



## COUNCIL MEETING MINUTES

Monday July 15, 2019

03:00 PM

### PRESENT:

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

### REGRETS:

### STAFF:

Sheldon Randall	Director Operations
Peter Todd	Town Clerk
Victoria Butters	Deputy Clerk
Kyle Freeborn	Treasurer/Director Corporate Services (A)
Craig Larmour	Director Community & Development
Rick Wilson	Manager of Planning
Denise Horne	Planner II, Heritage Advisor

### OTHERS:

### MEDIA:

Penny Coles	The Niagara-on-the-Lake Local
Dariya Baiguzhiyev	The Lake Report
Beth Audet	Niagara This Week

### 3:00 P.M. - CLOSED SESSION

#### Clerk to read resolution

The Municipal Act 2001, as amended,

- 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 property on Wellington Street; and

- 239.(2)(b) personal matters about an identifiable individual, including municipal or local board employees; and
- Section 239.(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, specifically a property on John Street East.

Councillor Al Bisback declared a conflict of interest with the closed session item dealing specifically with John Street East property as he resides in close proximity to the notice area. Councillor Bisback did not go into this closed session or take part in any discussion or vote on this item.

Moved by Councillor Norm Arsenault, seconded by Councillor Stuart McCormack that Council proceed to go into a closed meeting to consider matters that qualify under the Municipal Act 2001, as amended:

- 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 property on Wellington Street; and
- 239.(2)(b) personal matters about an identifiable individual, including municipal or local board employees; and
- Section 239.(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, specifically a property on John Street East.

**APPROVED** (resolution #1).

At 4:45 p.m. the following motion was read in open session:

Moved by Councillor Gary Burroughs, seconded by Councillor Stuart McCormack that Council rise from the closed meeting to consider matters that qualify under the Municipal Act 2001, as amended:

- 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 property on Wellington Street; and
- 239.(2)(b) personal matters about an identifiable individual, including municipal or local board employees; and
- Section 239.(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, specifically a property on John Street East, with no report.

**APPROVED** (resolution #2).

## **5:00 P.M. - PRESENTATION**

Eduardo R. Lafforgue, President

## Niagara-on-the-Lake Chamber of Commerce

Eduardo Lafforgue thanked Council for the opportunity to provide an update regarding the Chamber of Commerce Visitor and Convention Bureau and Tourism Niagara-on-the-Lake.

Mr. Lafforgue referred to an electronic presentation and spoke to the following:

- Collaboration for Growth
- Understanding Tourism NOTL
- Strategic Objectives for the Action Plan
- Gathering 3 Priorities for Growth

Mr. Lafforgue answered questions of Council and Lord Mayor Betty Disero thanked him for the presentation and attending the meeting.

### **CALL TO ORDER:**

Lord Mayor Betty Disero called the meeting to order at 6:06 p.m.

### **FOCUS STATEMENT:**

Councillor John Wiens opened the Meeting with the focus statement.

### **O'CANADA:**

Council, staff and all those present sang O'Canada.

### **ADOPTION OF THE AGENDA:**

(New Business Items and Notice of Motions to be introduced)

A mover and a seconder are required to adopt the agenda as presented.

The following Council members requested to add items, speak or provide Notice of Motion under New Business:

- (1) Councillor Norm Arsenault gave notice of motion.
- (2) Councillor Gary Burroughs requested to speak to the July 9, 2019 Municipal Heritage Committee Minutes.
- (3) Lord Mayor Betty Disero gave notice of motion.

Moved by Councillor Gary Burroughs, seconded by Councillor Stuart

McCormack that the agenda be adopted, as amended.

**APPROVED.**

**CONFLICT OF INTEREST:**

Councillor Al Bisback declared a conflict of interest with Report CDS-19-025 File SP-04-2019 - Amendment to Site Plan Agreement The Gardens at Pillar and Post 526 Regent Street and 535 King Street as he resides in close proximity to the notice area. Councillor Bisback did not take part in any discussion or vote on this item.

Councillor John Wiens declared a conflict of interest with By-law 5011A-19 Amendment to Site Plan Agreement for 526 REgent Street and 535 King Street (Pillar & Post) as it is a similar business with outdoor events, restaurant/bar, and patio. Councillor Wiens did not take part in any discussion or vote on this item.

**NEXT COMMITTEE OF THE WHOLE AND COUNCIL MEETING DATES:**  
(Clerk to announce the dates)

The next Committee of the Whole meeting is scheduled for Monday, September 9, 2019, at 6:00 p.m. The next Council Meeting is scheduled for Monday, September 16, 2019, at 6:00 p.m.

All delegation requests will be reviewed by the Clerk and included whenever possible. The deadline for non-agenda delegation requests is no later than 12:00 p.m. on the Thursday prior to the COTW or Council meeting and for delegations wishing to speak to a staff report listed on a published agenda submissions must be received by 12:00 p.m. on the day of the scheduled meeting.

