



THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE

COMMITTEE OF THE WHOLE MEETING MINUTES/REPORT

The members of the Committee of the Whole met on Monday June 03, 2019 in the Council Chambers, at 06:00 PM.

PRESENT:

Chair Councillor Erwin Wiens, Lord Mayor Betty Disero, Councillors: Stuart McCormack, Wendy Cheropita, Gary Burroughs, Norm Arsenault, Al Bisback, Clare Cameron (6:56 p.m.), John Wiens

REGRETS:

STAFF:

Holly Dowd	Chief Administrative Officer
Craig Larmour	Director, Community & Development Services
Sheldon Randall	Director, Operations
Kyle Freeborn	Treasurer/Director, Corporate Services (A)
Rick Wilson	Manager, Planning
Brett Ruck	Environmental Services Supervisor
Peter Todd	Town Clerk
Colleen Hutt	Deputy Clerk

OTHERS:

MEDIA:

Suzanne Mason	The St. Catharines Standard
Dariya Baiguzhiyeva	The Lake Report
Penny Coles	The NOTL Local

1. CALL TO ORDER

Chair Councillor Erwin Wiens called the meeting to order at 6:00 p.m.

2. ADOPTION OF AGENDA

Moved by Councillor Stuart McCormack that Kurt Hagan to be added to the agenda under Delegations to speak to Short Term Rentals.

APPROVED.

Moved by Councillor Stuart McCormack that two items be added to the closed session portion of the agenda to consider matters that qualify under the Municipal Act 2001, as amended, both items specifically relating to Section 239.(2)(b) personal matters about an identifiable individual, including municipal or local board employees.

DEFEATED.

The following members requested to speak under New Business: Lord Mayor Betty Disero, Councillors: Al Bisback, Stuart McCormack

Moved by Councillor Norm Arsenault that the agenda be adopted, as amended.

APPROVED, AS AMENDED.

3. CONFLICT OF INTEREST

Lord Mayor Betty Disero declared a conflict of interest with Community & Development Services Report CDS-19-020 - 373 Victoria Street as she lives within the notice area.

4. DELEGATIONS/ PRESENTATIONS

- 4.1 Bethany Poltl - Lord Mayors Youth Advisory Council
Janvi Ganatra - Lord Mayors Youth Advisory Council
Presentation - Mental Health & Wellness Conference 2019

Ms. Poltl and Ms. Ganatra referred to an electronic presentation regarding the Mental Health & Wellness Conferences for 2019. They spoke to their partners and the agenda for the conference, the Committee members and the presenters.

Ms. Poltl and Ms. Ganatra answered questions from the Committee. Chair Councillor Erwin Wiens thanked Ms. Poltl and Ms. Ganatra for this presentation.

- 4.2 Dave Antaya,
Joint Accessibility Advisory Committee Update

Mr. Antaya introduced some of the members of the Committee - Stephen Barker, Chair, Karen Lemieux and Joey Hewitt. Mr. Antaya detailed the communities the Committee served and their purpose was to assist municipalities to be come accessible communities and AODA compliant. Mr. Antaya further stated they were launching the "We Are Accessible Campaign". The Committee has developed a checklist a guide to better help businesses become compliant, the Province has mandated that by 2025 all business will have to be in compliance with accessibility requirements.

Mr. Antaya and the members answered questions from the Committee. Chair Councillor Erwin Wiens thanked the members of the Joint Accessibility Advisory Committee for their update.

- 4.3 Melanie Tanovich
Laura Secord Sesquicentennial Concert

Ms. Tanovich provided the Committee with background on Laura Secord and the purpose of the Laura Secord Sesquicentennial Concert. Ms. Tanovich spoke a request for funding.

Ms. Tanovich answered questions from the Committee. Chair Councillor Erwin Wiens thanked Ms. Tanovich for this presentation.

4.4 Greg Dell - St. Davids Ratepayers Association
Designation of St. Davids Heritage Properties

Mr. Dell spoke to a list of properties in St. Davids that the Association would like to see added to the Municipal Register. Mr. Dell also spoke to the proposed heritage district, legislative authority and boundaries.

