



The Municipal Corporation of the
Town of Fort Erie

Council-in-Committee Meeting Minutes

Monday, May 10, 2021

Council Chambers via Video Teleconference

Due to the COVID-19 Pandemic and the Closure of Town Hall

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1. Call to Order

Mayor Redekop called the meeting to order at 6:43 p.m.

2. Roll Call

Present (In Council Chambers): His Worship Mayor Redekop

Present (Via Zoom Teleconference): Councillors Butler, Dubanow, Lubberts, McDermott, Noyes, and Zanko

Staff (Via Zoom Teleconference): K. Dolch, J. Janzen, T. Kuchyt, E. Melanson, C. Schofield, and K. Walsh

This meeting was held in compliance with the electronic participation provisions of Council Rules of Procedure By-law No. 36-2016, as amended.

3. Announcements/Addenda

Mayor Redekop made the following announcements:

Mother's Day

Happy Belated Mother's Day to all the mothers' on Council and Staff. I cannot say enough about what mothers do to nurture and encourage their children and make our society better. Thank you to all of you.

Nurse's Week

Nurses Week is May 10th to 16th. I was listening today to one of the leaders of the nursing community who conveyed how tired, burnt out, and emotionally stressed nurses are from working during the COVID-19 pandemic. They emphasized how nurses have been trying to keep our health care system operating efficiently under challenging circumstances. We owe the nursing profession a great deal in our society, particularly because we have free access to health care, and they are such a fundamental part of that system. After listening to what nurses are going through, I was reminded of how much better and easier it would be for them if the people who are not listening to guidelines would take those guidelines to heart. Doctors and nurses are watching people struggling to breathe and, in many cases, die, and we could certainly be doing a lot more in recognizing and helping the valuable work of nurses in our community.

Vaccination Clinics in Fort Erie

The Town of Fort Erie is doing reasonably well in managing the number of COVID-19 cases even though there have not been many vaccination clinics in Town. In discussion with Dr. Hirji, he did not take issue with my request that there be more vaccination clinics in Fort Erie. Dr. Hirji did indicate that with the number of vaccines increasing in the Region, Fort Erie will be receiving more vaccination clinics. We will continue to press the Region for more clinics in Town.

4. Declarations of Pecuniary Interest

(a) Councillor Dubanow

Councillor Dubanow declared a pecuniary interest regarding Report No. PDS-17-2021 Animal Welfare, Protection, and Control By-law Recommendation Report, as the company he works for has performed contracted services for the Fort Erie SPCA, and an Animal Control By-law may impact their operations. He abstained from discussing and voting on the matter.

(b) Councillor Butler

Councillor Butler declared a pecuniary interest regarding Report No. IS-20-2021 Award of Tender for the 2021 Routing & Crack Sealing Program (Contract No.: Iso-21t-Crack21) to Griffin Landscape Management Solutions Inc. as her company does business with Circle P Paving who has been given part of a contract for the 2021 Road Resurfacing Program.

5. Notice of Upcoming Public Meetings

- (a) Proposed Combined Official Plan and Zoning By-law Amendment

Re: 0-5513 Dominion Road - Owner: Essential Capital Inc. (Frank Ianniello) - Agent: Planning Services Inc. (John Perry) - Monday, May 17, 2021 - 6:00 p.m. Via Video Teleconference. The information report will be available on May 12, 2021.

- (b) Public Open House

Re: Crystal Beach Secondary Plan No. 3 - Tuesday, May 18, 2021 - 5:00 - 7:00 p.m. - Via Video Teleconference

6. Public Meetings

None.

7. Consent Agenda Items

7.1 Request to Remove Consent Agenda Items

Report No. IS-19-2021 was removed and dealt with separately due to Councillor Butler's pecuniary interest.

Report No. PDS-34-2021 was removed and dealt with separately at the request of Councillor Lubberts, after having been moved by Councillor Zanko.

7.2 Consent Agenda Items for Approval

PDS-34-2021 Extension of Draft Plan Approval – Hazelwood Draft Plan of Subdivision West Side of Hazelwood Avenue, North of Erie Road Knof Group Inc. (Jens Knof) – Owner Quartek Group Inc. (Susan Smyth) - Agent

That: Council extends draft plan approval for the Hazelwood draft plan of subdivision located at the west side of Hazelwood Avenue, north of Erie Road until December 31, 2021, and the Owner and Regional Municipality of Niagara Planning and Development Services Department be so advised.