Meeting times can be subject to change. For more detailed information, please visit the Town's website at [www.notl.org](http://www.notl.org) or contact the office at 905-468-3266.

**MINUTES:**

**Clerk to read the resolution to adopt minutes**

(1) Council Meeting Minutes dated June 10, 2019

-resolution #3. **APPROVED JUNE 10, 2019 COUNCIL MEETING MINUTES.**

**DELEGATIONS:**

At Clerk's discretion, delegations will be added

### *Non-Agenda Delegation*

- (1) Inspector James McCaffery  
Niagara Regional Police Service  
Protests in Niagara-on-the-Lake

Inspector James McCaffery, Constable Michael Malachowsky, and Kenneth Gansel Niagara Regional Police Services Board were present to provide an update with respect to the licensed horse and carriage business protests in Niagara-on-the-Lake.

Inspector McCaffery provided an overview of the recent Niagara-on-the-Lake Cenotaph incident; AWFAN (At War for Animals Niagara); Locals for Carriages; Officers mandate; relationship with stakeholders; incidents with organizers; protocol; Charter of Rights and Criminal Code; Liaison Officers work with stakeholders groups; and freedom of expression rights.

Constable Malachowsky spoke to comments and suggestions in newspapers and on social media pertaining to permits, by-laws and City of Ottawa protest and demonstration procedure comparison.

Kenneth Gansel provided an update regarding the Niagara Region Real Time Operation Centre; links into a number of municipal video camera systems; public/community safety direction; private enterprise and community participation; and crime prevention programme and a tool for police investigation.

Inspector McCaffery answered questions of Council and Lord Mayor Betty Disero thanked the speakers for coming forward.

### *Agenda Delegation*

- (1) Rick Knapp, 8 Queen Street  
9.1 MHC-19-026 - 4-8 Queen Street - Heritage Permit Application - Sign Installation

Rick Knapp stated he was present to request that Hatley Boutique be permitted to keep the existing hanging sign, as well as one additional hanging sign due to the expansion of the business. Mr. Knapp provided background information about the property; visibility restrictions; and Hatley brand guidelines. Mr. Knapp answered

questions of Council and Lord Mayor Betty Disero thanked him for coming forward.

- (2) Thomas Elltoft  
July 9, 2019 MHC Meeting Minutes Item No. 5.3 - 27 Prideaux Street  
Notice of Proposed Selective Demolition

Thomas Elltoft, 31 Prideaux Street, stated he was present to address his concerns with the demolition permits and potential issues arising from the property at 27 Prideaux Street. Mr. Elltoft spoke to potential future impacts to streetscapes/heritage attributes; neighbouring homes/heritage district; and garage setback.

John Henricks, Niagara Planning Group Inc. on behalf of Thomas Elltoft, spoke to the zoning by-law; minimum front yard setback/detached garage; Official Plan; Urban Design; garages not exceeding 50% of building facade; and setbacks. Lord Mayor Betty Disero thanked the presenters for coming forward.

- (3) Brian Marshall, 1513 Concession 6 Road  
July 9, 2019 MHC Meeting Minutes Item No. 5.3 - 27 Prideaux Street  
Notice of Proposed Selective Demolition

Bryan Marshall, architectural historian, stated he was present on behalf of the owners of 27 Prideaux Street. Mr. Marshall spoke to the project process; applicant's intent for the property and experience with Town's heritage committee; Heritage Act section 29; possible additions; and request for Council's support for the application for selective demolition. Mr. Marshall answered questions of Council and Lord Mayor Betty Disero thanked him for coming forward.

- (3) Alison Zalepa  
CDS-19-024 - 963 Queenston Road

Alison Zalepa, present on behalf of the owners of 963 Queenston Road, provided background information about her experience in the wine industry. Ms. Zalepa spoke to the impact of the suspension of the VQA rebate; vineyard growth per acre/wine produced; the business plan; flex space; commercial kitchen; responding to feedback; opposition from wineries/restaurants; and LPAT process. Ms. Zalepa stated the proposal will add significant value to the fabric of the industry. Ms. Zalepa answered questions of Council and Lord Mayor Betty Disero thanked her for coming forward.

- (4) John Henricks  
CDS-19-024 - 963 Queenston Road

John Henricks, on behalf of the owners of 963 Queenston Road, stated he was present to provide facts to Council before making a final decision. Mr. Henricks referred to an electronic presentation and spoke to the following:

- Greenbelt Plan
- Agriculture-Related & On-Farm Diversified Examples
- Principal and Secondary Use
- Niagara Region Official Plan
- Zoning By-law 4316-09
- Zoning By-law 500A-74 Section 3.33 General Provision
- Estate Wineries Approved Restaurants (Outside Urban Boundary)
- Other Establishments Approved Restaurants (Outside Urban Boundary)
- Winery Secondary Use Comparison Chart

Lord Mayor Betty Disero thanked Mr. Henricks for coming forward.