Mr. Dell answered questions from the Committee. Chair Councillor Erwin Wiens thanked Mr. Dell for this presentation.

4.5 William Heikoop, Upper Canada Consultants
Kekoo Gatta, Gatta Homes
CDS-19-020 - 373 Victoria Street

Lord Mayor Betty Disero previously declared a conflict of interest with this application, as she lives within the notice area. Lord Mayor Betty Disero did not take part in the discussion for this delegation.

Mr. Heikoop referred to an electronic presentation referencing 373 Victoria Street. Mr. Heikoop requested that the Committee approve a request for exemption from the Interim Control by-law. Mr. Heikopp provided background information and details on the propal and the request for exemption.

Mr. Heikoop and Mr. Gatta answered questions from the Committee. Chair Councillor Erwin Wiens thanked Mr. Heikoop for this presentation.

4.6 Paul Shepherd, 66 King Street
CDS-19-020 - 373 Victoria Street

Mr. Shepherd speaking on behalf of the Niagara Foundation. Mr. Shepherd stated that the Foundation is not supportive of this development and feels that it is too congested, has the potential to set a dangerous precedent, is not consistent with previous policies and is environmentally dangerous.

Chair Councillor Erwin Wiens thanked Mr. Shepherd for this presentation.

4.7 Michael Fox, 362 Gate Street
CDS-19-020 - 373 Victoria Street

Mr. Fox stated he was representing a group of residents on Victoria, Centre, Williams and Grate Streets. He stated the group had four main concerns with the application, those being that it is not a suitable form of development, the property should be considered a significant cultural heritage landscape, the maximum lot coverage and consideration should be given to protect the flood plain.

Mr. Fox answered questions from the Committee. Chair Councillor Erwin Wiens thanked Mr. Fox for this presentation.

4.8 Kurt Hagan, 5 Confederation Drive
Short Term Rental By-law

Mr. Hagan speaking on behalf of a group neighbours in the Garrison Village Subdivision. He stated they had concerns with the short term rentals in residential areas in the Town. Mr. Hagan provided some solution for consideration.

Mr. Hagan answered questions from the Committee. Chair Councillor Erwin Wiens thanked Mr. Hagan for his presentation.

5. RESPONSE TO DELEGATIONS

5.1 Proposed St. Davids Heritage District

Mr. Craig Larmour, Director, Community & Development Services answered questions with respect to:

- the status of the proposed heritage district stating that a report is forthcoming to the Committee with a summary of what has transpired and next steps;
- demolition permits;
- the Municipal Registry;
- status of an application for 1367 York Road;
- demolition permit for a barn on Four Mile Creek Road

Moved by Councillor Norm Arsenault that the list of properties provided by Mr. Dell be forwarded to the Municipal Heritage Committee for consideration to be added to the Municipal Register.

APPROVED.

5.2 373 Victoria Street

Mr. Craig Larmour, Director, Community & Development Services answered questions with respect to:

- number of development application received prior to enacted of the interim control by-law;
- preconsultation and application process.

5.3 Short Term Rental By-law

Councillor Clare Cameron offered information on other areas in the Province dealing with short term rentals for consideration during the Glendale Task Force's review.

6. STATUTORY PUBLIC MEETING UNDER THE PLANNING ACT

The Chair welcomed those in attendance. The Chair explained the process for public meetings and read the Planning Act requirements for submission of an appeal to the Local Planning Appeal Tribunal.

At the request of the Chair, it was confirmed by the Town Clerk that notice of the public meeting to inform the public of the proposal, was complied with as per the

Planning Act.

The Chair advised that anyone wishing to receive notice should leave their name with the Clerk.

