



**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN  
SPECIAL COUNCIL MINUTES**

**MEETING NO. NINE**

**June 16, 2020, 11:00 a.m.**

**Township Administration Building**

**318 Canborough Street, Smithville, Ontario**

Council: Mayor Dave Bylsma  
Councillor Christopher Coady  
Councillor Cheryl Ganann  
Councillor Harold Jonker  
Councillor Mike Rehner  
Councillor William Reilly  
Councillor Jason Trombetta

Staff: Joanne Scime, Clerk  
Bev Hendry, CAO

Others: Jessica Dyson, Deputy Clerk  
Enzo De Divoitiis, Chairperson - Pride Niagara

**1. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**

Prior to proceeding with the Agenda, Mayor Bylsma provided the following announcements:

- (1) Due to efforts to contain the spread of COVID-19 and to protect all individuals, and to comply with the Province’s state of emergency order, the Council Chambers will not be open to the public to attend Council Meetings until further notice.
- (2) If Members of the Public had any comments, they were advised that they could provide them by email to the Clerk by 4:30 pm yesterday (Monday, June 15, 2020) and that this matter will be addressed later in the agenda.
- (3) This meeting is being audio and video recorded and will be posted on the Township’s web site within 48 hours.

Following the above noted announcement, Councillor Trombetta requested Mayor Bylsma to step down from the Chair of this Special Council meeting as he had been contacted by a couple of Councillors to call a Special Council meeting to address the raising of the Pride Flag, which he refused to do and as such he felt that it would be appropriate for the Mayor to step down as Chair for this meeting and allow the Acting Mayor, Councillor Cheryl Ganann, to chair the meeting.

In response to Councillor Trombetta's comments, Mayor Bylsma stated that he was not willing to step down as Chair of this Special Council meeting and that as per the Procedural By-law he presided Council meetings and that should he wish to provide his opinions/comments and/or enter into debate on the issues to be discussed he would step down from the Chair at that point and request the Acting Mayor to take the position.

Councillor Trombetta appealed the Mayor's point of order and he put forward a resolution challenging Mayor's decision and requesting that he be removed from chairing this meeting.

A recorded vote was put forward by Mayor Dave Bylsma for this motion.

With respect to the resolution that was carried, Acting Mayor, Councillor Ganann, chaired the remainder of the meeting.

Acting Mayor Ganann asked if any Member of Council had any disclosures of pecuniary interest and/or conflict of interest with respect to any items on this agenda.

There were no disclosures of pecuniary interest and/or conflict of interest declared by any Member of Council.

**Moved By** Councillor Jason Trombetta

**Seconded By** Councillor William Reilly

1. That, the Mayor's point of order as noted above be appealed/challenged, specifically, with respect to the removal of the Mayor as Chair of this Special Meeting of Council; and,
2. That, the Acting Mayor, Councillor Cheryl Ganann, chair the meeting.

| <b>Recorded</b>              | <b>For</b> | <b>Against</b> |
|------------------------------|------------|----------------|
| Mayor Dave Bylsma            |            | X              |
| Councillor Christopher Coady | X          |                |

|                            |          |          |
|----------------------------|----------|----------|
| Councillor Cheryl Ganann   | X        |          |
| Councillor Harold Jonker   |          | X        |
| Councillor Mike Rehner     | X        |          |
| Councillor William Reilly  | X        |          |
| Councillor Jason Trombetta | X        |          |
| <b>Results</b>             | <b>5</b> | <b>2</b> |

**Carried (5 to 2)**

**2. REQUEST TO ADDRESS ITEMS ON THE AGENDA**

In response to the Acting Chair’s inquiry regarding whether there were any members of the public that had emailed comments prior to 4:30 pm yesterday, Monday, June 15th, 2020, the Clerk stated that there were a number of letters, emails and a petition that were received from members of the public with respect to the raising of the Pride Flag. The Clerk noted that due to the overwhelming amount of correspondence that was received from members of the public who wished for their comments to be read into the record, she anticipated that it would take over the one hour allocated time frame for this section of the agenda. The Clerk stated that she was not comfortable stopping at the one hour allotted time frame as she had not placed the correspondence in order of their received date and time.