- (5) Tom Richardson  
July 8, 2019 Committee of the Whole Meeting Minutes CDS-19-024 -  
963 Queenston Road

Tom Richardson, on behalf of his clients, stated he was present to speak in support of the decision of Council at the July 10, Committee of the Whole meeting. Mr. Richardson spoke to previously stated items; definition of farm winery; proposed vineyard program; conversion of farm winery to estate winery; and compliance with by-laws. Mr. Richardson requested that Council support the decision made at the COTW meeting or request a new application. Mr. Richardson answered questions of Council and Lord Mayor Betty Disero thanked him for coming forward.

## **RESPONSE TO DELEGATIONS FROM COUNCIL:**

- (1) Niagara Regional Police Service  
Protests in Niagara-on-the-Lake

Further to the delegation, Council directed the Lord Mayor to request more frequent updates from staff and/or Niagara Regional Police. Lord Mayor Betty Disero advised that information will be reviewed for

accuracy and sent out this week.

## COMMITTEE REPORTS:

### (1) July 8, 2019 Committee of the Whole Meeting Minutes

The following reports were lifted for discussion and voted on separately:

Report CDS-19-024 ZBA-17-2018 - 963 Queenston Road - Application for Zoning By-law Amendment Proposed Estate Winery (Queenston Mile Vineyard)

Moved by Councillor Stuart McCormack, seconded by Councillor Clare Cameron that the recommendations contained in Report CDS-19-024 be referred back to staff to consider:

- removal of the commercial kitchen space;
- a comprehensive plan for buffering be provided;
- the entrance onto Queenston Road be removed;
- staff review and provide a report on the feasibility of an entrance on Concession 6 Road; and
- that the flexibility of the space be removed as an option.

A polled vote was called by Councillor Erwin Wiens.

COUNCILLOR	YEA	NAY
Norm Arsenault		X
Allan Bisback	X	
Gary Burroughs	X	
Clare Cameron	X	
Wendy Cheropita		X
Stuart McCormack	X	
Erwin Wiens		X
John Wiens		X
Lord Mayor Betty Disero	X	
<b>TOTALS</b>	<b>5</b>	<b>4</b>

**APPROVED.**

Report CS-19-023 NPCA Board Member Appointment

Moved by Councillor Erwin Wiens, seconded by Councillor Stuart McCormack that the recommendations contained in Report CS-19-023 be approved as follows:

1. That Council extend the appointment of Regional Councillor



Zalepa on the Niagara Peninsula Conservation Authority Board of Directors until September 30, 2019; and

2. That Council appoint William Rapley to represent the Town of Niagara-on-the-Lake on the Niagara Peninsula Conservation Authority Board of Directors beginning October 1, 2019.

**APPROVED.**

The balance of the July 8, 2019 Committee of the Whole Meeting minutes was voted on and approved.

**-resolution #4 APPROVED JULY 8, 2019 COMMITTEE OF THE WHOLE MEETING MINUTES.**

- (2) CDS-19-025 - File SP-04-2019 - Amendment to Site Plan Agreement The Gardens at Pillar and Post 526 Regent Street and 535 King Street

**-resolution #5, APPROVED RECOMMENDATIONS CDS-19-025.**

- (3) Municipal Heritage Committee Minutes - June 11, 2019

**-resolution #6, APPROVED JUNE 11, 2019 MUNICIPAL HERITAGE COMMITTEE MEETING MINUTES.**

- (4) Municipal Heritage Committee Minutes - July 9, 2019

5.3 27 Prideaux - Notice of Proposed Selective Demolition

Moved by Councillor Clare Cameron, seconded by Councillor Gary Burroughs THAT before demolition proceeds, Council require a meeting between the property owners and/or agents, builders and architect, including the MHC Chair and Vice Chair, the neighbour at 31 Prideaux Street, Heritage Planner, and one additional community member from the MHC of the owner's choosing, to discuss MHC Feedback from the July 9th meeting and July 12th site visit, and propose ideas for revised designs that will consider sensitivity to the surrounding street context, compliments the original building and avoids the addition of a garage at the building front, where possible; AND to report back on this discussion with an Information Report.

**APPROVED.**

8.2 MHC - 19-029, 293 Ricardo Street, Memorandum - Supplementary Information, Compliance with Designation By-law and

## Development Agreement

Discussion took place with respect to compliance with Town by-laws at 293 Ricardo Street. The Clerk advised that information regarding the process for enforcement complaints would be provided to a neighbouring property owner.

The balance of the July 9, 2019 Municipal Heritage Committee Meeting minutes was voted on and approved.