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PDS-35-2021 Proposed Draft Plan of Standard Condominium 0-15199 Ridgeway Road, Marz Homes (Crystal Beach Inc.), C/O Dan Gabriele (Owners), Steven Fraser, A.J. Clarke – (Agent)

That: Council approves the South Coast Phase 2 Draft Plan of Standard Condominium dated January 6, 2021, showing 2 stacked townhouse blocks, containing 20 townhouse dwellings and 4 apartment dwelling units as shown in Appendix "2" of Report No. PDS-35-2021, in accordance with the provisions of the Planning Act R.S.O. 1990 c.P. 13 and the Regulations thereunder, subject to the conditions contained in Appendix "3" of Report No. PDS 35-2021, and further

That: Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix "3" of Report No. PDS-35-2021 to the applicable agencies in accordance with the requirements of the Planning Act. **(Carried)**

IS-17-2021 Award of Tender for Bertie Place Watermain Replacement - Contract No. Ise-21t-Brpl19

That: Council accepts and approves the tender submission for the Bertie Place Watermain Replacement - Contract No. ISE-21T-BRPL19 from Vic Vatr Contracting in the amount of \$548,922.53 (including 13% HST). **(Carried)**

IS-19-2021 Award of Tender for 2021 Hot Mix Asphalt Contract No. Ise-21t-Rsrf(H)21; 2021 Surface Treatment Contract No. Ise-21t-Rsrf(St)21; and 2021 Asphalt Patching Contract No. Ise-21t-Rsrf(Ap)21

That: Council accepts and approves the tender submission for the 2021 Road Resurfacing – Hot Mix Asphalt Contract No. ISE-21T-RSRF(H)21 from Circle P. Paving Inc. in the amount of \$509,939.62 (including 13% HST); and further

That: Council accepts and approves the tender submission for the 2021 Road Resurfacing – Surface Treatment Contract No. ISE-21T-RSRF(ST)21 from Norjohn Contracting and Paving Ltd. in the amount of \$1,203,450.00 (including 13% HST); and further

That: Council accepts and approves the tender submission for the 2021 Road Resurfacing – Asphalt Patching Contract No.

ISE-21T-RSRF(AP)21 from Circle P. Paving Inc. in the amount of \$110,457.50 (including 13% HST); and further

That: Council amends the 2021 Capital Budget to supplement the 2021 Road Resurfacing Program – Hot Mix Asphalt Contract No. ISE-21T-RSRF(H)21, Surface Treatment Contract No. ISE-21T-RSRF(ST)21 and Asphalt Patching Contract No. ISE-21T-RSRF(AP)21 by \$75,000.00 with funding from the Road Refurbishing Reserve.

IS-20-2021 Award of Tender for the 2021 Routing & Crack Sealing Program (Contract No.: ISO-21T-Crack21) to Griffin Landscape Management Solutions Inc.

That: Council accepts and approves the tender submission from Griffin Landscape Management Solutions Inc. for the completion of the 2021 Routing & Crack Sealing Program, Contract No. ISO-21T-CRACK21 in the amount of \$62,409.90 (including 13% HST). **(Carried)**

Consent Agenda Recommendation

Recommendation No. 1
Moved by: Councillor Zanko

That: Council approves the Consent Agenda Items as recommended, save and except Report Nos. PDS-34-2021 and IS-19-2021. **(Carried)**

7.3 Items Removed to be Dealt with Separately

Mayor Redekop gave the Chair to Councillor Butler in order to speak to PDS-34-2021.

PDS-34-2021 Extension of Draft Plan Approval – Hazelwood Draft Plan of Subdivision West Side of Hazelwood Avenue, North of Erie Road Knof Group Inc. (Jens Knof) – Owner Quartek Group Inc. (Susan Smyth) - Agent

(Previously moved by Councillor Zanko as part of the Consent Agenda Recommendation No. 1, and subsequently removed prior to being voted on)

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Council extends draft plan approval for the Hazelwood draft plan of subdivision located at the west side of Hazelwood Avenue, north of Erie Road until December 31, 2021, and the Owner and Regional Municipality of Niagara Planning and Development Services Department be so advised.

