



## **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 August 10, 2020 in the Council Chambers, at 06:00 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.

Chair Councillor Al Bisback, Lord Mayor Betty Disero, Councillors: Erwin Wiens, Wendy Cheropita, Gary Burroughs, Norm Arsenault, Clare Cameron, John Wiens

### **REGRETS:**

Councillor Stuart McCormack

### **STAFF:**

Sheldon Randall	Chief Administrative Officer (I)
Craig Larmour	Director, Community & Development Services
Rick Wilson	Manager, Planning
Kyle Freeborn	Director, Corporate Services
Peter Todd	Town Clerk

### **OTHERS:**

Sandra O'Connor

### **MEDIA:**

#### **1. CALL TO ORDER**

Chair Councillor Al Bisback called the meeting to order at 6:00 p.m.

#### **2. ADOPTION OF AGENDA**

The following members requested to speak under New Business: Lord Mayor Betty Disero, Councillors: Gary Burroughs, Clare Cameron

During discussions under New Business a motion was brought forward to temporarily suspend the rules under Section 2.2 of the Town's Procedure by-law to further extended

the meeting time to complete the agenda.

Moved by Councillor Wendy Cheropita that the agenda be adopted, as amended.

**APPROVED, AS AMENDED.**

**3. CONFLICT OF INTEREST**

Councillor Erwin Wiens declared a conflict of interest with Community & Development Services Report CDS-20-022 - 822 Concession 1 Road, as he owns the property.

**4. COVID-19 UPDATE**

Lord Mayor Betty Disero stated that delegated authority was used to waive the parking fee requirement for temporary patios. A further request was received, in which delegated authority was not used, to permit A-frame signage in the Heritage District as it was felt that the Municipal Heritage Committee should not be bypassed for this issue.

Lord Mayor Betty Disero also spoke about the increase in the number of cases in the community, which was not specific to tourism, but is now under control.

**5. DELEGATIONS/ PRESENTATIONS**

**5.1 Eduardo Lafforgue, President  
Niagara-on-the-Lake Chamber of Commerce  
- Chamber and Tourism**

Eduardo Lafforgue, President, NOTL Chamber of Commerce referred to an electronic presentation that spoke to the Chambers unique business mode, an established & significant market, the Town and the Chamber, how the Chamber operates, leveraging every dollar, and COVID-19 and the effects. Mr. Lafforgue further spoke to strategy & planning and structure. Mr. Lafforgue answered questions from the Committee.

**5.2 Andrea Kaiser, Reif Winery  
Update - Marketing Initiatives & Strategy**

Andrea Kaiser referred to an electronic presentation that spoke to Tourism, a division of the NOTL Chamber of Commerce. Ms. Kaiser provided information on the members of the committee, launching a three month campaign on tourism, goals and the a campaign tag line. Ms. Kaiser further spoke to travel and tactics. Ms. Kaiser answered questions from the Committee.

**5.3 Janet Jones, NOTL Tourism Advisory Working Group  
Introducing NOTL Tourism Advisory Working Group**

Janet Jones, Chair, NOTL Tourism Advisory Working Group, stated this is a community based group formed in January of 2020. The intention of the group is to bring together voices of tourism for discussion and problem solving. They are an independent group working under the umbrella of the Chamber. The group is represented by a cross reference of tourism and all aspects of the community affected by tourism. Ms. Jones

answered questions from the Committee.

5.4 Susan Wheler, Susan Wheler & Associates  
CDS-20-022 - 822 Concession 1 Road

Susan Wheler, agent for the applicant, explained the application is a requirement to fulfill a condition of consent for 822 Concession 1 Road to permit a surplus farm dwelling. The balance of the subject lands will be joined with the applicants other properties. Ms. Wheler answered questions from the Committee.

5.5 Mary Lou Tanner, Niagara Planning Group  
CDS-20-024 - 963 Queenston Road

Mary Lou Tanner, agent for the applicant, stated they are supportive of the staff report including the revised conditions for the site plan. Ms. Tanner stated that the interior of the proposed estate winery has been set up to conform with the requirements of the zoning by-law and staff have stated that the site plan does conform, as required. She further stated there would be implications for her client with regard to the driveway including losing arable farm land and conditions dealing the NPCA. Ms. Tanner answered questions from the Committee.