**-resolution #7, APPROVED, AS AMENDED, JULY 9, 2019  
MUNICIPAL HERITAGE COMMITTEE MEETING MINUTES.**

### **BY - LAWS:**

**Clerk to introduce the by-laws before Council**

**Clerk to read resolution(s) for readings of by-laws**

(by-laws and agreements are available for viewing in the Clerk's Department)

**4316CM(1)-19-** A by-law to amend By-law 4316-09, as amended, entitled a by-law to regulate the use of lands and the erection, use, bulk, height, location, and spacing of buildings and structures within the Town of Niagara-on-the-Lake ( 1376 York Road)

**4656A-19-** A by-law to amend By-law 4656-13 being a by-law to authorize the Lord Mayor and Town Clerk to execute an agreement between the Regional Municipality of Niagara and Twelve (12) Area Municipalities (Mutual Assistance Agreement)

**4547G-19-** A by-law to authorize an amendment to By-law 4745-14 being a by-law to establish the positions of screening officer and hearing officer and to appoint persons as screening officers and hearing officers

**5011A-19-** A by-law to amend By-law 5011-17 being a site plan agreement between The Corporation of the Town of Niagara-on-the-Lake and LHPH Limited (524 Regent Street & 535 King Street)

**5170-19-** A by-law to assume municipal services including the acceptance of primary, secondary, and tertiary services in The Village Phase III, Plan 30M-427

**5171-19-** A by-law to enact an Asset Management Policy for The Corporation of the Town of Niagara-on-the-Lake and rescind By-law 4780-14

**5172-19-** A by-law to regulate the sale of and use of fireworks within the Town of Niagara-on-the-Lake and to repeal By-law 3637-02

**5173-19-** A by-law to authorize the Lord Mayor and Town Clerk to execute all necessary documents pertaining to the contribution agreement between The Corporation of the Town of Niagara-on-the-Lake and her majesty the Queen in right of Canada as represented by the Minister of the Environment (Environment & Climate Change Canada)

Councillor Al Bisback previously declared a conflict of interest with By-law 5011A-19 as he resides in close proximity to the notice area. Councillor Bisback did not take part in any discussion or vote on this item.

Councillor John Wiens previously declared a conflict of interest with By-law 5011A-19 as he has a similar business with outdoor events, restaurant/bar, and patio. Councillor Wiens did not take part in any discussion or vote on this item.

Councillor Norm Arsenault requested that By-law 5171-19 be lifted for discussion and voted on separately.

By-law 5171-19 was voted on separately for three readings and approved.

Councillor Stuart McCormack requested that By-law 5172-19 be lifted for discussion and voted on separately.

Moved by Councillor Stuart McCormack, seconded by Councillor Erwin Wiens that By-law 5172-19 be amended to include:

5(a) "No person shall Discharge Consumer Fireworks, except on the days specified in Section 4(d) and then only between 6 PM and 11 PM... "

5(q) "without having first obtained Approval of the Fire Chief..."

**APPROVED.**

The balance of the by-laws was voted on for three readings and approved.

**-resolution #8, BY-LAWS, AS AMENDED, RECEIVED THREE READINGS.**

## **CORRESPONDENCE AND MOTIONS:**

### **Clerk to read resolution**

1. The following resolution(s) be adopted:

- (a) Councillor Norm Arsenault  
Regional Road 55 Speed Reduction

-resolution #9, **APPROVED.**

- (b) Councillor Norm Arsenault  
Laura Secord Sesquicentennial Concert Sponsorship

-resolution #10, **DEFEATED.**

- (c) Councillor Norm Arsenault  
By-law Enforcement

-resolution #11, **APPROVED.**

- (d) Councillor Al Bisback  
365 Four Mile Creek Road

A polled vote was called by Councillor Clare Cameron.

<b>COUNCILLOR</b>	<b>YEA</b>	<b>NAY</b>
Norm Arsenault	X	
Allan Bisback	X	
Gary Burroughs	X	
Clare Cameron		X
Wendy Cheropita	X	
Stuart McCormack	X	
Erwin Wiens		X
John Wiens	X	
Lord Mayor Betty Disero	X	
<b>TOTALS</b>	<b>7</b>	<b>2</b>

**APPROVED**

-resolution #12, **APPROVED.**

- (e) Councillor Stuart McCormack  
Cannabis Interim Control By-law Extension

Councillor Wendy Cheropita referred to an electronic presentation and spoke to the committee mandate; review & research; community impact; proposed by-law; next steps; insights; and issues & considerations.

**-resolution #13, APPROVED, AS AMENDED, BY-LAW 5169-19.**

- (f) Lord Mayor Betty Disero  
Community Wellness Committee Membership

**-resolution #14, APPROVED.**

- (h) Councillor Clare Cameron  
Global Geopark

**-resolution #15, APPROVED.**

- (i) Councillor Clare Cameron  
Development Charges

Moved by Councillor Clare Cameron, seconded by Councillor Norm Arsenault that development charges motion be referred to the Economic Development Committee.  
**APPROVED.**

**-resolution #16, REFERRED TO ECONOMIC DEVELOPMENT COMMITTEE.**

- (j) Councillor Stuart McCormack  
Staff Workplan

Moved by Councillor Stuart McCormack, seconded by Councillor Al Bisback that staff be instructed prior to proposing major revisions to existing by-laws or new bylaws that Council first be provided with an information report in respect of same;

And further that said information report include

- (i) that the existing bylaw be made available to Council; and
- (iii) that staff advise as to the specific legislative issue (if one exists) driving a specific bylaw revision;

And when presenting the by-law itself (ii) the proposed revisions be whenever possible highlighted with track changes and when track changes are not practicable the changes be addressed in an accompanying document.