6.1 Residential Infill Policies

At the request of the Chair, Rick Wilson, Manager of Planning, Community & Development Services explained this is a Town initiated application. Council directed Community and Development Services to conduct a review of the Official Plan and develop policies and requirements related to infill and intensification development and redevelopment in residential neighbourhoods within the whole of the Town. The purpose of the review is to evaluate and potentially amend existing policies to support appropriate and compatible residential infill and intensification. Related to the review is the Interim Control By-law (By-law No. 5105-18) recently adopted by Council that temporarily prohibits the subdivision of land within Old Town for the purpose of undertaking a review of land use planning policies within the Town. Official Plan Amendment, Zoning By-law Amendment and Minor Variance applications that could permit the subdivision of lands within Old Town are also temporarily prohibited by the Interim Control By-law. As a result of this review, Community and Development Services is recommending amendments to the Official Plan. Proposed amendments would affect residentially designated lands and ensure infill and intensification development and redevelopment respects and reflects the existing pattern and character of adjacent development

Mr. Wilson spoke to an electronic presentation and answered questions from the Committee.

The Chair asked if there was anyone present to speak in favour/against the proposal.

Gracia Janes, Niagara-on-the-Lake Conservancy

Ms. Janes stated that the Conservancy was neither in favour or against the proposed amendment but felt that the by-law was premature. Ms. Janes stated there were questions that still required clarification. Ms. Janes requested that a background paper be prepared to provide answers such as how this amendment will protect built and natural heritage resources and address intensification targets.

Paul Shepherd, 66 King Street

Mr. Shepherd speaking on behalf of the Niagara Foundation, stated that the amendment was being rushed, as there is still time on the holding by-law. Mr. Shepherd stated there were many generalities within the amendment and it needs to be more specific.

William Heikoop, Upper Canada Consultants

Mr. Heikoop asked if there would be any transition or "grandfathering" policies for existing applications.

Nancy Carriere, 10 Raiana Drive

Ms. Carrier requested that a final grade and an alignment to the surrounding

subdivisions along with the type and size of development be identified in the new amendment.

John Lally, 4025 Dorchester Road, Niagara Falls
Mr. Lally spoke to a consent application for 425 Dorchester Street. Mr. Lally stated that the interim by-law was impeding his application. He further stated that he would like to see this amendment proceed.

Christel Baker, 551 Butler Street
Ms. Baker stated they would like to create a new lot and would like to see the amendment go forward.

Chair Councillor Erwin Wiens thanked those who came forward to speak.

7. CONSENT AGENDA:

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

Moved by Lord Mayor Betty Disero that Community & Development Services Report CDS-19-018 be deferred at the request of the applicant.

APPROVED.

All remaining Staff reports were lifted for discussion.

Moved by Councillor Clare Cameron that the Consent Agenda be approved, with the exception of item listed above.

APPROVED, AS AMENDED.

(a) Items Not Requiring Separate Discussion

CDS-19-018 ZBA-21-2018 - 1490 York Road - Application for Zoning By-law Amendment

Moved by Lord Mayor Betty Disero that at the request of the applicant this report be deferred to a future meeting.

APPROVED.

(b) Items Requiring Separate Discussion

CDS-19-017 File No.: 26T-18-10-02 Tanbark Trail (Emerald Estates) - Assumption of Services

Discussion took place regarding:

- parks
- storm water management ponds
- grinder pumps

Moved by Councillor Norm Arsenault that the recommendations contained in Community & Development Services Report CDS-19-017 be approved, as follows:

- 1.1 The Town assume the primary, secondary and tertiary services installed within the Tanbark Trail (Emerald Estates) Subdivision, File No. 26T-18-10-02, as defined in the Subdivision Agreement authorized by Town By-law 4579-12, attached as Appendix B, and the Subdivision Agreement Amendment authorized by Town By-law 4579A-13, attached as Appendix C; and,
- 1.2 The draft Assumption By-law, attached as Appendix A to this report, be forwarded to Council for approval.

APPROVED.

CDS-19-019 Enforcement of the Updated Swimming Pool By-law

Discussion took place regarding:

- creating a checklist for pool owners
- budgeting
- compliance

The Committee lifted each recommendation and voted on them separately.