Recommendation No. 2
Moved by: Mayor Redekop

That: The recommendation be amended to change the date to October 5, 2021 and to add at the end "that council will not further extend draft plan approval".

Councillor Dubanow requested that the amendments be voted on separately.

That: The recommendation be amended to change the extension date to October 5, 2021. **(Carried)**

That: The recommendation be amended to add "that council will not further extend the draft plan approval". **(Carried)**

Following approval of the amendments, the recommendation, as amended, was voted on as follows:

That: Council extends draft plan approval for the Hazelwood draft plan of subdivision located at the west side of Hazelwood Avenue, north of Erie Road until October 5, 2021, and Council will not further extend the draft plan approval, and the Owner and Regional Municipality of Niagara Planning and Development Services Department be so advised. **(Carried)**

Councillor Butler returned the Chair to Mayor Redekop.

IS-19-2021 Award of Tender for 2021 Hot Mix Asphalt Contract No. Ise-21t-Rsrf(H)21; 2021 Surface Treatment Contract No. Ise-21t-Rsrf(St)21; and 2021 Asphalt Patching Contract No. Ise-21t-Rsrf(Ap)21

Recommendation No. 3
Moved by: Councillor Dubanow

That: Council accepts and approves the tender submission for the 2021 Road Resurfacing – Hot Mix Asphalt Contract No. ISE-21T-RSRF(H)21 from Circle P. Paving Inc. in the amount of

\$509,939.62 (including 13% HST); and further

That: Council accepts and approves the tender submission for the 2021 Road Resurfacing – Surface Treatment Contract No. ISE-21T-RSRF(ST)21 from Norjohn Contracting and Paving Ltd. in the amount of \$1,203,450.00 (including 13% HST); and further

That: Council accepts and approves the tender submission for the 2021 Road Resurfacing – Asphalt Patching Contract No. ISE-21T-RSRF(AP)21 from Circle P. Paving Inc. in the amount of \$110,457.50 (including 13% HST); and further

That: Council amends the 2021 Capital Budget to supplement the 2021 Road Resurfacing Program – Hot Mix Asphalt Contract No. ISE-21T-RSRF(H)21, Surface Treatment Contract No. ISE-21T-RSRF(ST)21 and Asphalt Patching Contract No. ISE-21T-RSRF(AP)21 by \$75,000.00 with funding from the Road Refurbishing Reserve. **(Carried)**

8. Planning and Development Services

Chaired by Councillor Dubanow

8.1 Presentations and Delegations

- (a) Stephen Passero, Past President Fort Erie Lions Club, Co-Chair New Build Committee

Re: Development Charges on the Proposed Build at 255 High Street (Councillor Dubanow's Motion from April 26)

Mr. Passero provided the following comments:

- The development charges requested for relief account for 0.015% of the project's overall budget
- Covering this cost is necessary to meet more requirements for the CMHC grant funding system (points based national competition)
- To meet current timelines for the grant, the goal for submission is in June
- The longer the application submission is delayed to meet more of the points based system, the greater the negative effect on the project
- Supports the motion for waiver of development charges for the residential units at market in order

to keep rental of those units affordable

8.2 Reports

PDS-17-2021 Animal Welfare, Protection and Control By-law
Recommendation Report

Councillor Dubanow gave the Chair to Councillor Zanko due to his pecuniary interest.

Explanatory Notes:

The Report was postponed from the February 22, 2021, Council Meeting and further postponed from the March 22, 2021, Regular Council Meeting

Previously Moved by Councillor Butler, Seconded by Councillor McDermott as Resolution No. 7 on February 22, 2021

Option No. 3 was moved by Councillor Lubberts and seconded by Councillor McDermott and Carried as Resolution No. 3B on March 22, 2021

Resolution No. 3C was moved by Councillor Zanko and seconded by Councillor Butler, and Carried on March 22, 2021, as follows:

That: The draft by-law be amended throughout to provide that euthanasia only be performed by a Board registered Veterinary Technician, with the specific wording for the amendments to be provided by the Veterinarian retained by the Town.

That: Council receives the draft Animal By-law attached as Appendix "1" to Report No. PDS-17-2021, and further

That: Council chooses Option No. 3 for the licensing of cats, and further

That: Council approves the draft Animal By-law attached as Appendix "1" to Report No. PDS-17-2021, subject to the revisions required to implement Council's choice of Option No. 3 for the licensing of cats.

