



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 February 03, 2020 in the Council Chambers, at 05:00 PM.

PRESENT:

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

REGRETS:

STAFF:

Sheldon Randall	Chief Administrative Officer (I)
Craig Larmour	Director, Community & Development Services
Rick Wilson	Manager, Planning
Denise Horne	Planner II/Heritage Advisor
Nick Ruller	Fire Chief
Kyle Freeborn	Director, Corporate Services/Treasurer
Peter Todd	Town Clerk
Colleen Hutt	Deputy Clerk

OTHERS:

MEDIA:

Dariya Baiguzhiyeva	The Lake Report
Penny Coles	The NOTL Local

1. CALL TO ORDER

Chair Councillor Stuart McCormack called the meeting to order at 6:02 p.m.

2. ADOPTION OF AGENDA

Moved by Councillor Gary Burroughs that the agenda be adopted, as presented.

APPROVED.

3. CONFLICT OF INTEREST

Councillor Erwin Wiens declared a conflict of interest with CDS-20-004 - 1504 Line 6 Road - application for zoning by-law amendment as he lives within close proximity to the property.

4. DELEGATIONS/ PRESENTATIONS

- 4.1 William Heikoop - Upper Canada Consultants
Report CDS-20-002 File 26CD-18-14-01 - St. Andrews Glen

William Heikopp was present on behalf of the applicant. Mr. Heikoop stated he was in support of the staff report and was present should the Committee have any questions with details of the application. Mr. Heikoop answered questions from the Committee.

Chair Councillor Stuart McCormack thanked Mr. Heikoop for coming forward.

5. RESPONSE TO DELEGATION

There was no response to the delegation.

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 his or her name with the Clerk.

6.1 Setbacks for Attached and Detached Garages - Zoning By-law Amendment

At the request of the Chair, Denise Horne, Planner II/Heritage Advisor, Community & Development Services referred to an electronic presentation and explained that Council directed Community & Development Services Staff to initiate a zoning by-law amendment to regulate the location of garages in relation to the front face of residential dwellings. The proposed zoning by-law amendment would affect all lands located within the urban areas of the Town of Niagara-on-the-Lake. The purpose of the application is to clarify and provide additional setback requirements for attached and detached garages associated with residential uses. Ms. Horne answered questions from the Committee with regard to the presentation.

The Chair asked if there was anyone present to speak in favour or opposition to the proposal.

William Heikoop, Planner, Upper Canada Consultants stated the amendment provided some good urban design concepts but his concern was with the provision for double car

garages and future development of dwellings. Mr. Heikoop provided some examples for the Committee. Mr. Heikoop suggested the provision be changed for situations that include a double car garage on a smaller sized lot.

7. CONSENT AGENDA:

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

The following reports were lifted for separate discussion: CDS-20-04 and CDS-20-005.

Moved by Councillor Wendy Cheropita that the Consent Agenda be approved, with the exception of items listed for separate discussion above, and that the reports and recommendations contained therein be forwarded to Council for adoption.

APPROVED.

(a) Items Not Requiring Separate Discussion

**CDS-20-002 File 26CD-18-14-01 - St. Andrews Glen Common Elements
Condominium
Application for Extension of Draft Approval**

1.1 Draft approval of the Common Elements Condominium for "St. Andrews Glen" (File No. 26CD-18-14-01), attached as Appendix B to this report, be extended for a period of one (1) year to December 11, 2020 in accordance with the provisions of the *Planning Act* and regulations thereunder, subject to the conditions of final approval contained in Appendix C to this report.

**CDS-20-003 ZBA-09-2019 411 Read Road Zoning By-law Amendment
Application**

1.1 The application for Zoning By-law Amendment (File No. ZBA-09-2019) for the lands known municipally as 411 Read 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.