5.6 Thomas A. Richardson, Sullivan, Mahoney  
CDS-20-025 - 963 Queenston Road

Thomas Ricardson, speaking on behalf of business owners, property owners and residents surrounding 963 Queenston Street provided some plans for the Committees information. Mr. Richardson showed a floor plan of the interior of the winery that did not conform to the requirements of the zoning by-law. He further stated that a large kitchen as been constructed which includes commercial cooking equipment, a walk-in freezer and coolers. Mr. Richardson also spoke to noise attenuation, ventilation systems, noise, outdoor events and an entrance off Concession 6 Road. Mr. Richardson answered questions from the Committee. Mr. Richardson requested, on behalf of his clients the cooking equipment and ventilation equipment along with the coolers and freezer be removed; a visual barrier installed on the 2nd floor balcony; the entrance relocated to Concession 6 Road and Queenston Road entrance gated; and the zoning by-law amended to prohibit any outdoor activity.

5.7 William Heikoop, Upper Canada Planning & Engineering  
Kekoo Gatta, Owner  
CDS-20-023 - The Settlement at St. Davids

William Heikoop, Agent for the applicant referred to an electronic presentation and stated that the application is to amend the subdivision agreement to remove Block 70 & 71 from escrow to permit the construction of two blocks of street townhouses for a total of six units. Mr. Heikoop further stated that if the amendment is approved the applicant will move forward with a site plan agreement. Concept drawings of the townhouse units were provided for the Committee. Mr. Gatta provided further background information on the subdivision.

Chair Councillor Al Bisback thanked all those for there presentations.

## **6. RESPONSE TO DELEGATIONS**

There were no response to delegations at this time.

## **7. CONSENT AGENDA**

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

All reports were lifted for separate discussion.

### **CDS-20-021      File    No.    ZBA-04-2020    -    244-246    Niven    Road Application for Zoning By-law Amendment**

Moved by Councillor Norm Arsenault that the recommendations in Community & Development Services Report CDS-20-021 be approved as follows:

- 1.1    The application for Zoning By-law Amendment (File No. ZBA-04-2020) for the lands known municipally as 244-246 Niven Road, be approved; and
- 1.2    The draft Zoning By-law Amendment, attached as Appendix C to this report, be forwarded to Council for adoption.

### **APPROVED.**

### **CDS-20-022      File No. ZBA-05-2020 - 822 Concession 1 Road Application for Zoning By-law Amendment**

Councillor Erwin Wiens previously declared a conflict of interest with CDS-20-022 - 822 Concession 1 Road as he owns the property. He did not take part in any discussion or vote on this matter.

Moved by Councillor Gary Burroughs that the recommendations in Community & Development Services Report CDS-20-022 be approved as follows:

- 1.1    The application for Zoning By-law Amendment (File No. ZBA-05-2020) for the lands known municipally as 822 Concession 1 Road, be approved; and
- 1.2    The draft Zoning By-law Amendment, attached as Appendix C to this report, be forwarded to Council for adoption.

### **APPROVED.**

### **CDS-20-023 File No. 26T-18-04-03 - The Settlement at St. Davids - Blocks 70 and 71 on Plan 30M-375 - Application for Amendment to a Subdivision Agreement**

Moved by Councillor Gary Burroughs that the recommendations in Community & Development Services Report CDS-20-023 be approved as follows:

- 1.1 The application for Amendment to a Subdivision Agreement (File No. 26T-18-04-03), for lands described as Blocks 70 and 71 on Plan 30M-375 (The Settlement at St. Davids Subdivision), be approved; and
- 1.2 The amended Subdivision Agreement, attached as Appendix B to this report, be forwarded to Council for approval and that the Lord Mayor and Clerk be authorized to execute the amendment to the Subdivision Agreement on behalf of the Town.