The Acting Mayor noted that should additional time, beyond the one hour period, be needed for the Clerk to complete reading the comments, a resolution could then be put forward at that time.

The Clerk commenced reading the comments that were received from the public, which she noted was being posted on the Township's website as an addendum to the agenda.

The Clerk read comments from the public for approximately one hour at which time the following resolution was brought forward to extend the period of time for this section of the agenda.

**Moved By** Councillor William Reilly  
**Seconded By** Councillor Mike Rehner

That, the Clerk be and is hereby directed to read all comments that were received and requested to be read into the record prior to the deadline date of 4:30 p.m. on June 15, 2020.

**Carried**

**Moved By** Councillor William Reilly

**Seconded By** Councillor Christopher Coady

That, the provisions of Procedural By-law # 2013-58 as amended, which relate to the “Comments for the Public”, be and are hereby suspended in order to allow the Clerk to read all comments received into the record beyond the one hour allocated time frame for this section of the agenda.

**Carried**

### **3. APPOINTMENTS/PRESENTATIONS**

3.1 Enzo De Divitiis, Chairperson 2020/2021 Pride Niagara Board of Directors

Re: Pride Niagara Request

Mr. Enzo De Divitiis, Chairperson 2020/2021 Pride Niagara Board of Directors, stated that his email which was attached as correspondence to today's agenda had been forwarded to staff with his requests prior to Mayor's Bylsma's radio interview on Thursday June 11, 2020 with CKTB 610/iHeart Radio and that the apology that was provided by the municipality relating to the confusion and miscommunication with respect to his previous emails and requests no longer seemed genuine and were a lie. Mr. De Divitiis stated that he would like to see something positive and progressive coming from this issue and that the majority of the individuals that were opposed to the Pride flag being raised was due to religious and/or personal views which should not be part of the decision and this is not what the Pride flag represents. Mr. De Divitiis stated that the Pride Flag represents equality, justice and freedom with each colour on the flag providing a different meaning for people that are not being represented and that he would like for Council to consider raising the Pride Flag in 2021 and he would also like to see Council receive some education and training so they represent and acknowledge everyone within their community and show accountability in this regard.

There was a number of comments, concerns and questions raised by Members of Council, including but not limited to the following:

1. When was the first time that Pride Niagara had reached out to the local municipalities to raise the Pride flag. (Response - Mr. De Divitiis stated

that Pride Niagara has been reaching out to the twelve local municipalities for 7 to 8 years requesting the Pride flag to be raised).

2. It is a shame that this issue has come to this and that the Pride Flag was not raised once it was determined that the Pride flag had not been raised as the other eleven municipalities had done without issue or controversy.
3. The flying of the Pride Flag does not diminish anyone's rights or beliefs but acknowledges that the LGBTQ community has been discriminated against, marginalized and abused by this country and it says that "you are welcome here".
4. Based on the correspondence received and social media posts, the majority of the community was in support of the Township raising the Pride flag and are supportive of the LGBTQ+ community.
5. Apologize for the Township for not acknowledging and/or addressing the request to raise the Pride Flag and participate in social media promotion in this regard as the request was not to all of Council but to the Mayor only.
6. Suggested that Council should undertake sensitivity training.
7. The Mayor stated that he had no recollection, as a previous Member of Council, over the past 7 to 8 years of the Township ever receiving a request to raise the Pride Flag.
8. Mayor Bylsma stated that he would like to take up Mr. De Divitiis' offer to provide information and training to empower Council Members in order to better understand diversity and equality.
9. The Township has raised other organization's flags without a specific flag raising policy and has set precedent by flying other organization's flags in the past; however, Council should adopt a policy to clearly address these types of matters which staff can then follow based on the policy.
10. The Township currently has two flag related policies which address where the Township has flags and when they are lowered to half-mast; however, the Township does not have a policy with respect to requests for an organization's flags to be raised.

