



The Municipal Corporation of the  
Town of Fort Erie

**Regular Council Meeting Minutes**

**Monday, November 22, 2021**

**Council Chambers via Video Teleconference**

Due to the COVID-19 Pandemic all Meetings are being held via a Hybrid Model. All meetings can be viewed at: Town's Website:

<https://www.forterie.ca/pages/CouncilAgendasandMinutes>

Town's YouTube Channel: [www.youtube.com/townofforterie](http://www.youtube.com/townofforterie)

or click on the YouTube icon on the home page of the Town's website ([www.forterie.ca](http://www.forterie.ca)) or Cogeco TV

**1. Call to Order**

Mayor Redekop called the meeting to order at 6:00 p.m. Mayor Redekop acknowledged the land on which we gather is the traditional territory of the Haudenosaunee, Mississaugas of the Credit, and Anishinaabe people, many of whom continue to reside in this area.

**2. Invocation**

The Clerk read the Invocation.

**3. Roll Call**

Present (In Council Chambers): His Worship Mayor Redekop, Councillors Dubanow, McDermott, and Noyes

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

Also Present (Via Zoom Teleconference): Regional Councillor Insinna

Staff (In Council Chambers): C. Schofield, J. Tessmer, and T. Kuchyt

Staff (Via Zoom Teleconference): A. Butler, J. Janzen, E. Melanson, P. Wasserman 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.

#### **4. Announcements/Addenda**

There was one addendum relating to the follow matter:

Addition of a delegation under Item No. 8. Presentations and Delegations: Brigitte Losier, 1700 Royal York Road Re: PDS-101-2021 (Sale of Limited Marketability Land - Lands North of Royal York Road) and replacement of Report No. PDS-101-2021 with corrected version.

Mayor Redekop made the following announcements:

#### **COVID-19 Update**

COVID numbers in Fort Erie have stabilized. They are now averaging about 1, sometimes 2 a day over the past week or so. Compared to the other municipalities in Niagara, we're back to where we typically are. There's been some changes at the Border with respect to crossing the Border by Canadians. If you're a Canadian or a Permanent Resident in Canada, you can cross without having to have a PCR test, as long as your stay is not longer than 72 hours. There are some further changes that the Federal Government will be implementing.

I make reference to this because we have 2 items on the Agenda this evening, 1 is a resolution from the City of Niagara Falls and the other is a motion that has been put forth by Councillor Dubanow. Both of these will be deferred to December 13<sup>th</sup>.

#### **Santa Claus Parade**

I would like to compliment the Bridgeburg BIA for the wonderful Santa Claus Parade that they held. They did a tremendous job, and it's the first time that the BIA has taken over that responsibility for some time. This year's event was after dark, so all the floats were lit up and it was really quite impressive. I particularly want to thank Mike Pazinski and Bill's Toyota for again, providing us with a truck and the opportunity to drive through that part of the Town, and wave to the crowd. My wife and I thoroughly enjoyed that.

#### **Regional Transit**

The 4th thing that I wanted to make reference to, is that this Thursday Regional Council will be deliberating on the Regional Transit. That is to take place at a meeting on November the 25th, starting at 3:00 p.m. We have been getting a lot of emails with respect to that, and suffice to say, this is a big issue for the Region and Fort Erie and the other Municipalities in Niagara. I happen to notice that some site work has started at the site of the new Gilmore Lodge. I haven't seen how much

progress they're making, but I know that that is moving forward. This Thursday as well, Hospice Niagara will be making an announcement with respect to the project and I think their fundraising efforts. It is a new facility that will go adjacent to the new Gilmore Lodge. So that's very good news for the Town of Fort Erie.

### **Ridgeway BIA "Spirit of Christmas"**

On Friday and Saturday, December the 3<sup>rd</sup> and 4<sup>th</sup>, the Ridgeway BIA will be holding its "Spirit of Christmas". It will not be completely back to normal, but as close to normal as they can get. I know that there have been events taking place in the other business improvement areas over the last month or so that have been getting people back into a position where they can at least see each other and commiserate and enjoy themselves.

### **Christmas Lights on Bowden Street**

On Saturday, December the 5<sup>th</sup>, if you crossed the Central Avenue bridge, you would've seen the magnificent show of Christmas lights on Bowden Street. The 2<sup>nd</sup> annual Bowden Street holiday party is on December 5<sup>th</sup> from 4:00 to 7:00 p.m. They're inviting people to come out, enjoy the lights on that street and to visit with Santa. There is going to be a train ride, and refreshments, and children's crafts will be provided. They would like individuals to come out to the Bethel Pentecostal Church. Bring an unwrapped toy for the Gift of Love and/or a non perishable food item for a local charity.

### **Chamber of Commerce – Fall Mayor's Update Series**

Thursday, November the 25<sup>th</sup> at 10:00 a.m., the Chamber of Commerce is continuing its fall Mayor's update series and I, the Town of Fort Erie will be highlighted on this Thursday coming at 10:00 a.m.

## **5. Declarations of Pecuniary Interest**

### **(a) Councillor Dubanow**

Councillor Dubanow declared a pecuniary interest with respect to Consent Agenda Item No. 9.2 2 (b) to receive the SPCA Board of Director Minutes from October 22, 2021 and November 10, 2021, as the company he works for has performed contract services for the Fort Erie SPCA. He abstained from discussing and voting on the matter.

(b) Councillor Zanko

Councillor Zanko declared a pecuniary interest with respect to Item No. 14 Consideration of By-laws - By-law No.146-2021 To Amend Zoning By-law 129-90 as her son works for Sider Brothers. She abstained from discussing and voting on the matter.