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Recommendation No. 4
Moved by: Councillor Butler

That: Report No. PDS-17-2021 be postponed to the May 17, 2021 Council-in-Committee meeting. **(Carried)**

PDS-31-2021 Proposed Official Plan and Zoning By-law Amendment - 255 High Street - Susan Smyth, Quartek Group Inc. (Agent) - Niagara Regional Housing (Applicant) - Lions Douglas Heights Senior Residence (c/o Jayne Dodd) (Owner)

Council approved Report No. PDS-31-2021, as amended, at the Regular Council Meeting held on April 26, 2021, as follows:

That: Council approves the amendments to the Town's Official Plan and Zoning Bylaw No. 129-90 as detailed in Appendix "8" and Appendix "9" of Report No. PDS-31-2021 for the lands known as 255 High Street, and further

That: Council waives the cash-in-lieu of parkland dedication requirements for the proposed development and the applicant shall provide increased landscaping and/or outdoor amenity areas on site, to be approved through Site Plan Control, and further

That: Council directs staff to prepare the necessary by-laws.

That: Council consider approving the waiver of the Development Charges for the 33 residential units rented at market, at the Council-in-Committee Meeting of May 10, 2021.

(Previously moved by Councillor Zanko and seconded by Councillor Dubanow)

That: Council waives the Development Charges for the 33 residential units rented at market.

Councillor Dubanow moved a friendly amendment to change the number of units from 33 to 18, which was accepted by the mover.

Following approval of the friendly amendment, the recommendation was voted on, as amended, as follows:

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That: Council waives the Development Charges for the 18 residential units rented at market. **(Carried)**

Councillor Dubanow requested a recorded vote, the results of which were as follows:

Yes	No
Councillor McDermott	Councillor Lubberts
Councillor Butler	Mayor Redekop
Councillor Dubanow	
Councillor Noyes	(Carried)

Council recessed for 5 minutes at 8:23 p.m.

PDS-33-2021 Information Report #3 - Proposed Zoning By-law Amendment 0 Burleigh Road North, Alexis Banfai (Owner/Applicant)

Recommendation No. 5
Moved by: Councillor Zanko

That: Council receives for information purposes Report No. PDS-33-2021 regarding a proposed Zoning By-law Amendment for 0 Burleigh Road North. **(Carried)**

Councillor Dubanow gave the Chair to Councillor Zanko in order to speak to the matter.

PDS-36-2021 Privacy Screen Recommendation Report

Recommendation No. 6
Moved by: Councillor Noyes

That: Council directs that the request to amend Fence By-law No. 71-2016 with respect to providing additional flexibility regarding setbacks and lengths for the installation of privacy screens when attached or placed next to a fence of open construction, is denied. **(Carried)**

Councillor Zanko returned the Chair to Councillor Dubanow

PDS-37-2021 Region of Niagara Natural Heritage System Options - Information Report

Recommendation No. 7
Moved by: Councillor McDermott

That: Council receives for information purposes Report No. PDS-37-2021 regarding the proposed options for Natural Heritage System mapping in the new Region of Niagara Official Plan. **(Carried)**

8.3 New Business/Enquiries

(a) Mayor Redekop

Mayor Redekop requested comment from staff in view of the earlier decision about the non-profit construction of affordable housing units or near-market housing units. He questioned what steps does staff contemplate. Mayor Redekop continued that we could try to address that as part of our policy framework in dealing with these issues. We have a limited number of non-profit organizations that are, or could get into, the housing market. Most of them are motivated by the desire to provide housing for seniors in particular, and most of the seniors that move into these units are people with somewhat limited means. He questioned how do we deal with this in the interim?

Ms. Dolch responded that one way to deal with this should there be a future request from a not-for-profit, is to enter into an agreement to ensure that the affordable housing units are at least secured, even if they are not exempt through DC's at this point. Given that in the end, our affordable housing definition may be slightly different than what you will see at the regional level and the Canada Mortgage and Housing level, the Town may come up with a slightly different definition that may help qualify that in the future, through our CIP affordable housing initiative.

Mayor Redekop asked if he was correct that what we would need to do is establish the definition and identify what would qualify as a non-profit organization. Then there is also the ability to enter into an agreement similar to what we're doing already with the 44 units that already qualified before we intervene for DC relief.

