



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

REGRETS:

STAFF:

Sheldon Randall	Chief Administrative Officer (I)
Kyle Freeborn	Director, Corporate Services
Craig Larmour	Director, Community & Development Services
Nick Ruller	Fire Chief
Kevin Turcotte	Director, Operations (A)
Peter Todd	Town Clerk

OTHERS:

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: Wendy Cheropita, Norm Arsenault and Stuart McCormack.

Moved by Lord Mayor Betty Disero that the agenda be adopted, as amended.

APPROVED, AS AMENDED.

3. CONFLICT OF INTEREST

Councillor John Wiens declared a conflict of interest with any discussion of restaurants and patios as his family operates a business a similar business.

4. COVID-19 UPDATE

Lord Mayor Betty Disero provided a COVID-19 update: residents concern with the lack of social distancing, how the Town will be dealing with the next stage and continuing to be safe, patio expansion applications and closing spaces on side streets off Queen Street.

Sheldon Randall, Interim Chief Administrative Officer spoke to the online application for pop up patio extensions.

5. DELEGATIONS/ PRESENTATIONS

- 5.1 Kim Hughes & Terri-Lynn Woodhouse
Niagara-on-the-Lake Heritage Merchants Group (HDMG)

Terri-Lynn Woodhouse referred to an electronic presentation on the 2020 COVID-19 Pandemic Response Plan from the Niagara-on-the-Lake Heritage Merchants Group (HDMG). Terry-Lynn Woodhouse spoke to the businesses on Queen Street, who are members of the group, rent & taxes, property taxes, the 2020 Business Cycle, impact of the pandemic, government assistance and local tourism. She further spoke to what help they were looking from Council.

The presenters answered questions from the Committee. Chair Councillor Al Bisback thanked them for their presentation.

- 5.2 Sean Webster, Canopy Growth Corporation
- proposed zoning by-law- regulation of cannabis cultivation

Sean Webster, Director, Government & Stake Holder Affairs, Canopy Growth Corporation stated that they have a two year partnership with Niagara College to create a new experience based learning opportunity for students for research on sustainable farming practices on their two farms. He stated this demonstrates their commitment to support their community. He further stated that his company believes that cannabis, grape and tender fruit production can beneficially coexist. Information was provided to Council on their background, production and points of concern with the proposed zoning by-law on the regulation of cannabis cultivation. Mr. Webster answered questions from the Committee. Councillor Al Bisback thanked Mr. Webster for his presentation.

6. RESPONSE TO DELEGATIONS

- 5.1 Kim Hughes & Terri-Lynn Woodhouse

Niagara-on-the-Lake Heritage Merchants Group (HDMG)

Moved by Lord Mayor Betty Disero that the report from the presenters be referred back to the Lord Mayors' and Chief Administrative Officers Office, in consultation with members of Council, and report from time to time and in addition, provide an update to the Audit Committee.

APPROVED.

7. CONSENT AGENDA

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

Moved by Councillor that the following reports be lifted for separate discussion: CDS-20-018; CS-20-010; CS-20-011; CS-020-012; FES-020-006 and FES-020-007.

Moved by Lord Mayor Betty Disero 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

FES-20-008 Updated Fire Department Establishing & Regulating By-law

1.1 the draft by-law attached as Appendix A, being a by-law to establish and regulate a fire department to provide fire, rescue, and emergency services be forwarded to Council for adoption, and that by-law 4628-13 be repealed.

(b) Items Requiring Separate Discussion

CDS-20-018 Town Cannabis Regulation By-law

Discussion took place with regard to the following:

- setbacks
- definitions
- site plan control
- odours

Moved by Council Norm Arsenault that Section 2.2AAA be amended as follows:

~~2.2AAA AIR TREATMENT CONTROL shall mean the functional use of industrial grade multi-stage carbon filtration system, or similar technology, to reduce and/or treat~~ the emission of pollen, dust and odours expelled from a facility and sized accordingly in comparison to the facility it serves as designed by a qualified professional engineer.

2.2AAA AIR TREATMENT CONTROL shall mean the functional use of technology to prevent the emission of pollen, dust and odours expelled from a facility and sized accordingly in comparison to the facility it serves as designed by a qualified professional engineer.

APPROVED.

Moved by Councillor Wendy Cheropita that cultural heritage features be added to Appendix C, Section 2.68D, to read as follows:

2.68D Sensitive Land Use: means buildings, amenity areas or outdoor spaces where humans may be adversely affected by adjacent industrial-type land uses, including but not limited to residential uses, day care centres, churches, cultural heritage features, schools, parks and open space.

APPROVED.

Moved by Councillor Wendy Cheropita that Section 4.21A be amended to read 490 sq m set back for all cannabis production.

DEFEATED.

Moved by Councillor Wendy Cheropita that Site Plan Control By-law No. 3622-02, as amended by By-law No. 3622C-14 be amended to include the following provision:

- 7(a) (i) That site plan control approval be required for any greenhouse operation that is 10,000 square feet or greater;
- (ii) That all site plans and site plan control agreements for Marihuana for Medical Purposes Production Facilities be forwarded to Council for approval.

and further;

Staff be directed to include:

- 7(a)(iii) That all site plans and site plan control agreements for all cannabis production and cultivation facilities be forwarded to Council for approval.

