

The Corporation of the Town of



SPECIAL COUNCIL MEETING AGENDA

Held on Wednesday, June 10, 2020 at 3:00 PM

Via Teleconference Toll Free: 1-833-311-4101

Access Code: 132 778 7425

1	Call Meeting to Order
2	Disclosure of Pecuniary Interest & General Nature Thereof
3	Public Question / Comment (Only Addressing Reports on the Agenda)
4	Staff Report
	Brenda Guy, Manager of Planning and Development
	Council-PD-2020-13 – Outdoor Patios / Signage – COVID-19 – Temporary Delegated Authority
5	Confirmation By-law
	By-law No. 2020-066 – Confirm the proceedings of Council for the Special Meeting held on Wednesday, June 10, 2020 (3 Readings)
6	Questions from the Media
7	Next Meeting – Tuesday, June 16, 2020
8	Adjournment



Council Report – PD-2020-13

Date: June 10, 2020 **IN CAMERA**
Subject: Outdoor Patios / Signage – COVID-19 – Temporary Delegated Authority
Author: Brenda Guy, Manager of Planning and Development **OPEN SESSION**

RECOMMENDATION:

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE TEMPORARILY AUTHORIZES STAFF TO DEVIATE FROM THE DEVELOPMENT PERMIT BY-LAW AND SIGN BY-LAWS DUE TO COVID-19,

AND FURTHER, THAT THE TOWN OF GANANOQUE HAS NO OBJECTIONS TO EXTENDING PATIO LIQUOR LICENCES WITHIN ITS MUNICIPAL BOUNDARIES, AS PRESENTED IN COUNCIL REPORT PD-2020-13.

STRATEGIC PLAN COMMENTS:

Sector #6: Governance – Strategic Initiative #4 - Town Council will ensure openness and transparency in its operations.

BACKGROUND:

Staff provided information to Council under Council-PD-2020-11 for outdoor patios regarding the Encroachment Permit By-law at their regular meeting of June 2, 2020.

The report identified that Staff could utilize the Encroachment Permit By-law to issue permits for the temporary use of public property as an outdoor patio due to COVID-19 for 2020. The Encroachment Permit would be on a case-by-case basis depending on whether a property lends itself to an outdoor patio space.

INFORMATION/DISCUSSION

In an effort to further assist businesses, Staff intended on preparing a report to Council for the meeting of June 16, 2020 seeking Council permission to deviate from the Development Permit By-law on outdoor patios for not only public but private property due to COVID-19. This would be a temporary measure for 2020 to assist businesses in re-opening.

On June 8, 2020, Premier Ford announced new openings for businesses and services, as well as, easing restrictions in communities, where it is safe to do so, due to public health statistics. Leeds Grenville & Lanark District Health Unit has been permitted to move into Stage 2.

Stage 2 includes the opening of outdoor patios, specific personal care services, beach and splash pads, provided property health and safety measures are in place.

Staff are able to have delegated authority under a Class I permit, however, outdoor patios are a Class III under the By-law.

Given the recent announcements by the Province, outdoor patios are permitted to open at 12:01 AM on June 12, 2020. This provides limited time for businesses to get ready and have all permits and approvals in place as a Class III requires circulation, public meeting and approval by Council.

At this time, Staff are proposing that Council delegates the authority for temporary outdoor patios to Staff due to COVID-19. Staff will move forward on a case-by-case basis if a property lends itself to any type of expansion for distancing purposes. This coincides with the Province's announcement that implemented regulatory changes to the Alcohol and Gaming Commission of Ontario (AGCO), which allows discretion to licensed establishments to temporarily add or increase the size of their patios, provided that the municipality in which the establishment is located does not object, and; all other applicable requirements are met.

Additionally, Staff would recommend that signage also be included in fast-tracking so that businesses are able to announce that they are now open in a quick and effective manner.

APPLICABLE POLICY/LEGISLATION:

By-law No. 2010-065.

FINANCIAL CONSIDERATIONS:

None.

CONSULTATIONS:

Kari Lambe, Manager of Community Services

ATTACHMENTS:

Alcohol and Gaming Commission of Ontario (AGCO) Announcement

APPROVAL	<hr/> <p>Brenda Guy, Manager of Planning and Development</p> <hr/> <p>Melanie Kirkby, Treasurer</p> <p>Certifies that unless otherwise provided for in this report the funds are contained within the approved Budgets and that the financial transactions are in compliance with Council's own policies and guidelines and the <i>Municipal Act</i> and regulations.</p> <hr/> <p>Shellee Fournier, CAO</p>
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AGCO

Alcohol and Gaming
Commission of Ontario

**Alcohol and Gaming
Commission of Ontario**

90 Sheppard Avenue East
Suite 200
Toronto ON M2N 0A4

Jun 8, 2020

Ontario amends Regulation 719 under the *Liquor Licence Act* to support liquor sales licensees in temporarily extending their patios and provide additional flexibility for the location of tied houses

Liquor Sales Licensees may temporarily increase the size of their patios or add a new patio once they are again permitted to welcome patrons on-site and until January 1, 2021, provided that the municipality in which the establishment is located does not object and all other applicable requirements are met. During this temporary period, licensees who meet the eligibility criteria and requirements are not required to apply to the AGCO for a temporary extension of premises or pay any fee.

In addition, liquor manufacturers and other applicants for a tied house licence now have increased flexibility regarding the location of a proposed tied house. Interested applicants may apply through [iAGCO](#).