The Acting Chair called a brief recess of the meeting at approximately 1 p.m. for approximately three minutes.

Councillor Christopher Coady moved the a resolution with Councillor William Reilly seconding the motion; however, the Mayor requested that, as per Section 7.17 of the Procedural By-law, that Councillor Coady's motion be separated and voted on separately as there were three distinct propositions as part of the motion.

The original motion read as follows:

That, the correspondence received from Enzo De Divitiis, Chairperson 2020/2021, Pride Niagara Board of Directors, dated June 10, 2020 requesting the Township of West Lincoln to:

1. Raise the Pride Niagara flag on Tuesday, June 1, 2021; and,
2. That, the Township share some type of virtual communication/message on their social media and provide the same for Pride Niagara to share explaining that the Township wanted to be a part of the celebration of equality with Niagara's LGBTQ+ community and that there was a miscommunication and plans are in effect for next year to which would be signed on behalf of the Township of West Lincoln Mayor and Council;

be received and supported; and,

That, the Township of West Lincoln fly the Pride flag for the remainder of June 2020; and,

That, all flag raising requests, outside of this motion, be suspended until such time as Township staff have prepared a flag raising policy and reported back at a future Council or Committee meeting.

The Clerk confirmed that Section 7.17 of the Procedural By-law does allow for the division of a motion if there is more than one distinct proposition. The Clerk stated that it was her opinion that there were three distinct propositions to the motion moved by Councillor Coady.

Following discussion regarding the Mayor's request to divide the motion and how the motions would be voted on, the Acting Chair, put forth the motions in the order that they were presented.

Councillor Rehner requested that a recorded vote be taken for the original motion as presented on the agenda as well as the second motion to fly the Pride Flag for the remainder of June 2020.

**Moved By** Councillor Christopher Coady  
**Seconded By** Councillor Mike Rehner

That, the correspondence received from Enzo De Divitiis, Chairperson 2020/2021, Pride Niagara Board of Directors, dated June 10, 2020 requesting the Township of West Lincoln to:

1. Raise the Pride Niagara flag on Tuesday, June 1, 2021; and,
2. That, the Township share some type of virtual communication/message on their social media and provide the same for Pride Niagara to share explaining that the Township wanted to be a part of the celebration of equality with Niagara's LGBTQ+ community and that there was a miscommunication and plans are in effect for next year to which would be signed on behalf of the Township of West Lincoln Mayor and Council;

be received and supported.

| <b>Recorded</b>              | <b>For</b> | <b>Against</b>          |
|------------------------------|------------|-------------------------|
| Mayor Dave Bylsma            |            | X                       |
| Councillor Christopher Coady | X          |                         |
| Councillor Cheryl Ganann     | X          |                         |
| Councillor Harold Jonker     |            | X                       |
| Councillor Mike Rehner       | X          |                         |
| Councillor William Reilly    | X          |                         |
| Councillor Jason Trombetta   | X          |                         |
| <b>Results</b>               | <b>5</b>   | <b>2</b>                |
|                              |            | <b>Carried (5 to 2)</b> |

**Moved By** Councillor Christopher Coady  
**Seconded By** Councillor William Reilly

That, the Township of West Lincoln fly the Pride flag at the Township Office for the remainder of June 2020.

| <b>Recorded</b> | <b>For</b> | <b>Against</b> |
|-----------------|------------|----------------|
|-----------------|------------|----------------|

|                              |          |          |
|------------------------------|----------|----------|
| Mayor Dave Bylsma            |          | X        |
| Councillor Christopher Coady | X        |          |
| Councillor Cheryl Ganann     | X        |          |
| Councillor Harold Jonker     |          | X        |
| Councillor Mike Rehner       | X        |          |
| Councillor William Reilly    | X        |          |
| Councillor Jason Trombetta   | X        |          |
| <b>Results</b>               | <b>5</b> | <b>2</b> |

**Carried (5 to 2)**

**Moved By** Councillor Christopher Coady  
**Seconded By** Mayor Dave Bylsma

That, all flag raising requests, outside of this motion, be suspended until such time as Township staff have prepared a flag raising policy and reported back at a future Council or Committee meeting.

