting of the members upon receipt of a request in writing or by email of not less than one-third (1/3) of the members of the Association. If the request is made at a meeting of the members, a vote can be made by a show of voting cards.
- c) All meetings of the Association shall be held at a location within NOTL to be determined by the Executive.
- d) Notice of any meeting of the members shall be in writing and shall be delivered not less than seven (7) days prior to such meeting. The accidental omission to give notice or the non-receipt of notice by any member shall not invalidate any resolution passed or any proceedings taken at a meeting of members.
- e) At any meeting of the Association thirty-three percent (33%) of the voting members, either attending in person or by proxy, shall constitute a quorum for the transaction of business provided that at least fifty-one percent (51%) of such quorum is comprised of members present in person. All matters put to a vote at a properly constituted meeting shall be decided by a majority vote of members in good standing.
- f) Members may be represented by an approved written proxy provided that the proxy holder is a person entitled to attend the meeting and vote in his/her own right.

ARTICLE III – EXECUTIVE BOARD

- a) The Association shall be governed by an Executive Board of five (5) elected members consisting of President, Vice-President, Treasurer, Secretary, and Communications Director.
- b) All Executive Board members must have a membership in good standing.
- c) Any member may serve on the Executive Board for an indeterminate number of terms, with the restriction that the continuous time period within which a member may hold the same Executive position shall be a maximum of two (2) consecutive terms. A term is defined as two years of a Membership year.
- d) It is advisable that the member running for President have prior board experience on the VCA or with a comparable organization.
- e) Should the President resign or cannot complete his/her term of office, the Vice President shall assume the role of President until the next Annual General Meeting.
- f) It is expected that the Vice President run for the position of President if possible.
- g) At the October meeting of the Association, the Executive shall appoint three (3) members as a nominating committee to prepare a slate of nominees consisting of at least one (1) candidate for each Executive position up for re-election. This slate shall be presented at the Annual General Meeting for election of the new Executive. Nominations from the floor will also be accepted at the Annual General Meeting. Members of the nominating committee are not barred from becoming nominees for office. If more than one candidate is running for an Executive position, the vote shall be by secret ballot.
- h) The election of the Executive Board shall be the last order of business at the Annual General Meeting. The retiring Executive Board shall complete the records of the Association and hand them over to their successors.

- i) Any member of the Executive Board shall refrain from voting if there is a conflict of interest. The Board member shall declare his/her conflict at the start of the discussion. NOTL elected officials and Town administrators are not eligible to run for election on the Executive Board.
- j) When questions arise as to the proper parliamentary procedures and rules of debate, the chairperson shall apply Roberts Rules of Order.
- k) Duties of the Executive Board:
 - 1. President:
 - To be the official representative for the VCA.
 - To preside at all meetings of the Association and of the Executive.
 - To be an ex-officio member of all Committee meetings with the exception of the Nominating Committee.
 - To maintain relationships with key members of the NOTL municipality, and to ensure VCA attendance at NOTL council meetings when relevant.
 - To sign all necessary documents and correspondence.
 - To act as second signing authority for Association cheques.
 - To assist in the development of any new committees under the Association umbrella.
 - To take a lead in forward planning for the Association.
 - To assist in committee work and special projects as required.
 - 2. Vice President:
 - To assist the President in performing his/her duties.
 - To perform the duties of the President during his/her absence.
 - To meet with representatives of all areas of The Village a minimum of 4 times a year and report street level concerns to the VCA Executive.
 - To act as liaison between website maintenance volunteer and the Association Executive.
 - To act as alternate second signing authority for Association cheques.
 - To assist in forward planning of the Association.
 - To participate in Executive Board and Committee meetings.
 - To assist in committee work and special projects as required.
 - 3. Treasurer:
 - To receive and safeguard all Association funds
 - To maintain and be responsible for the Association bank account
 - To maintain a record of all deposits and withdrawals. All withdrawals shall be by cheque and shall require the signatures of both the Treasurer and a designated member of the Executive, or in the absence of the Treasurer, the signatures of two (2) designated members of the Executive.
 - To conduct bank reconciliations every two months.
 - To issue cheques and make deposits.
 - To present an annual financial report at the Annual General Meeting and an interim financial report to the membership at the October meeting.
 - To maintain an up-to-date resident/member list.
 - To arrange for an annual financial review by a non-executive member of the Association.