Please read additional details in:

- [AGCO News Release: Ontario Extending Outdoor Patios to Allow for Social Distancing During COVID-19](#)
- [Info Bulletin: Liquor sales licensees may extend their patios for the duration of 2020 once permitted to open](#)
- [Info Bulletin: Changes to Tied House Liquor Sales Licence Requirement](#)

What are the requirements for a temporary patio extension under these new temporary measures?

The Government has amended Regulation 719 under the *Liquor Licence Act* (LLA) to provide flexibility for liquor sales licensees (e.g. licensed bars and restaurants) to temporarily extend their physical premises beyond 14 days provided they have municipal approval and meet certain requirements.

In order to be eligible for a temporary patio extension, licensees must have a valid liquor sales licence and be permitted to open and welcome patrons on-site under the province's phased reopening process. In addition, the following requirements must be met:

1. The physical extension of the premises is adjacent to the premises to which the licence to sell liquor applies;
2. The municipality in which the premises is situated has indicated it does not object to an extension;
3. The licensee is able to demonstrate sufficient control over the physical extension of the premises;
4. There is no condition on the liquor sales licence prohibiting a patio; and,
5. The capacity of any new patio, or extended patio space where the licensee has an existing licensed patio, does not exceed 1.11 square metres per person.

What role do municipalities currently play in the temporary extension of premises application process and what has changed under the new temporary measures?

Usually, licensees who wish to extend their licensed patio are required to apply to the AGCO for a temporary extension of premises, which may be authorized for up to 14 days and for a maximum of four times each year. As part of that process, licensees are required to obtain a letter of non-objection from their municipality.

Under these new temporary measures and for the duration of 2020, licensees do not need to notify or submit an application to the AGCO for a temporary extension of premises, provided that they meet all the eligibility criteria and applicable requirements. One of the criteria is that the municipality in which the establishment is located does not object to an extension. This non-objection or approval can take a variety of forms. While licensees are not required to submit any documentation to the AGCO to demonstrate compliance with this requirement, licensees are required to produce such documentation, if requested by the AGCO.

Is there a certain document that municipalities are required to use to confirm they do not object to a patio extension?

The AGCO does not require a specific format for municipal non-objection. Municipalities have flexibility to determine how best to approve patio extensions. This might be by blanket resolution, by application process, by letter from the City Manager, or any other suitable format. Municipalities are not required to send their non-objection to the AGCO. Licensees are required to produce documentation demonstrating municipal approval, if requested by the AGCO.

Can patios be extended onto municipal sidewalks or roadways?

Municipalities have the flexibility to determine how best to permit temporary patio extensions on municipal property. The temporary physical extension of the premises must be adjacent to the premises to which the licence to sell liquor applies. In accordance with section 48 of Regulation 719 under the LLA, the licensee or its employees may carry liquor between two licensed areas across an unlicensed area

(e.g. from the establishment and across the sidewalk, in the case where the patio extension is on a roadway). However, patrons may only carry liquor across the area not under the licensee's control if it is in a closed container.

Are licensed establishments who do not currently have a patio space eligible under these temporary measures?

Provided that they have municipal approval and meet all other requirements, temporary new licensed patios are also permitted under this temporary measure. Licensees who wish to maintain the patio extension beyond January 1, 2021 must apply through iAGCO and must meet all applicable requirements and pay the required fees.

The capacity for a temporary new patio is 1.11 square metres per person, which is the maximum capacity of premises to which neither the *Building Code Act*, 1992 nor the *Fire Protection and Prevention Act*, 1997 applies. Please see [this](#) webpage for more information on calculating the dimensions of a proposed extended licensed area.

If a licensee with an existing patio now has an extended space, can they accommodate more patrons than their current maximum capacity as stated on their licence?

The maximum capacity for all existing patios continues to apply for the existing patio space. The licensee may accommodate patrons over and above their capacity as long as the capacity of any extended patio space allows for a minimum of 1.11 square metres per person. All physical distancing requirements, as well as any other requirements imposed by any level of government, continue to apply regardless of maximum capacity, and will likely mean that patios will operate at well below maximum capacity.

Can a licensee who does not meet the requirements for a patio extension under these temporary measures still be approved for a temporary patio extension?

Licensees that do not meet requirements under this temporary measure are required to follow the usual application process for a temporary extension of premises and apply through [iAGCO](#). As part of the usual application process, a letter of municipal non-objection would be required.

How do I get more information?

The requirements for a temporary patio extension under this temporary measure and other helpful information can be found within the [Information Bulletin](#). Municipalities may also email municipal@agco.ca with additional questions.



MOTION / RESOLUTION OF COUNCIL

Date: June 10, 2020	
Subject: Confirming By-law – June 10, 2020	
Moved By:	
Seconded By:	
<p>BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2020-066, BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS SPECIAL MEETING HELD ON JUNE 10TH, 2020, BE READ THREE TIMES AND FINALLY PASSED THIS 10TH DAY OF JUNE 2020.</p>	

Ayes _____ Nays _____

Carried: _____

Defeated: _____

Tabled/Postponed: _____

Ted Lojko, Mayor

MA s. 246 - When a recorded vote is requested, the Clerk will call for each Councillors vote (Aye or Nay), mark the recorded vote as indicated by the member, and announce whether the motion is carried or defeated. The Mayor will then sign the motion.

RECORDED VOTE:	Aye	Nay
Anderson, D.		
Haird, A.		
Harper, M.		
Kench, M.		
O'Connor, D.		
Osmond, D.		
Lojko, T.		
TOTALS		