**APPROVED.**

**CDS-20-024                      SP-01-2020 Site Plan Approval  
ZBA-03-2020 Zoning By-law Amendment (Removal of Holding  
Symbol) - Proposed Queenston Mile Estate Winery - 963  
Queenston Road**

Discussion took place regarding:

- screening
- commercial cooking equipment & ventilation system
- HVAC system

Moved by Lord Mayor Betty Disero that the following be added to section 1.1.1(e):

- e) Provide deciduous trees adjacent to the northwest corner of the winery balcony for screening *and the west side beside the balcony* .

**APPROVED.**

And further that the following be added as a conditions of the removal of the holding provision:

- commercial cooking equipment be removed;

**APPROVED.**

- the ventilation system for the commercial kitchen be removed;

**DEFEATED.**

- outdoor fans and condensers be moved away from the residential properties and screened.

**DEFEATED.**

Moved by Councillor John Wiens that the recommendations in Community & Development Services Report CDS-20-024 be amended as follows:

- 1.1 The draft Site Plan Agreement, attached as Appendix C to this report, affecting the subject lands (File SP-01-2020), together with the draft Site Plan and Landscape

Plan, attached as Appendix D to this report, be forwarded to Council for approval, subject to the following conditions:

- 1.1.1 That prior to final approval, the Landscape Details (Sheets L1 and L2) prepared by James McWilliam (revised June 8, 2020), and Site Plan Drawing (Sheet A-1 through A-3) prepared by Edwards Designs (revised May 21, 2020), be further revised as follows and generally indicated in Appendix F:
  - a) Remove fencing along the rear lot line of 915 Queenston Road;
  - b) Provide fencing with a solid board design and height of 2 metres along the rear lot line of 925 Queenston Road;
  - c) Provide fencing (1 metre in height within the defined front yard of the subject lands) along the property lines on the east and west sides of the driveway to Queenston Road;
  - d) Provide fencing with a solid board design and height of 2 metres along the side lot line of 967 Queenston Road, connecting to the fence on the east side of the driveway and extending to the permitted minimum setback from the watercourse;
  - e) Provide deciduous trees adjacent to the northwest corner of the winery balcony for screening *and the west side beside the balcony* ;
  - f) Provide deciduous trees along the internal driveway curve abutting the rear yard of 967 Queenston Road for screening; and
  - g) Provide coniferous trees adjacent to the air conditioning, heating and ventilation equipment on the north side of the winery building for screening and noise mitigation.
- 1.1.2 That prior to final approval the Applicant provide revised cost estimates in order to reflect required revisions noted in Recommendations 1.1.1;
- 1.1.3 That the Director of Community and Development Services be authorized to approve the required revisions noted in Recommendations 1.1.1; and
- 1.1.4 That the Owner enter into a Site Plan Agreement with the Town and that the same is registered against the title of the subject lands, known municipally as 963 Queenston Road.
- 1.2 The Zoning By-law Amendment application (File ZBA-03-2019) to remove the Holding ("H") Symbol from the site-specific Zoning By-law affecting the lands known municipally as 963 Queenston Road, Creek Road, be approved *subject to the commercial cooking equipment being removed* ; and
- 1.3 The draft Zoning By-law Amendment, attached as Appendix B to this report be forwarded to Council for adoption.

**APPROVED, AS AMENDED.**

**CDS-20-025 ZBA-07-2020 - 1074 Line 7 Road - Applications for Zoning By-law Amendment**

Moved by Councillor Gary Burroughs that the recommendations in Community & Development Services Report CDS-20-025 be approved as follows:

- 1.1 The application for Zoning By-law Amendment (File No. ZBA-07-2020) for the lands known municipally as 1074 Line 7 Road, be approved; and
- 1.2 The draft Zoning By-law Amendment, attached as Appendix C to this report, be forwarded to Council for adoption.