To participate in Executive Board and Committee meetings.
To assist in committee work and special projects as required.
To maintain an up to date inventory of the physical assets of the Association.
Non budgeted expenses over \$500 must be approved by a minimum of fifty percent (50%) plus one (1) of the membership (email votes will be accepted.)

4. Secretary:

To prepare notices of all meetings.
To attend, take notes and keep records of all meetings of the Association Executive as required.
To attend, take notes and keep records of all meetings of the Association membership.
To take charge of members' voting cards and proxy forms.
To maintain and be responsible for the official Minute Book of the Association.
To assist in committee work and special projects as required.

5. Communications Director:

To manage all correspondence and reports on behalf of the Association.
To prepare monthly newsletters.
To arrange distribution of monthly newsletters, notices, minutes, etc. to all Association members and non-members as required.
To participate in Executive Board and Committee meetings.
To assist in committee work and special projects as required.

- l) A member of the Executive may be removed for wrongful and willful acts of neglect before the expiration of his or her term by a vote of members who together constitute fifty percent (50%) plus one (1) of the members in good standing. The members may elect any qualified person in place of the said Executive member for the remainder of that term.
- m) If a vacancy occurs in the membership of the Executive, other than removal by vote of the membership, the majority of the remaining members of the Executive may appoint any qualified person to be a member of the Executive to fill such vacancy until the next Annual General Meeting.
- n) Only one member per household may hold a position on the Executive Board at any one time.

ARTICLE IV – STANDING COMMITTEES

- a) Committee chairpersons shall be chosen by the specific committee members or be appointed by the President.
- b) Committee reports shall be presented to the Executive prior to each meeting of the Association.

ARTICLE V – FISCAL YEAR

The fiscal year shall be from April 1 until March 31 in each year.

ARTICLE VI – AMENDMENTS

The Constitution or By-Laws may be amended by a majority of votes cast by members in good standing, including votes by written proxy, at any properly constituted Annual General or Special Meeting. Notice of any proposed amendments must be given by the Executive in writing or in electronic format to all members at least fourteen (14) calendar days prior to the meeting at which voting will take place.

ARTICLE VII – INSPECTION OF BOOKS AND RECORDS

The books and records of the Association shall be open to inspection by members at any reasonable time at the place where such books and records are normally kept.

ARTICLE VIII – PROTECTION OF EXECUTIVE BOARD

No Executive shall be liable for the acts, neglects or defaults of any other Executive or for any loss, damage or expense of the Association in the execution of their duties, unless occurring as a result of such Executive's own wrongful and willful act of neglect.

ARTICLE IX – EXECUTION OF CONTRACTS

Contracts, documents or instruments in writing requiring an Executive signature must be approved by a majority vote of the members in good standing. Prior approval by the membership shall be assumed if funding is pre-authorized in the current budget which had been previously approved by the membership.

SCHEDULE A



APPENDIX 5.4c

VCA MEETINGS

Objective

Hold effective and informative member meetings.

Process

Deliver a consistent agenda for regular meetings and a set agenda for Annual General Meetings.

Regular Meeting Agenda

1. Confirm quorum
2. Introduction by the President (welcome new residents)
3. Vice-President report and introduction of guests and elected officials
4. Secretary: approval of previous meeting's minutes
5. Treasurer report
6. Communications Director report
7. Committee reports (presentation and discussion)
8. Elected Officials update
9. Old Business
10. New business
11. Appoint Nominating Committee (October meeting only)
12. Guest presentation (where applicable)
13. Meeting is adjourned

Annual General Meeting

1. Confirm quorum
2. Introduction by the President
3. Secretary: approval of previous meeting's minutes
4. President reads annual report and upcoming year plan
5. Membership Chair delivers annual report
6. Treasurer reads annual report and gets approval for upcoming year budget
7. Members approve upcoming year membership dues
8. Election of upcoming Executive Board
9. Guest speaker presentation
10. Meeting is adjourned

Guest Speaker Recommendations

Lord Mayor

Federal, Provincial, Municipal, or Regional representatives

Town of Niagara-on-the-Lake staff

Utilities representative (i.e. Hydro, etc.)