(b) Items Requiring Separate Discussion

**CDS-20-005 ZBA-21-2018 - 1490 York Road - Zoning By-law Amendment
Application Town Representation at the Local Planning Appeal
Tribunal**

Moved by Lord Mayor Betty Disero that Recommendation Nos. 1.2 and 1.3 be set aside and Recommendation No. 1.1 contained in Community & Development Report CDS-20-005 be approved as follows:

1.1 Council retain the Town's legal counsel and a Registered Professional Planner to

defend Council's decision to refuse Zoning By-law Amendment Application ZBA-21-2018 for 1490 York Road at the Local Planning Appeal Tribunal hearing;
or

- 1.2 Council retain the Town's legal counsel and a Registered Professional Planner to engage in mediation to reach a negotiated settlement with the appellant (applicant) respecting Zoning By-law Amendment Application ZBA-21-2018 for 1490 York Road and present such settlement to the Local Planning Appeal Tribunal; or
- 1.3 Council instruct the Town's legal counsel to reach a settlement with the appellant (applicant) accepting the Staff recommendations contained within Report CDS-19-018A respecting Zoning By-law Amendment Application ZBA-21-2018 for 1490 York Road and present such settlement to the Local Planning Appeal Tribunal.

APPROVED.

CDS-20-004 ZBA-10-2019 -1504 Line 6 Road- Application for Zoning By-law Amendment

Councillor Erwin Wiens previously declared a conflict of interest with CDS-20-004 - 1504 Line 6 Road - application for zoning by-law amendment as he lives within close proximity to the property.

Moved by Councillor Norm Arsenault that the recommendations contained in Community & Development Report CDS-20-004 be approved as follows:

- 1.1 The application for Zoning By-law Amendment (File No. ZBA-10-2019) for the lands known municipally as 1504 Line 6 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.

8. COMMITTEE OF COUNCIL MINUTES

8.1 Heritage Trail Committee Minutes - January 28, 2020

Moved by Councillor Al Bisback that the recommendations contained in the January 28, 2020 Minutes of the Heritage Trail Committee be received.

APPROVED.

9. INFORMATION PACKAGES

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

January 30, 2020

Item No. 1 - Information Report - Short Term Rental - Annual Payments
Item No. 2 - Information Report - St. Davids Pool Fundraising Committee
Item No. 7 - Circulation - Community Planning Permit System

Moved by Councillor Gary Burroughs that the January 30, 2020 Information Package be received.

APPROVED.

The January 23, 2020 Information Package was added to the agenda for discussion.

Moved by Councillor Gary Burroughs that the January 23, 2020 Information Package be added to the agenda for discussion.

APPROVED.

January 23, 2020

Item No. 1 - Dock Area Cost Breakdown - Status Report
Item No. 4 - Service Delivery Review Update
Item No. 9 - Committee of Adjustment - Current Application List

The Committee discussed Item No. 4 - Information Report - Service Delivery Report Update. The following recommendations were discussed and voted on separately.

Moved by Councillor Clare Cameron that through the Town's Project Liaison, request that the Consultant facilitate engagement with local business owners, advisory committees and members of the public and engage with the Customer Experience & Technology Committee.

APPROVED.

Moved by Councillor Clare Cameron that through the Town's Project Liaison, request that the Consultant include weekly project status updates in the Council Information Package.

APPROVED.

Moved by Councillor Clare Cameron that through the Town's Project Liaison, request that the Consultant when appropriate, provide summary finding to Council and a draft report, before submission of a final report to Council.

DEFEATED.

The balance of the January 23, 2020 Information Package was discussed and voted on.

Moved by Councillor Gary Burroughs that the January 23, 2020 Information Package be received.

APPROVED.

10. NEW BUSINESS

No new business at this time.

11. CLOSED SESSION

At 7:56 p.m. the following motion was read in open session:

Moved by Councillor Al Bisback 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 a property on Wellington Street.

APPROVED.

At 8:07 p.m. the following motions were read in open session:

Moved by Councillor Norm Arsenault that Council rise from the closed session to consider matters that qualify under the Municipal Act 2001, as amended:001, 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 a property on Wellington Street with no report.

12. ADJOURNMENT

ADJOURNMENT: 08:08 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 February 3, 2020 Committee of the Whole Meeting be adopted.