Moved by Councillor Clare Cameron that the recommendations contained in Community & Development Services Report CDS-19-019 be adopted, as follows:

- 1.1 Council authorize the hiring of three (3) enforcement officers on contract for the purpose of achieving full compliance of all properties with the obligations of Swimming Pool By-law 5155-19;

DEFEATED.

- 1.2 Council authorize the acquisition of resources to equip the enforcement officers with the necessary vehicles, computers, telephones, office furniture and associated items for the duration of the contracts;

DEFEATED.

- 1.3 Staff be directed to provide monthly Information Reports to Committee of the Whole advising of progress in achieving compliance.

DEFEATED.

**CDS-19-020 ZBA-26-2018 - 373 Victoria Street
Application for Zoning By-law**

Lord Mayor Betty Disero previously declared a conflict of interest with Community & Development Services Report CDS-19-020 as she lives within the notice area. Lord Mayor Betty Disero did not take part or vote on this matter.

Moved by Councillor Norm Arsenault that the recommendations contained in

Community & Development Services Report CDS-19-020 be adopted, as follows:

- 1.1 The Zoning By-law Amendment application (File No. ZBA-26-2018), with the Staff revisions detailed in this report, for lands known municipally as 373 Victoria Street be approved;
- 1.2 The draft amending Zoning By-law, attached as Appendix B to this report, be forwarded to Council for adoption; and
- 1.3 Council consider an exemption to Interim Control By-law No. 5105-18 to allow the acceptance and processing of a required Consent application to create a new lot for an additional single-detached dwelling from the overall 373 Victoria Street property

DEFEATED.

CS-19-020 Harassment and Discrimination

Discussion took place regarding:

- reasons for revisions
- further revisions to policy for clarification

Moved by Councillor Clare Cameron that the Harassment and Discrimination Policy be removed from the Council Code of Conduct by removing Section 9.3 and that staff create a policy on harassment and discrimination specifically for council to be included in the Council Code of Conduct.

APPROVED.

Moved by Stuart McCormack that Corrective Action - Procedure 21, of the draft revised policy, be amended by deleting "false or" from the second sentence.

APPROVED.

Moved by Councillor Clare Cameron that the recommendations contained in Corporate Services Report CS-19-020 be approved, as follows:

- 1.1 the Harassment and Discrimination Policy, attached to this report as Appendix A, be forwarded to Council for approval by by-law and that P-CS-16-008 be rescinded.

APPROVED, AS AMENDED.

CS-19-021 Dee Road Pump house Debt Financing

Moved by Councillor Norm Arsenault that the recommendations contained in Corporate Services Report CS-19-021 be approved, as follows:

- 1.1. that the draft by-law, attached as Appendix I, being a by-law to request the Regional Municipality of Niagara to issue a debenture on behalf of the Corporation of the Town of Niagara-on-the-Lake, in the amount of \$1,805,324.29

over a 15 year term, to fund the construction of the Dee Road Pump house, be forwarded to Council for adoption.

APPROVED.

FC-19-008 2019 Tax Rates and Waste Management Fee

Moved by Councillor Gary Burroughs that the recommendations contained in Finance Services Report FC-19-008 be approved, as follows:

- 1.1 That the tax rates, as shown on Schedule 1 attached to report FC-19-008 for the Consolidated Storm Water Management Improvement special areas be approved; and,
- 1.2 That the tax rates, as shown on Schedule 2 attached to report FC-19-008 for the Niagara Hospital System special levy be approved; and,
- 1.3 That the General Tax Rates for the Town, as shown on Schedule 3 attached to report FC-19-008 be approved; and
- 1.4 That a flat user rate of \$177.21 for the basic Waste Management Services and a flat rate of \$946.69 for the enhanced Waste Management Services, as shown on Schedule 4 attached to report FC-19-008 be approved; and,
- 1.5 That the Levying By-law be prepared to reflect the combined Tax Rates as shown on Schedule 6 attached to report FC-19-008.