**Carried**

#### **4. OTHER BUSINESS**

##### 4.1 Councillor William Reilly

Re: Pride Niagara Communications & West Lincoln 2020 flag raising  
**FOR DISCUSSION**

1. Councillor Reilly stated that the issue of raising the Pride Flag had caused a significant impact on our community and what he thought would be an honest error that could be corrected quite easily, ended up becoming an unimaginable situation. Councillor Reilly stated that he hoped that Council and the community will be able to heal from this and be able to move forward.
2. Mayor Bylsma noted that the issue that had occurred with the Pride Flag was an oversight and that he had personal views on this matter and he questioned why this matter needed to be further discussed when there had been ample discussion during Mr. De Divitiis' appointment.



3. The CAO addressed the concerns that were raised regarding the raising of the Pride Flag and the calling of a Special Council meeting. The CAO confirmed that she did have a dialogue with Councillor Reilly regarding the raising of the Pride Flag on June 1st and/or 2nd, and that she had told him at that time that she would get back to him as she was not aware of any requests and/or direction given to staff regarding the raising of the flag. The CAO stated that once she learned that the Chairperson for Pride Niagara had made a request to Mayor Bylsma, she immediately contacted Mr. De Divitiis to rectify the matter and advise him of the proper protocols for approaching Council for the raising of an organization's flag. This was done very promptly and staff were working on putting Mr. De Divitiis' correspondence on the June 29th, 2020 Council agenda for consideration. The CAO stated that she does not take direction solely from the Mayor and/or any one Member of Council and that any direction to be given to staff must be done by the majority of Council. The CAO advised that Council and Staff's roles and responsibilities are well documented in the Municipal Act as well as within Township policies and procedures. The CAO noted that following the correspondence being received from Mr. De Divitiis, staff were contacted about a Special Council meeting being called to address the issue. The CAO noted that running Council meetings are very challenging since the Township facilities closed in the latter part of March. The CAO stated that there was discussion between the Mayor and other Members of Council with respect to the Pride Flag being raised and a Special Council meeting being called. Since the Mayor did not agree with a Special Council meeting being called, a Member of Council asked the Clerk to determine if there was a majority among Members of Council to have a Special Council meeting called, which was done. The CAO advised that a Special Council meeting was called at the call of the majority of Council, which staff accommodated for by providing and organizing a date and time that worked for everyone to be in attendance. The CAO stated that contrary to some comments that had been made by a couple of Members of Council, staff did nothing wrong with the handling of this matter.
4. Councillor Trombetta noted that he was appalled by the views and opinions that the Mayor had stated during his radio interview with CKTB 610 with the same sentiments being echoed by Councillors Coady and Reilly and the fact that his comments, views, beliefs and/or opinions were not the same as other Members of Council. Councillor Trombetta also requested that the Mayor make a public apology

through all Media outlets with respect to his comments made during his radio interview and noted that his comments/views/beliefs/opinions were not the views of Council and the citizens of this community and that if he is not willing to make a public apology then he should resign as Mayor.

5. The CAO responded to the question of when the Pride Flag would be raised by advising that she would make the appropriate arrangements to get the flag raised as quickly as possible.

**5. ADJOURNMENT**

That Acting Mayor declared this Special Council meeting adjourned at the hour of 3:13 p.m.

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JOANNE SCIME, CLERK

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ACTING MAYOR CHERYL  
GANANN