APPROVED.

Moved by Councillor Wendy Cheropita that a delegation be prepared with other Niagara municipalities to ask the Province to protect speciality crop land and make it exempt (only two such areas in the province) from cannabis production. To protect our communities' valuable tender fruit, grade and good source agriculture economy.

APPROVED.

The balance of CDS-20-018 was discussed and voted on.

Moved by Lord Mayor Betty Disero that the recommendations contained in Community

& Development Report CDS-20-018 be approved as follows:

- 1.1 Council receive Report CDS-20-018 concerning a "By-law to Regulate the Cultivation and Production of Cannabis" for information;
- 1.2 Council approve the draft Zoning By-law Amendment, attached as Appendix C to this report;
- 1.3 Council repeal By-law No. 4316BB-14 allowing marihuana for medical purposes production facilities in the Light Industrial Zone;
- 1.4 Council direct Staff to prepare and present a By-law amending the Site Plan Control By-law; and,
- 1.5 Council direct Staff to continue the review and preparation of a Municipal Act By-law to address nuisances associated with cannabis operations.

APPROVED, AS AMENDED.

CS-20-010 Environmental Advisory Committee

Moved by Councillor Wendy Cheropita that the recommendations contained in Corporate Services Report CS-20-010 be approved as follows:

- 1.1 the terms of reference for the Environmental Advisory Committee, attached as Appendix I, be adopted.

APPROVED.

CS-20-011 Procedure By-law Amendments

Moved by Councillor Stuart McCormack that Section 5.22 be amended as follows:

Section 5.22 - all documents referred to in the agenda shall be published no later than 5 p.m. on the Thursday immediately prior to the either the Committee of the Whole or Council Meeting, as the case may be.

APPROVED.

Moved by Councillor Stuart McCormack that Section 5.24 be deleted and replaced with the following, as follows:

Section 5.24 - in no event shall documents or items be added to the Agenda after publication thereof except by a two thirds majority vote of Council.

APPROVED.

The balance of Report CS-20-011 was discussed and voted on.

Moved by Councillor Stuart McCormack that the recommendations contained in Corporate Services Report CS-20-011 be approved as follows:

- 1.1 That Council receive Report CS-20-011; and
- 1.2 That the draft by-law amendment, attached as Appendix I, be forwarded to Council for adoption.

APPROVED, AS AMENDED.

CS-20-012 Short Term Rental Committee and By-law Review

Moved by Councillor Norm Arsenault that Report CS-20-012 be referred back to staff to form a working group.

APPROVED.

Moved by Councillor Norm Arsenault that the recommendations contained in Corporate Services Report CS-20-012 be approved as follows:

- 1.1 that the draft Terms of Reference for the Short Term Rental Committee, attached as Appendix I, be adopted; and
- 1.2 Council appoint 2 members of Council to the Short Term Rental Committee; and
- 1.3 that Council direct the Town Clerk to advertise in the local newspapers and social media 7 positions to be filled on the Short Term Rental Committee as resident/industry representation.

REFERRED, TO STAFF.

FES-20-007 Self Contained Breathing Apparatus Replacement

Moved by Councillor Wendy Cheropita that the recommendations contained in Fire & Emergency Services Report FES-20-007 be approved as follows:

- 1.1 Council approve, in principle, the purchase of replacement Self Contained Breathing Apparatus and accessories in order to allow for Staff and Volunteer Firefighters to proceed with an in-depth, detailed review and evaluation of available products in order to immediately proceed with replacement in 2021.

APPROVED.

FES-20-008 Updated Fire Department Establishing & Regulating By-law

Moved by Councillor Gary Burroughs that the recommendations contained in Fire & Emergency Services Report FES-20-008 be approved as follows:

- 1.1 the draft by-law attached as Appendix A, being a by-law to establish and regulate a fire department to provide fire, rescue, and emergency services be forwarded to Council for adoption, and that by-law 4628-13 be repealed.

APPROVED.

8. INFORMATION PACKAGES

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

June 11, 2020

Item No. 7 - Lord Mayor, Town Council & Senior Management Message Condemning Racism.

Moved by Councillor Clare Cameron that the meeting be extended beyond 10:30 p.m. to conclude the agenda.

APPROVED.

Moved by Councillor Stuart McCormack that Council request the Inclusivity Committee convene a workshop with members of Council, Staff and diverse community leaders to give them that opportunity to be heard.

APPROVED.

Moved by Councillor Stuart McCormack that Town staff, and in particular the head of Human Resources, be requested to provide a report to Council; having used the appropriate methods, to determine the numerical extent to which the Town staff is diverse, and advise on all steps the Town can take to improve its diversity including but not limited to outreach and mentoring.

APPROVED.

Moved by Councillor Gary Burroughs that the June 11, 2020 Information Package be received.

APPROVED.

9. NEW BUSINESS

Discussion took place regarding the following:

- Pedal Pubs
- Motorcycles Issues
- E-Scooters

10. ADJOURNMENT

ADJOURNMENT: 10:42 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 15, 2020 Committee of the Whole Meeting be adopted.