Ms. Dolch advised that Mayor Redekop was correct, and that is what is eventually being envisioned.

Recommendation No. 8

Moved by: Mayor Redekop

That: Staff provide advice on how to provide relief to non-profit organizations that are building affordable or near-market housing units, so that we have a policy that will provide us with a definition and a follow-up to ensure that the relief that we provide is in fact utilised for that purpose.

(Carried)

Mayor Redekop advised that he had one-follow up, and questioned whether if, in view of the relief that Council supported this evening with respect the proposed Douglas Heights construction, would it be possible for staff to discuss the possibility of entering into an agreement on the 18 units that were given DC relief, similar to agreements with respect to the other 44 units.

Ms. Dolch advised that staff could enquire as to whether the Lions Club would be amenable to entering into an agreement. They have stated that they are committed to providing rent at the Niagara Regional Housing market rent, so they may be open to that.

8.4 Business Status Report

No changes.

9. Infrastructure Services

Chaired by Councillor Lubberts

9.1 Presentations and Delegations

None.

9.2 Reports

IS-18-2021 Erie Road On-Street Parking Changes to Accommodate Economic Development

Recommendation No. 9

Moved by: Councillor Zanko

That: Council approves the changes to the on-street parking

and road line painting regime on Erie Road between Ashwood and Cambridge Road West; and further

That: Council directs that businesses wishing to occupy an on-street parking space reimburse the Town for the cost of providing concrete barriers for patron safety through the Temporary Outdoor Patio Regulations; and further

That: Council directs that By-law No. 2000-89 be amended to accommodate the following changes to the parking regime along Erie Road:

- a) Remove all on-street parking on the south side of Erie Road from Cherrywood Avenue to Oxford Avenue and update Schedule C;
- b) Install on-street parking on the north side of Erie Road from Cambridge Road West to Oakwood Avenue and update Schedule C;
- c) Designate the first parking space on Ashwood, Oakwood, Elmwood, Maplewood and Oxford Avenues and Cambridge Road West at the corner Erie Rd as 15-minute limit parking spaces to accommodate take-out restaurant opportunities in Schedule E; and further

That: Council directs that the crosswalk on Erie Road and Maplewood at the southeast corner be eliminated.

Recommendation No. 10
Moved by: Mayor Redekop

That: Report No. IS-18-2021 be postponed to May 17, 2021 in order for the members of the Crystal Beach Business Improvement Area to be circulated with the report and provide comments. **(Carried)**

9.3 New Business/Enquiries

(a) Response to Enquiry

Re: Enquiry by Mayor Redekop at the April 26, 2021 Council Meeting regarding the status of a report from staff regarding the feasibility of another point of access and egress from Douglstown.

Mr. Walsh read the response into the Minutes which is appended to the Meeting Agenda.

9.4 Business Status Report

No changes.

10. Corporate and Community Services

Chaired by Councillor McDermott

10.1 Presentations and Delegations

None.

10.2 Reports

CAO-10/LC-05-2021 Land Matters: April 29, 2021 Special
Land Committee Meeting Minutes

Recommendation No. 11

Moved by: Councillor Zanko

That: Council receives the April 29, 2021 Special Land
Committee meeting minutes attached as Appendix "1" to Report
No. CAO-10/LC-05-2021, and further

That: Council approves the recommendations contained in
Appendix "2". **(Carried)**

10.3 New Business/Enquiries

Councillor Dubanow referred to the vaccination clinic held in Fort Erie on Sunday, May 11, 2021. He stated that it was great to see more clinic dates being held in Fort Erie, considering himself and some of his family have gone to the Greater Toronto Area to have sooner availability of vaccinations. Councillor Dubanow advised that he was very impressed with the organization of the event in Fort Erie. Councillor Dubanow also recognized the contributions of mothers during this pandemic and thanked all the individuals working at the clinic on Sunday as vaccinations were a great Mother's Day gift.

10.4 Business Status Report

No changes.

Councillor Dubanow returned the Chair to Mayor Redekop.

11. Scheduling of Meetings

- Transit Advisory Committee, Thursday, May 13, 2021 at 4:00 p.m. via Zoom Teleconference.

12. Adjournment

Recommendation No. 12

Moved by: Councillor Dubanow

That: Council-in-Committee hereby adjourns at 9:26 p.m.

(Carried)

Mayor

Clerk