Niagara Parks

Niagara Historical Society

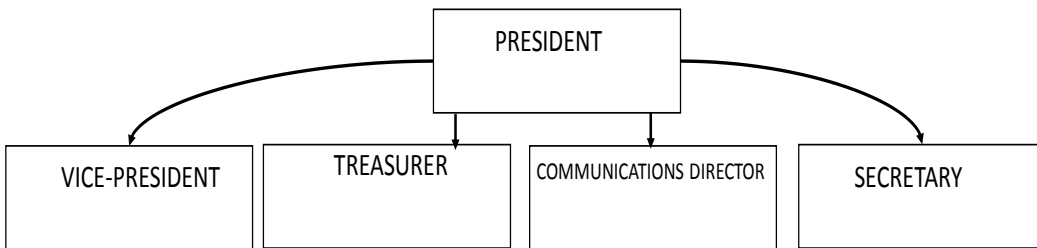
NOTL Library

APPENDIX 5.5



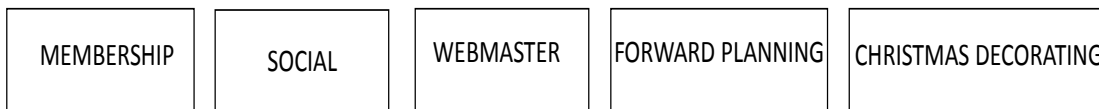
Proposed Organizational Chart

EXECUTIVE BOARD



SUPPORT/COMMITTEES

(report to the President)



APPENDIX 5.6

Proposed VCA Membership Drive: April 1 – April 30

Objective

Increase and maintain membership to 60% - 75% of households

Process

Create Membership Committee (add: “I agree to receive VCA information” when purchasing membership)

Marketing

- Create a one-pager with benefits of membership (“What has the VCA done for me?”)
- Advise The Village residents of Membership Committee Chair and contact info
- Include a membership tag line in all VCA emails (i.e. “Is your VCA membership up-to-date?” With contact info)
- Provide opportunity to renew membership at the AGM
- Send email to all members annually in early April (include membership one-pager)
- Establish street/area representatives
- Call/visit members if membership not paid at AGM
- Host a “Renew your Membership” day at a local parkette

Member Benefits

- Increase discount partners (Garrison House, The Old Winery, hair salon, Penner Home Hardware)
- Communicate successes (i.e. social, forum for ideas and discussion, issue resolutions, a voice for the community, access to a variety of speakers at meetings, including local elected officials)

APPENDIX 5.7 – Example of Newsletter Format



June 2016 Newsletter

June 6th Members' Meeting

Our next members' meeting will be on **Monday, June 6th, 2016 at 7:00 pm at the Markham Pan Am Centre**. URA subcommittees will present:

1. York Region Transportation Plan
2. Zoning bylaw review URA submission
3. Carlton Park Master Plan
4. Neighbourhood Watch

We look forward to seeing you on Monday, June 6th.

York Region Transportation Master Plan – Unionville Highlights

York Region's Transportation Master Plan (TMP) is moving to completion by mid-2016. Our April newsletter highlighted some major short-term changes likely to occur in and around Unionville including: Regional Express Rail by 2022, four Highway 404 mid-block crossings, and road widening environmental assessment studies for Bayview, Kennedy, McCowan and 16th Avenue. Other important initiatives include elimination of left turn restrictions, removal of truck bans on most regional roads and construction of separated cycle lanes.

As work on the TMP continues, it has become increasingly clear that York's ambitious construction plans are running up against the cold reality of insufficient public funds. Unless new funding sources are found, badly-needed transportation infrastructure will continue to lag well behind population growth.

The York Region TMP will be discussed at our June members meeting.



2124123 Ontario (formerly Scardred 7) Downzoning



Members will recall the late 2015 controversy within URA regarding the proposed 350 unit downzoning by The Times Group at Highway 7 and Village Parkway. URA ultimately did not object once Times agreed to transfer the extra density to their development on the south side of Highway 7, as part of a 1600 unit up zoning for that property. A second developer - 2124123 Ontario, also on the north side of Highway 7, has now also applied to downzone their approved condo building to townhouses resulting in a net drop of 180 units. Despite arguments that the total density on Highway 7 will increase due to the south side up zoning, the Development Services Committee unexpectedly narrowly voted to support staff and deny the application. Stay tuned more surprises.

GO Whistle Cessation

Markham is making good progress on GO Train whistle cessation. A staff report was presented to the Development Services Committee on May 24, which included a detailed list of required upgrades at each of the 13 crossings to meet both new federal grade crossing regulations and anti-whistle requirements. Costs were estimated to total \$5.4M, with \$1.3M to Markham, \$2.2M to York Region and \$1.9M to Metrolinx. Discussions with both York Region and Metrolinx are in progress to obtain budget commitments for 2017.