**APPROVED.**

**-resolution #17, APPROVED, AS AMENDED.**

Moved by Councillor Gary Burroughs, seconded by Councillor Wendy Cheropita that the Council meeting be extended to 11:00 p.m.

**APPROVED.**

- (k) Outdoor Second-hand Smoke  
Regional Report CLK-C 2019-160 Amended Smoking By-law

-resolution #18, **APPROVED.**

2. Information Package(s)

- July 11, 2019

Council lifted the following items from the Information Package for discussion:

2. Official Plan Status Update

Moved by Councillor Norm Arsenault, seconded by Councillor Al Bisback that a meeting of Council be held on August 1, 2019 at 4:00 p.m. to consider a report and recommendations on revisions to policies and schedules; and provide direction to prepare final Official Plan draft for Council consideration;  
**AND**

That a meeting of Council be held on August 15, 2019 at 4:00 p.m. to consider adoption in principle of the revised Official Plan.

**APPROVED.**

5. Heritage Trail Committee - June 25, 2019

10. Memo - Single Use Plastic Ban Presentation

-resolution #19, **RECEIVED JULY 11, 2019 INFORMATION PACKAGE FOR INFORMATION.**

**NOTICE OF MOTION:**

As per the Town's Procedural By-law, "A notice of motion may be introduced by any Member at a regular Meeting of Council or Committee of the Whole for consideration at the next or a subsequent regular meeting of Council, and the same shall then be included in the notice of the Meeting at which it is to be considered."

- (a) Councillor Norm Arsenault gave notice of motion regarding Parking and Traffic By-law 4308-09
- (b) Lord Mayor Betty Disero gave notice of motion regarding encroachments

### **NEW BUSINESS:**

New Business may be introduced at a regular Meeting under adoption of the Agenda. Items of direction to staff must be in the form of a motion.

There were no items brought forward at this time.

### **LORD MAYOR'S REPORT, ANNOUNCEMENTS AND REMARKS:**

There were no items brought forward at this time.

### **MEMBERS' ANNOUNCEMENT AND WORKPLAN UPDATES:**

Announcement of special functions Council attended and upcoming

### **PROCEEDINGS BY-LAW:**

#### **Clerk to read resolution for reading of by-law**

**5174-19** - A by-law to confirm the proceedings at the Council Meeting of the Corporation of the Town of Niagara-on-the-Lake on July 15, 2019

-resolution #20, **BY-LAW RECEIVED THREE READINGS.**

### **RESOLUTIONS:**

1. Moved by Councillor Norm Arsenault, seconded by Councillor Stuart McCormack that Council proceed to go into a closed meeting to consider matters that qualify under the Municipal Act 2001, as amended:
  - 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 property on Wellington Street; and
  - 239.(2)(b) personal matters about an identifiable individual, including municipal or local board employees; and
  - Section 239.(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, specifically a property on John Street East.

**APPROVED.**

2. Moved by Councillor Gary Burroughs, seconded by Councillor Stuart McCormack that Council rise from the closed meeting to consider matters that qualify under the Municipal Act 2001, as amended:
- 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 property on Wellington Street; and
  - 239.(2)(b) personal matters about an identifiable individual, including municipal or local board employees; and
  - Section 239.(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, specifically a property on John Street East, with no report.

**APPROVED.**

3. Moved by Councillor Norm Arsenault, seconded by Councillor Wendy Cheropita that the minutes of the Council Meeting held June 10, 2019 be adopted.

**APPROVED.**

4. Moved by Councillor Stuart McCormack, seconded by Councillor Clare Cameron that the Minutes and Reports of the July 8, 2019 Committee of the Whole Meeting be adopted.

**APPROVED.**

5. Moved by Councillor Stuart McCormack, seconded by Councillor Gary Burroughs that the recommendations contained in Community & Development Report CDS-19-025 be adopted to include:

1.1 Application SP-04-2019 to amend the Site Plan Agreement for lands known municipally as 526 Regent Street and 535 King Street (Pillar & Post), attached as **Appendix B** to this report, be approved, including the following changes:

- a) Site Plan and Building Elevation drawings included as Schedules B-1, D-1, D-2, D-4, D-5 and D-6 attached as **Appendix C** to this report, replace Schedules B-1, D-1, D-2, D-4, D-5 and D-6 of the original Site Plan Agreement; and
- b) Building Elevation drawings included as Schedules D-7 and D-8, attached as **Appendix C** to this report, be added to the Site Plan Agreement.

**APPROVED.**

6. Moved by Councillor Clare Cameron, seconded by Councillor John Wiens the Minutes of the Municipal Heritage Committee Meeting held June 11, 2019 be adopted.