**APPROVED.**

### **CDS-20-026 Niagara Region - Glendale District Plan**

Moved by Councillor Norm Arsenault that the recommendations in Community & Development Services Report CDS-20-026 be approved as follows:

Discussion took place regarding:

- traffic calming measures
- medium and high rise heights

- 1.1 Council endorse the Niagara Region Glendale District Plan, attached as Appendix A to this report.
- 1.2 Council direct Town Staff to submit Town Council minutes and comments with respect to the Glendale District Plan to the Region of Niagara.

**APPROVED.**

## **8. INFORMATION PACKAGES**

### July 30, 2020

Item No. 16 - Niagara Region - Media Release - Council adopts mandatory mask by-law.

### August 6, 2020

Item No. 1 - Information Report - Fire Department Statistical Report Q2 2020

Item No. 2 - Partitions for Return to Work - Cost Investigation

Item No. 3 - Virgil Skatepark

Item No. 4 - Urban Design Committee Minutes - July 28, 2020

Item No. 9 - Letter TA Richardson re 61 & 85 Melville Street

Moved by Councillor Clare Cameron that the Information Package of July 23, be received.

**APPROVED.**

Moved by Councillor Norm Arsenault that the Information Package of July 30, 2020 be received.

**APPROVED.**

Moved by Lord Mayor Betty Disero that the Information Package of August 6, 2020 be received.

**APPROVED.**

Moved by Councillor Gary Burroughs that the Committee of the Whole meeting be extended beyond 10:30 p.m. to conclude the business of the agenda.

**APPROVED.**

**9. NEW BUSINESS**

Discussion took place regarding the following:

- noise by-law
- signage in the Heritage District

Moved by Lord Mayor Betty Disero that Council direct staff to no longer pursue the draft amendments to the noise by-law;

And further that Council direct staff to provide a workshop on the existing noise by-law and provide a staff report on any enforcement challenges.

**APPROVED.**

Moved by Lord Mayor Betty Disero that under Section 2.2 of the Town's Procedure By-law, the rules be temporarily suspended in order to allow a further extension of time to complete the agenda, to be approved by a two-thirds majority of Council.

**APPROVED.**

Moved by Lord Mayor Betty Disero that the Committee of the Whole - Planning meeting be further extended to conclude the business of the agenda.

**APPROVED.**

Moved by Councillor Clare Cameron that Council requests the Lord Mayor and CAO use their delegated authority to implement a pilot program to permit temporary A-frame signage during the pandemic to assist businesses in the Queen-Pictou Heritage District, in their recovery to the impact of COVID-19, similar to the temporary patio permit process that was successfully crafted in response to the pandemic;

And that the program end on October 31, 2020, unless termination is required at the the discretion of the Lord Mayor and CAO;

And the process include contact between the Chair of the Municipal Heritage Committee and the Chief Administrative Officer (I).

**APPROVED.**

**(a) Notice of Motion - Community Wellness Committee**

Lord Mayor Betty Disero put forward a notice of motion regarding replacement on



the Community Wellness Committee.

**(b) Notice of Motion - Urban Design Minutes**

Lord Mayor Betty Disero put forward a notice of motion regarding

**(c) Notice of Motion - Virgil Stakepark**

Councillor Clare Cameron put forward a notice of motion regarding Virgil Skatepark.

**(d) Notice of Motion - 61 & 85 Melville Street - Site Plan**

Councillor Gary Burroughs put forward a notice of motion regarding 61 & 85 Melville Street - site plan.

**10. CLOSED SESSION**

**Clerk to read resolution**

- Closed meeting under Section 239(2)(k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board, specifically relating to lease negotiations.

At 11:24 p.m. the following motion was read in open session:

Moved by Councillor Norm Arsenault, 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)(k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board, specifically relating to lease negotiations.

**APPROVED.**

At 11:59 p.m. the following motion was read in open session:

Moved by Councillor Norm Arsenault, seconded by Councillor Al Bisback that Council rise from the closed session to consider matters that qualify under the Municipal Act 2001, as amended:

- Closed meeting under Section 239(2)(k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board, specifically relating to lease negotiations, with no report.

**APPROVED.**

**10. ADJOURNMENT**

**ADJOURNMENT: 12:00 AM**

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 August 10, 2020 Committee of the  
Whole Meeting be adopted.