APPROVED.

OPS-19-011 2019 Tax Rates and Waste Management Fee

Moved by Councillor Norm Arsenault that the recommendations contained in Operation Services Report OPS-19-011 be approved, as follows:

- 1.1 The additional funds for consulting services requested are provided in order to expedite the completion of design in 2019 with actual works to be carried out in 2020 pending Council approval of the 2020 Capital Budgets for the following projects:
 - a) Concession 6 Road – York Road to Mewburn Bridge (boundary with Niagara Falls)
 - b) Wellington Street – Picton Street to Castlereagh Street

APPROVED.

OPS-19-012 Tender for Replacement of 5-Ton Truck and Plow

Moved by Councillor Norm Arsenault that the recommendations contained in Operation Services Report OPS-19-012 be approved, as follows:

- 1.1 That Council accept the low tender of \$274,690.57 (trade-in and taxes included) from Metro Freightliner for the replacement of a 2007 Sterling truck;

- 1.2 That Council authorize the combined use of approved capital accounts C00256 (5-Ton Truck - \$200,000) and C00457 (JCB Backhoe - \$140,000) to purchase the aforementioned truck, with all remaining funds (approximately \$65,000) be returned to the fleet replacement reserve and the replacement of the JCB Backhoe be reconsidered as part of the 2020 budget.

APPROVED.

Moved by Councillor Gary Burroughs that the meeting be extended to 11:00 pm.

APPROVED.

8. COMMITTEE OF COUNCIL MINUTES

8.1 NOTL Safety Committee

Moved by Norm Arsenault the recommendations of the Committee Minutes be received and that the following recommendations be approved:

- i) that Council permit the use of the Town's logo in the development of a unified Committee logo. The Committee felt this logo would be beneficial for other Town committees.
- ii) that Council refer the request appointment of Rick Stubbings to sit as an additional member on the Transportation Advisory Committee to the Transportation Committee, and if the Committee agrees to permit the appointment of Mr. Stubbings as a member the Terms of Reference should be reflected to include this change.
- iii) that the responsibility of the Speed Minder Machine be handed over to the Town.

APPROVED.

The Committee voted on the balance of the minutes.

Moved by Councillor Clare Cameron that the April 16, 2019 minutes of the NOTL Safety Committee be adopted as presented.

APPROVED, AS AMENDED

8.2 Transportation Advisory Committee

Moved by Councillor Clare Cameron that the May 7, 2019 minutes of the Transportation Advisory Committee be adopted as presented.

APPROVED.

8.3 Audit Committee

Moved by Lord Mayor Betty Disero that the terms of reference be further revised by removing the sentence regarding Standing Committees.

APPROVED.

The Committee voted on the balance of the minutes.

Moved by Councillor Gary Burroughs that the May 21, 2019 minutes of the Audit Committee be adopted as presented.

APPROVED, AS AMENDED.

9. INFORMATION PACKAGES

The Committee lifted the following items from the Information Packages for discussion:

May 23, 2019

Item No. 2 - Committee of Adjustment Minutes

May 30, 2019

Item No. 3 - Official Plan Status Update - add links to bills

Item No. 12 - NPCA Board Appointment

Moved by Councillor Clare Cameron that the May 19, 2019, May 23, 2019 and May 30, 2019 Information Packages be received.

APPROVED.

10. NEW BUSINESS

(a) Notice of Motion - By-law Enforcement Resources

Councillor Al Bisback put forward a notice of motion regarding by-law enforcement resources.

(b) Notice of Motion - Extension of Interim Control By-law - Cannabis

Councillor Stuart McCormack put forward a notice of motion regarding the extension of the interim control by-law regarding cannabis.

11. ADJOURNMENT

ADJOURNMENT: 10:55 PM

Lord Mayor, this concludes the Minutes/Report of the Committee of the Whole Meeting.
I Councillor _____ move, seconded by Councillor _____
_____ that the Minutes/Report of the June 3, 2019 Committee of the Whole Meeting be adopted.