**APPROVED.**



7. Moved by Councillor Gary Burroughs, seconded by Councillor Norm Arsenault that the minutes of the Municipal Heritage Committee Meeting held July 9, 2019 be adopted, as amended.  
**APPROVED, AS AMENDED.**
  
8. Moved by Councillor Stuart McCormack, seconded by Councillor John Wiens that leave be given to introduce By-law Nos. 4316CM(1)-19, 4656A-19, 4547G-19, 5011A-19, 5170-19, 5171-19, 5172-19, and 5173-19 and that the same be considered read a first, second and third time and passed, any ruling of this Council to the contrary notwithstanding.  
**APPROVED, AS AMENDED.**
  
9. Moved by Councillor Norm Arsenault, seconded by Councillor Al Bisback  
WHEREAS the amount of civilian traffic appears to increase during various events around the Garrison Village Entrance from Niagara Stone Road;  
AND WHEREAS Concerns have been raised by residents regarding the 70km speed from where the increase from 50km starts to Niven road.  
THEREFORE BE IT RESOLVED that the Council of The Corporation of the Town of Niagara-on-the-Lake request that the Niagara Region review the possibility of reducing the portion of road referenced above from 70km to 50km and to implement the new speed limit change as soon as practicably possible  
**APPROVED.**
  
10. Moved by Councillor Norm Arsenault, seconded by Councillor Al Bisback  
BE IT RESOLVED That the Council of The Corporation of the Town of Niagara-on-the-Lake approve the sponsorship of the Laura Secord Sesquicentennial Concert in Queenston Heights in the amount of \$2,000 to be funded from 2019 discretionary grants.  
**DEFEATED.**
  
11. Moved by Councillor Norm Arsenault, seconded by Councillor Gary Burroughs that Staff be directed to provide a report to Council on the addition of stand-by pay for enforcement officers in order to respond to enforcement calls from 8:00 a.m. to 12:00 a.m. seven days a week.  
**APPROVED.**

12. Moved by Councillor Al Bisback, seconded by Councillor Norm Arsenault

WHEREAS the development of lands located at 365 Four Mile Creek Road for industrial purposes is impacting adjacent residential development;

AND WHEREAS the owner of 365 Four Mile Creek requires an amendment to the approved Site Plan to address the installation of refrigeration units and associated noise attenuation structures;

AND WHEREAS the Town's By-law to provide for Site Plan Control (By-law 3622-02, as amended by 3622B-12 and 3622C-14) regulates authority for site plan approval;

AND WHEREAS in By-law 3622B-12, Council delegated approval authority to the Director or designate to approve site plans and site plan agreements in situations where an amendment to the zoning by-law is not required (subsections 7(a) and 7(b));

AND WHEREAS there are two exceptions:

1. when an application for site plan approval is in conjunction with an amendment to the zoning by-law, the authority to approve site plans and site plan agreements rests with Council (subsection 7(c)).
2. Council may require a site plan and site plan control agreement be forwarded to it for approval either on its own request or through that of the owner (subsection 7(d)).

THEREFORE BE IT RESOLVED Council exercise subsection 7(d) to consider approval of the site plan and associated agreement for 365 Four Mile Creek and request staff bring forward all reports related to this matter.

A polled vote was called by Councillor Clare Cameron.

<b>COUNCILLOR</b>	<b>YEA</b>	<b>NAY</b>
Norm Arsenault	X	
Allan Bisback	X	
Gary Burroughs	X	
Clare Cameron		X
Wendy Cheropita	X	
Stuart McCormack	X	
Erwin Wiens		X
John Wiens	X	
Lord Mayor Betty Disero	X	
<b>TOTALS</b>	<b>7</b>	<b>2</b>

**APPROVED.**

13. Moved by Councillor Stuart McCormack, seconded by Councillor Clare Cameron That Staff be directed as follows in preparation of a Cannabis by-law:
1. A Cannabis processing facility shall operate in a zone designated for industrial use only
  2. Cannabis *production* facilities must operate in a wholly enclosed building, no outdoor cultivation to be allowed; ~~in the event this is not possible a 400-meter setback from the property line shall be required~~
  3. Operate with an approved odour prevention protocol to eliminate the migration of noxious odour from its premises
  4. Be limited to the production, processing and packaging of Cannabis on behalf of the holder of the license for the premises on which the facility is located
  5. Interior lighting shall not be visible outside the building from sunset to sunrise
  6. Enclosed facilities must have a set-back of at least 250 metres from neighbouring property lines, public school, place of worship, day nursery or designated heritage building or district
  7. Include a fence setback requirement between the fence and the town blvd for landscaping purposes.

That Staff be requested to also receive and consider the focus document prepared for the Cannabis committee after same has been reviewed and amended by the Cannabis committee at its next meeting, which shall be undertaken as soon as possible and in any event before month end.

AND FURTHER THAT leave be given to introduce By-law No 5169-19, being a by-law to extend the period of time during which Interim Control By-law 5089-18 will be in effect, by less than one additional year, to July 15, 2020 and that the same be considered read a first, second and third time and passed, any ruling of this Council to the contrary notwithstanding.

