



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 September 13, 2021 in the Council Chambers, at 05:00 PM.

PRESENT:

This meeting was held via Video Conference due to COVID-19 and public health concerns and was able to be viewed via Livestream on the Town's website.

Lord Mayor Betty Disero, Councillors: Norm Arsenault, Al Bisback, Gary Burroughs, Clare Cameron, Wendy Cheropita, Sandra O'Connor, Erwin Wiens, John Wiens

REGRETS:

STAFF:

Marnie Cluckie	Chief Administrative Officer
Sheldon Randall	Director, Operations
Kyle Freeborn	Director, Corporate Services
Craig Larmour	Director, Community & Development Services
Rick Wilson	Manager, Planning
Nick Ruller	Fire Chief
Colleen Hutt	Acting Town Clerk

OTHERS:

MEDIA:

1. CALL TO ORDER

Chair Councillor John Wiens called the meeting to order at 5:00 p.m.

2. ADOPTION OF AGENDA

The follow members requested to speak under New Business: Councillor Gary Burroughs.

Moved by Councillor Al Bisback that the agenda be adopted, as amended.

APPROVED, AS AMENDED.

3. CONFLICT OF INTEREST

No conflicts of interest were declared at this time.

4. CLOSED SESSION

Clerk to read:

- Closed meeting under Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose specifically regarding 1490 York Road.

At 5:05 p.m. the following motion was read in open session.

Moved by Councillor Gary Burroughs, that Council proceed to go into a closed meeting to consider matters that qualify under the Municipal Act 2001, as amended:

- Closed meeting under Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose specifically regarding 1490 York Road.

APPROVED.

At 6:04 p.m. the following motion was read in open session.

Moved by Councillor Norm Arsenault, that Council rise from closed session that considered matters that qualify under the Municipal Act 2001, as amended:

- Closed meeting under Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose specifically regarding 1490 York Road with no report.

APPROVED.

5. DELEGATIONS

- 5.1 Lucy & Gord Hallit, 538 Victoria Street
- Pillar and Post Inn Lighting Issues

Lucy Hallit stated the lights from Monet Gardens at the Pillar & Post Inn parking lot, which is behind her property, causes a glare in the backyard and inside of their home. Ms Hallit stated that this has been on-going for two years. She stated that she feels this is an intrusion and infringement on the enjoyment of the home. Ms. Hallit answered questions from the Committee. Chair Councillor Al Bisback thanked Ms. Hallit for the presentation.

6. RESPONSE TO DELEGATIONS

5.1 Pillar & Post Lighting Issues

Moved by Councillor Norm Arsenault, that the matter of lighting at the Pillar and Post be referred to staff to investigate along with the landscaping plan and the design approved by MHC and provide a report back to Council.

APPROVED.

7. STATUTORY PUBLIC MEETING UNDER THE PLANNING ACT

7.1 524 York Road - application for Official Plan & Zoning By-law Amendments

At the request of the Chair, Rick Wilson, Manager of Planning, Community & Development Services referred to an electronic presentation and explained that the Official Plan Amendment application proposes to redesignate a portion of the subject lands (see the location map) from "Environmental Conservation" to "Hospitality Precinct - Site Specific." The Zoning By-law Amendment application proposes to rezone a portion of the lands from "Open Space - Key Features (OSF) Zone" to "Regional Commercial (RC1-15) - Site Specific Zone." The applications are required to recognize unapproved site works including an extended parking lot and an internal road connecting to Glendale Avenue. Chair Councillor John Wiens thanked Mr. Wilson for this presentation.

The Chair noted there were 2 participants who registered to speak to the proposal. Not all that registered wished to speak to the matter.

Susan Smyth, Quartek Group & Barry Myler, Myler Myler Ecological Consulting

Susan Smyth, agent for the applicant spoke to an electronic presentation regarding this application. Ms. Smyth referenced Background & Information, Phase 1 Approved Site Plan, Master Plan Phase 1 & 2 Development, Development Timeline, Constructed Area, Proposal & Requested Amendment, Planning Policy Analysis and Next Steps. The Committee asked questions of both Ms. Smyth and Mr. Myler in regards to the proposal and the impact on the surrounding area. Chair Councillor Al Bisback thanked them for the presentation.

At this time, Chair Councillor Al Bisback declared the Public Meeting closed.

8. COVID-19 UPDATE

Marnie Cluckie, Chief Administrative Officer provided the following update:

- proof vaccination was announced on September 1
- provincial certificate & verification app
- September 7 return to in person learning at schools
- enforcing the importance of vaccinations
- new covid statistics

- NOTL developing a staff vaccination policy
- community centre and arenas re-open
- traffic - decreased by 25%
- by-law - continuing to educate
- special events increasing
- parking tickets numbers & special enforcement area - tickets
- STR enforcement and Granicus complaints
- 911 Ceremony at Cenotaph
- Terry Fox run and flag raising
- Skatepark Open House - Virgil Sports Park
- Truth and Reconciliation Awareness education

Lord Mayor Betty Disero noted that the Terry Fox fund raising campaign in Niagara-on-the-Lake had reached the million dollar mark.