Proposed New Provincial Land Use Policies are Significant



Members will recall that in 2015 the Province initiated a coordinated review of four key land use plans, including the Growth Plan for the Greater Golden Horseshoe (GGH) and the Greenbelt Plan. In December, the Crombie Advisory Panel released its recommendations on how to amend and improve these Plans.

In early May, the Province released its proposed changes to these four plans. While changes are proposed in many areas, the two of greatest interest to URA are:

- Increasing the intensification target to a minimum of 60% of all new residential development to occur in the existing defined built up area, versus 40% today.
- Increasing designated green field area density targets (i.e. new developments outside the built up area) to a minimum of 80 residents + jobs per hectare, versus 50 today.

York Region has been working on an update to its 2041 Official Plan. Different region-wide intensification scenarios have been analyzed by staff planners. Staff are clearly in favour of intensification due to resulting lower capital and operating costs. However, they have misgivings about intensification targets beyond 50% and designated green field targets beyond 70, as these would force virtually all new home construction to be apartments or condos. Staff believe that a significant number of new-home buyers still want single family detached homes and, hence believe that 50% and 70% are unrealistic from a market perspective.

Proposed New Provincial Land Use Policies (continued)

What will be the effect if the province implements these higher targets? Will York Region rebel if the province fails to construct rapid transit? Will developers step up lobbying and OMB appeals? Will the prices for detached homes continue to skyrocket? Will the home construction market crater? Will the anticipated growth materialize?

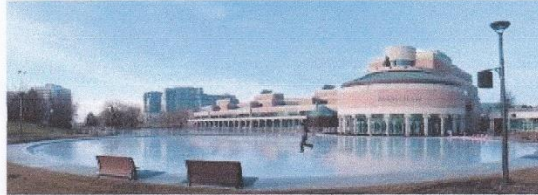
Just as the original 2006 plans changed the face of land use planning in the GGH, the proposed 2016 changes also appear to be very significant, although many questions remain. Public consultation is planned by the Province until September 30, 2016. URA will continue to closely monitor.

Carlton Park Master Plan



The City is planning to redevelop Carleton Park - Carleton Rd, just west of Village Parkway. URA is represented on the stakeholder committee. At the inaugural meeting, numerous new ideas were nominated, including a splash pad, permanent washrooms, shaded seating, planters, increased natural areas and specialty gardens. Numerous improvements to existing offerings were also nominated, such as improved pathways, landscaping, play equipment, lighting, playing fields, access, parking and signage. The City hopes to hold one or two additional meetings and then approach Markham Council with final ideas and funding request in the fall.

Zoning By-law Review Phase 2 Submission



URA zoning by-law review sub-committee has recently submitted our recommendations on rooming housing, student housing and minor variance to the City of Markham.

We recognize the need to increase residential density in some areas of the City of Markham by building more affordable housing while at the same time maintaining aspects of the suburban life style. As a result the URA recommended the City use licensing to restrict rooming housing in high intensification area as defined in official plan land use map.

URA accepts the definition of rooming housing defined in the current zoning bylaw as *"a building that does not exceed 3 stories, where lodging is provided for 4 or more persons in return for remuneration or the provision of services (or both); and where rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants."* However, this leaves rooming houses with 3 or less renters completely unregulated. We recommend that city staff to review options for this class of housing and make proposals for by-law control. We understand that London has such a framework.

URA also accepted the definition of secondary suits in the 2008 Draft as *"a second residential unit in a detached house, semidetached house or row house that consists of one or more rooms designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which a facility for cooking, sleeping facilities and sanitary facilities are provided for the exclusive use of such person or persons."* URA recommended that only 2 residents be permitted on one property with a minimum of 1 parking space.

Since the Human Rights Codes precludes the "labelling" of a property as exclusively student housing, the City's only options are the use of Rooming Houses or Secondary Suites to house the expected 4,000 to 10,000 students. If "student housing" will be defined in the by-laws then we recommended that housing be permitted for University and College students only.

The URA believes that the existing zoning by-laws provide sufficient opportunity to build a large, high-value home in most parts of Markham. URA recommends that the City and the Committee of Adjustment should default to only permitting buildings compliant with the zoning by-laws.

What is the URA?

A non-partisan association of the residents of Unionville

- 📍 Boundaries: Warden Ave. to McCowan Rd. and Sixteenth Ave. to Hwy 407
- 📅 Founded in 1974 to protect the interests of the community
- 📄 Registered with the Province of Ontario and the City of Markham

What does URA do?