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NUMBER NO. 5169-19**

BEING AN INTERIM CONTROL BY-LAW OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE UNDER SECTION 38 OF THE PLANNING ACT, R.S.O. 1990, c. P. 13, AS AMENDED

**WHEREAS** the Council of The Corporation of the Town of Niagara-on-the-Lake (Council) enacted Interim Control By-law No. 5089-18 on August 27, 2018, to restrict the use of all lands within the Municipality for any cannabis-related land use until August 27, 2019,

in order to permit a review of its land use planning policies;  
**AND WHEREAS** Council has in the interim conducted review of by-laws and zoning restrictions of other municipalities in Canada and in other countries including the United States;  
**AND WHEREAS** Council wishes to conduct further review of the research it has conducted to date and *have Staff report to Council in September* and hold public meetings in ~~September~~ *October* 2019 to allow for input from all stakeholders to ensure best practices are used in the Town in regard to controlling the cultivation of cannabis;  
**AND WHEREAS** subsection 38(2) of the Planning Act, R.S.O. 1990 c. P. 13, as amended, grants a municipality the authority to extend the period of time during which Interim Control By-law 5089-18 will be in effect, provided the total period of time does not exceed two years from the date of passing of Interim Control By-law 5089-18;  
**AND WHEREAS** Council has recommended that an amending by-law be prepared, pursuant to section 38(2) of the Planning Act, which extends the period in which the Interim Control By-law shall be in effect;  
**AND WHEREAS** based on this recommendation Council passed a resolution on June 10, 2019 directing the preparation of a by-law extending the Interim Control By-law for one year.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE ENACTS AS FOLLOWS:**

- 1, Interim Control By-law 5089-18, as amended, is hereby further amended by repealing Section 5 and replacing it with the following:
  5. This By-law shall come into force and take effect immediately upon the final passing thereof by Council and shall be in effect until 11:59 p.m. local time on July 15, 2020, unless repealed by Council at an earlier date in accordance with the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended.

READ A FIRST, SECOND AND THIRD TIME THIS 15th DAY OF JULY, 2019

LORD MAYOR, BETTY DISERO TOWN CLERK, PETER TODD

**APPROVED, AS AMENDED.**

14. Moved by Councillor Clare Cameron, seconded by Councillor Norm Arsenault BE IT RESOLVED That Council appoint Carol Clarke and Natalie Cooper to the Community Wellness Committee;  
**AND FURTHER** provided that Council approves the appointment, that the terms of reference be amended to reflect the increase of membership.  
**APPROVED.**

15. Moved by Councillor Clare Cameron, seconded by Councillor Stuart McCormack  
WHEREAS Council received a presentation on June 10 regarding the creation of a GeoPark in Niagara;  
AND WHEREAS the presentation highlighted many potential benefits associated with the creation of GeoParks around the world;  
AND WHEREAS the delegation included a request for specific actions that Council could take in support of this cause;  
THEREFORE BE IT RESOLVED that the Council of The Corporation of the Town Niagara-on-the-Lake hereby endorses the Ohnia:kara Aspiring Global GeoPark;  
AND FURTHER that Council direct staff to meet with project organizers and report to Council with recommended actions that may be taken to provide further support for the initiative;  
AND FURTHER that Council consider the Ohnia:kara Aspiring Global GeoPark in finalization of the Town's Strategic Plan;  
AND FURTHER that a link be provided on the Town's municipal website to the Ohnia:kara Aspiring Global GeoPark website (<https://ohniakara.com/>)  
AND FURTHER that the project organizers be encouraged to meet with the Niagara-on-the-Lake Chamber of Commerce and *Tourism Niagara-on-the-Lake* for further discussion.  
**APPROVED.**
16. Moved by Councillor Clare Cameron, seconded by Councillor Norm Arsenault  
WHEREAS Council approved a motion on May 13, 2019 directing staff to provide a report to Council on "available options for establishing an ICI incentive program through the deferral, reduction or waiver of development charges and building permit fees..." and other details as included in the original motion;  
AND WHEREAS a further request has come from the community to consider changing section 3 (a) of the Town's Development Charges By-laws 4679-13 and 4680-13 and to make the by-law non-applicable if the gross floor area is enlarged by 50 percent or less than the existing building footprint as of five years previous, and assuming that no previous expansions have taken place in the last previous five years, rather than since 1991;  
THEREFORE BE IT RESOLVED that section 3 (c) of the Town's Development Charges By-law be revised to confirm that the measurement for determining 50 percent of gross floor area should be based on the existing footprint of a building as of five years previous, rather than in 1991;  
AND FURTHER that staff include in their report an analysis of

impacts and opportunities presented by the suggestions to change sections 3 (a) and (c) in the Development Charges By-law as described above.