Lord Mayor Betty Disero also noted that the Region of Niagara adopted a vaccination policy and requested the Committee to approved the following motion.

Moved by Lord Mayor Betty Disero that Council approve that the Town of Niagara on the Lake vaccination policy include members of Council who wish to attend in-person meetings (including Committee and Council), conduct business on Town property or facilities, or attend official events in their capacity as a Town Councillor.

APPROVED.

9. CONSENT AGENDA

CDS-21-023 File No. SP-13-2021 - 78 Four Mile Creek Road Application for Site Plan Amendment

Moved by Lord Mayor Betty Disero that the recommendations contained Community & Development Services Report CDS-21-023 be approved as follows:

- 1.1 The application for Site Plan Amendment for lands known municipally as 78 Four Mile Creek Road, be approved, subject to the following condition:
 - 1.1.1 The owner enters into an amended Site Plan Agreement with the Town and that the same is registered against the title of the subject lands known municipally as 78 Four Mile Creek Road, Town of Niagara-on-the-Lake, all to the satisfaction of the Director of Community and Development Services or their designate;
- 1.2 The draft Site Plan Agreement for the subject lands, attached as Appendix I to this report, be forwarded to Council for approval; and
- 1.3 The following Revised clause be included in future Site Plan Agreements and Development Agreements respecting the release of securities:

Upon completion of all works, the deposited Letter of Credit can be reduced to

20% of its original value, plus the cost of any outstanding deficiencies. The remaining securities will be held for a one (1) year maintenance period from the date the Town issues a certificate of completion after the developer's engineer confirms completion of all works. Provided no outstanding issues or deficiencies remain at the end of the one-year maintenance period, the remaining securities (cash and deposits) will be released.

APPROVED.

10. INFORMATION PACKAGES

September 9, 2021

Item No. 7 - Niagara Region Update on Niagara Official Plan: Further Draft Policy Development

Item No. 8 - Niagara Region - Niagara Official Plan: Land needs Study & Settlement Area

Item No. 9 - Niagara Region - Regional Response: Proposed Land Use Compatibility Guidelines

Moved by Councillor Wendy Cheropita that Council endorse Item No. 10 and 11, Page 16 of the Niagara Region Comments ERO #019-278, dated July 2, 2021, being:

10. Application to Cannabis Production Facilities

The proposed Land Use Compatibility Guideline provides different guidance for cannabis production facilities depending upon the location of the use. In settlement areas and employment areas, the Guideline recognizes a cannabis production facility as a major facility and classifies the use as a Class 5 Industry. In contrast, when a cannabis production facility is located within or proposed within the prime agricultural area or rural area, the Guideline defers to the OMAFRA Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. Regional staff are concerned that the proposed Guideline results in the creation of two sets of rules that apply for cannabis production facilities. Regional staff recommend that the Province reconsider this approach as land use compatibility concerns are the same for nearby sensitive land uses regardless of whether the cannabis production facility is located in a settlement area, prime agricultural area, or rural area. Further, Regional staff are concerned that the Guideline will encourage cannabis production facilities to locate within prime agricultural areas and rural areas. As proposed, the Guideline classifies cannabis production facilities as a Class 5 Industry within settlement areas and employment areas; therefore, a proposed cannabis production facility could strategically locate within a prime agricultural area or rural area to avoid the more onerous Class 5 guidelines despite producing the same impacts on adjacent sensitive land uses; and

11. Consultation with Industry

The proposed Land Use Compatibility Guideline places significant importance on engagement from and with major facilities. Appendix C of the Guideline (Consultation and Engagement for Land Use Compatibility) provides engagement

strategies, timing and best practices. The Guideline "highly encourages" early engagement in accordance with Appendix C (refer to Section 1.6.2). Regional staff are supportive of, and encourage, early engagement in the planning approvals process. Staff note that there are often barriers to engaging with existing industry; if existing industry is not sufficiently engaged in the planning approval process, this could result in future compatibility concerns. The Guideline should clearly outline the benefits to both proponents of new or expanding sensitive land uses and new or expanding major facilities, to ease the implementation of early engagement strategies.

And further that Council forward a letter of support to the Region of Niagara.

APPROVED.

Moved by Councillor Gary Burroughs, that the Information Packages of September 2, 2021 and September 9, 2021 be received.

APPROVED.

11. NEW BUSINESS

Discussion took place regarding:

- Firelane 11 update on stop-work orders matters
- Committee of Adjustment applications & approvals

(a) Notice of Motion - Cenotaph on Queen Street

Councillor Gary Burroughs put forward a notice of motion regarding the cenotaph on Queen Street.

12. ADJOURNMENT

ADJOURNMENT: 08:45 PM

Lord Mayor, this concludes the Minutes/Report of the Committee of the Whole Planning Meeting. I Councillor _____ move, seconded by Councillor _____ that the Minutes/Report of the September 13, 2021 Committee of the Whole Planning Meeting be adopted.