- 📅 Stays current on events, activities and issues in Unionville
- 📧 Keeps our members informed through regular email broadcasts and monthly meetings with guest speakers on relevant topics
- 🗣️ Ensures that residents' views are known and communicated to local, regional and provincial government officials
- 🌐 Maintains a website that contains information on active issues
- 🗳️ Organizes special events, such as candidates' meetings, during elections

Join Us!!

Together Our Voice
Is Stronger

Membership information can
found at:

<http://www.unionvilleratepayers.com/membership.html>

Email: info@unionvilleratepayers.com

<http://www.unionvilleratepayers.com>

APPENDIX 5.8

Niagara on the Lake Town Departments, Council & Local Groups

Office Hours: Regular office hours are Monday to Friday, 8:30 a.m. to 4:30 p.m., excluding holidays

Office of the CAO (Administration)

The Office of the Chief Administrative Officer (CAO) is primarily responsible for directing the overall planning, coordination and control of all municipal operations in accordance with the objectives, policies and plans approved by Council.

Community & Development Services

Community & Development Services is responsible for providing Council with recommendations on the long term development of the Town, as well as specific matters dealing with the development and use of private property within the municipality including land use policies, by-laws, development agreements and building permits.

The department consists of: • Planning Services • Building Services • Heritage • Consent & Minor Variance/Legal Non-Conforming Uses • By-law & Parking Enforcement

Corporate Services

The Corporate Services Department is responsible for keeping the municipal records and for the preparation and distribution of information, correspondence, and Committee and Council Agendas for Council and for the public.

The department consists of: • Clerk's • Finance and Taxation • Human Resources • Information Technology

Fire & Emergency Services

The Fire Department is responsible for fire and other emergency responses, fire prevention, and public fire safety education programs as authorized by Council.

Operations

The Operations Department oversees all public works infrastructure, as well as the operation and maintenance of all recreational facilities, parks and municipal properties.

The department consists of:

Parks and Recreation - Responsible for the Arenas, Town Buildings, Parks, Sports Fields, Niagara Lake Shore Cemetery, and the Community Awareness Guide.

Public Works - Responsible for constructing, operating, and maintaining the Town's public works infrastructure including water, sewer, roads, municipal drains and irrigation systems.

The corporation of the town of Niagara-on-the-Lake
 Organizational Chart
CORPORATE REPORTING
Effective August 10, 2016

LORD MAYOR & COUNCIL
 Lord Mayor Darte; Councillors Bau-Coote, Collard, Disero, Flynn, King, Mazza, Miele & Wiens

CHIEF ADMINISTRATIVE OFFICER
 Milena Avramovic

MANAGER HUMAN RESOURCES
 Ann Trudeau

EXECUTIVE ASSISTANT
 Carrie Enns



- FINANCE
- CLERKS
- INFORMATION TECHNOLOGY

Chair: Counsellor Tony Flynn

- PARKS & RECREATION
- ROADS
- WATER & WASTEWATER
- ENGINEERING

Chair: Counsellor John Wiens

- PLANNING
- BUILDING
- ENFORCEMENT

Chair: Counsellor Jamie King

- FIRE SURPRESSION
- PUBLIC EDUCATION
- FIRE PREVENTION
- EMERGENCY MANAGEMENT

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[Lord Mayor's Office](#)



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ACKNOWLEDGEMENTS

The Forward Planning Committee would like to thank the following individuals and organizations who have taken the time to speak to us and provide information and assistance with our investigation:

Lord Mayor Pat Darte

Councillors: Jim Collard, Betty Disero, Jamie King, Martin Mazza, Paolo Miele, John Wiens

NOTL Planning Department: Shirley Cater and Aaron Butler

John Hawley

Chautauqua Residents Association

Friends of One Mile Creek

Harmony Residents Association

Queenston Residents Association

St. David's Ratepayers Association

The Niagara Foundation

Unionville Residents Association

The VCA Executive Committee

The VCA Social Committee

Village Residents, including those who responded to the Survey and those who attended the Open House, and in addition: Joe Accardo, John Anderson, Diana Dimmer, Doug Gibson, Sharmini Mahadevan, Murray Paton, Doug Phibbs, Steve Steele, Doug Widdicombe, our husbands and wives.

Disclaimer

While the Forward Planning Committee has made reasonable attempts to ensure that the information contained in this Report has been obtained from reliable sources and is correct and up-to-date, the Committee does not guarantee the completeness, accuracy, reliability or currency of the sources or content and cannot be held responsible for any errors or omissions and accepts no liability whatsoever for any loss or damages howsoever arising.