**REFERRED TO ECONOMIC DEVELOPMENT COMMITTEE.**

17. Moved by Councillor Stuart McCormack, seconded by Councillor Al Bisback That staff be instructed prior to proposing major revisions to existing by-laws or new bylaws that Council first be provided with an information report in respect of same;
- And further that said information report include
- (i) that the existing bylaw be made available to Council; and
  - (iii) that staff advise as to the specific legislative issue (if one exists) driving a specific bylaw revision;
- And when presenting the by-law itself
- (ii) the proposed revisions be whenever possible highlighted with track changes and when track changes are not practicable the changes be addressed in an accompanying document.

**APPROVED, AS AMENDED.**

18. Moved by Councillor Wendy Cheropita, seconded by Councillor Clare Cameron
- BE IT RESOLVED That the Council of The Corporation of the Town of Niagara-on-the-Lake consents to the passage of By-law No. 2019-52 of The Regional Municipality of Niagara, being a by-law to amend By-law 112-2013 – A Regional By-law to Protect Children and Vulnerable Persons from Exposure to Outdoor Second-hand Smoke.

**APPROVED.**

19. Moved by Councillor Gary Burroughs, seconded by Councillor Norm Arsenault that Council received the July 11, 2019 Information Package for information.

**APPROVED.**

20. Moved by Councillor Al Bisback, seconded by Councillor John Wiens that leave be given to introduce by-law No. 5174-19 and the same be considered read a first, second and third time and passed, any ruling of this Council to the contrary notwithstanding.

**APPROVED.**

21. Moved by Councillor Gary Burroughs, seconded by Councillor Stuart McCormack that this Council adjourn to the next regular meeting to be held September 16, 2019 and if a special meeting is required it will be held at the call of the Lord Mayor.

**APPROVED.**

**VERBAL MOTIONS:**

1. Moved by Councillor Gary Burroughs, seconded by Councillor Stuart McCormack that the agenda be adopted, as amended.

**APPROVED.**

2. Moved by Councillor Stuart McCormack, seconded by Councillor Clare Cameron that the recommendations contained in Report CDS-19-024 be referred back to staff to consider:
  - removal of the commercial kitchen space;
  - a comprehensive plan for buffering be provided;
  - the entrance onto Queenston Road be removed;
  - staff review and provide a report on the feasibility of an entrance on Concession 6 Road; and
  - that the flexibility of the space be removed as an option.

A polled vote was called by Councillor Erwin Wiens.

<b>COUNCILLOR</b>	<b>YEA</b>	<b>NAY</b>
Norm Arsenault		X
Allan Bisback	X	
Gary Burroughs	X	
Clare Cameron	X	
Wendy Cheropita		X
Stuart McCormack	X	
Erwin Wiens		X
John Wiens		X
Lord Mayor Betty Disero	X	
<b>TOTALS</b>	<b>5</b>	<b>4</b>

**APPROVED.**

3. Moved by Councillor Erwin Wiens, seconded by Councillor Stuart McCormack that the recommendations contained in Report CS-19-023 be approved as follows:
  1. That Council extend the appointment of Regional Councillor Zalepa on the Niagara Peninsula Conservation Authority Board of Directors until September 30, 2019; and
4. That Council appoint William Rapley to represent the Town of Niagara-on-the-Lake on the Niagara Peninsula Conservation Authority Board of Directors beginning October 1, 2019.

**APPROVED.**

5. Moved by Councillor Clare Cameron, seconded by Councillor Gary

Burroughs THAT before demolition proceeds, Council require a meeting between the property owners and/or agents, builders and architect, including the MHC Chair and Vice Chair, the neighbour at 31 Prideaux Street, Heritage Planner, and one additional community member from the MHC of the owner's choosing, to discuss MHC Feedback from the July 9th meeting and July 12th site visit, and propose ideas for revised designs that will consider sensitivity to the surrounding street context, compliments the original building and avoids the addition of a garage at the building front, where possible; AND to report back on this discussion with an Information Report.  
**APPROVED.**

6. Moved by Councillor Stuart McCormack, seconded by Councillor Erwin Wiens that By-law 5172-19 be amended to include:  
5(a) "No person shall Discharge Consumer Fireworks, except on the days specified in Section 4(d) and then only between 6 PM and 11 PM... "  
5(q) "without having first obtained Approval of the Fire Chief..."  
**APPROVED.**

7. Moved by Councillor Clare Cameron, seconded by Councillor Norm Arsenault that development charges motion be referred to the Economic Development Committee.  
**APPROVED.**

8. Moved by Councillor Gary Burroughs, seconded by Councillor Wendy Cheropita that the Council meeting be extended to 11:00 p.m.  
**APPROVED.**

9. Moved by Councillor Norm Arsenault, seconded by Councillor Al Bisback that a meeting of Council be held on August 1, 2019 at 4:00 p.m. to consider a report and recommendations on revisions to policies and schedules; and provide direction to prepare final Official Plan draft for Council consideration;  
AND  
That a meeting of Council be held on August 15, 2019 at 4:00 p.m. to consider adoption in principle of the revised Official Plan.  
**APPROVED.**

**ADJOURNMENT: 10:50 PM**

**LORD MAYOR BETTY DISERO      TOWN CLERK PETER TODD**