## 6. Notice of Upcoming Public Meetings

(a) 2022 Budget Meeting Schedule

Re: Council-in-Budget Committee Meetings: #2 - Wednesday, December 8, 2021 - Water and Wastewater Operating Budget and Fees Analysis; #3 - Wednesday, February 2, 2022 - Library, Assessment Analysis and General Levy Operating; #4 - Wednesday, February 9, 2022 (if required). All budget meetings begin at 6:00 p.m. Via Video Teleconference. Budget By-laws: Monday, December 13, 2021 - Preliminary Capital Budget; Monday, January 17, 2022 - Water and Wastewater Budget and Rates; Monday, February 28, 2022 - General Levy Budget and General Capital Budget.

(b) Proposed Zoning By-law Amendment

Re: 323 Central Avenue - Owner: Gianluca Cardone - Agent: NPG Planning Solutions Inc. (Cory Armfelt/Jeremy Tran) - December 6, 2021 - 6:00 p.m. The information report will be available by December 1, 2021 at 5:00 p.m.

(c) Proposed Official Plan, Zoning By-law Amendments

Re: 1107 Garrison Road - Owner: 1107 Garrison Road GP Inc. (Mohammed Y. Alhadi) - Agent: Mike Sullivan (Sullivan Planning Services) - December 6, 2021 - 6:00 p.m. The information report will be available by December 1, 2021 at 5:00 p.m.

## 7. Regional Councillor Report

RC Insinna gave the following Report:

Construction has commenced at the new Gilmore Lodge site. After countless meetings, phone calls and emails with Region staff, and with delegations from the province, construction has finally started. Now that it is on it's way, I think the best thing that I am going to do in the very near future is take this issue with the excess lands to Niagara Regional

Housing and Regional Planning staff to say that we started with Gilmore Lodge, what are we going to do with the rest of it? I will hope for a mix of residential apartments and also commercial in line with what the Town has in it's plan.

The water and wastewater budgets came to Regional Council last week. The rates have been set and are now approved. The increase for 2022 is 5.15%. Waste management will be 5.54%.

The Niagara Region is funding the expansion of the shelter diversion program with the funding of 2 additional emergency shelters. Should individuals need emergency shelter for whatever reason they are connected with a diversion worker. The diversion worker sits down with the person and learns about their current housing situation and their immediate requirements in hopes of identifying alternative housing arrangements. This assistance is given to those who have been presenting themselves recently at a shelter in need during the pilot project. The project has been successful, 88% of youth have been successfully diverted who would have otherwise been living in a shelter. The program also assists adults and the success rate is approximately 85%. One troubling fact is that during the past several months, the demand for shelter space has increased, many of whom have been misplaced from their homes. The Provincial rent freeze is set to expire in January of 2022. Should anyone need assistance please have them call 211. They can go up to Port Cares and they can seek assistance with it.

Councillor Dubanow advised that the Gilmore Lodge property is located in Ward 2 and he is willing to help, if need be, as a Councillor.

## **8. Presentations and Delegations**

- (a) Tamara Coleman-Lawrie, Director of Strategic Impact, The United Way Niagara and Erin Riseing, Program Manager, Niagara Community Garden Network

Re: Increasing Barrier Free Access to Food Security Through Community Gardens: The Role of Niagara Region Municipalities in Advancing Policy and Reducing Barriers

Ms. Coleman-Lawrie delivered a PowerPoint Presentation which is available on the Town's Website, and provided the following commentary:

- The Community Gardens mission statement focuses on increasing barrier free access to food security through Community Gardens and identifies the role of the Niagara

Regional Municipalities in advancing policy and reducing barriers.

- United Way's areas of focus include a broad range of food programs, Fort Erie neighbourhoods, the Salvation Army, and have become the home of Niagara Community Garden Network.
- The United Way believes that Community Gardens represents one of the long-term sustainable solutions to food security in the community.

Ms. Riseing provided the following commentary:

- Niagara Community Garden Network is a collaborative network of food security leaders and residents working together to build community gardens.
- The mandate is to provide communities access to affordable, healthy food and the resources to grow their skills and engage their community through gardening.
- There are over 40 organizations and groups offering more than 1200 garden plots to individuals, families, and organizations across Niagara.
- Community gardens are lands that are gardened collectively by groups of people on either private or public land.
- Gardeners grow vegetables, herbs, fruit and flowers which beautifies the neighbourhood, improves food security, is both educational and therapeutic, and provides economic relief to gardeners.
- Community gardens offer environmental benefits such as decreasing greenhouse gas emissions, raising environmental awareness, and waste reduction.
- 60,000 people in Niagara are food insecure, experiencing limited access to nutritious, affordable, and culturally appropriate food.
- Community gardens are an effective part of a range of strategies to build greater resilience and stability in our communities.
- Local Government plays a supporting role and this requires collaborative partnerships between the government and the community.
- Niagara Community Garden Network provides ongoing support to residents, volunteers, and community garden coordinators.
- The goals are to build stronger communities, provide food security, reduce the effects of poverty, and expand the collective impact.

- They partner with Niagara Public Health and Niagara Regional Housing to advance food security and access.
- Local government policies allocate resources by designating land for gardens.
- Community gardens can be integrated into many types of planning processes, which includes land use, by-laws, parks, master plans, healthy living strategies, sustainability resolutions, climate action strategies and neighbourhood plans.
- Niagara's municipalities do not have written community garden policies.
- Niagara's municipalities can support gardens through allocating funding in their annual budget for capital expenses related to the establishment of new gardens and supporting existing ones.

(b) Marcie Jacklin and Liz Benneian, Biodiversity and Climate Action Committee – Niagara

Re: Municipal Natural Assets Initiative

Ms. Benneian delivered a PowerPoint Presentation which is available on the Town's Website, and provided the following commentary:

- Municipalities inventory and assess the community's Infrastructure, determine the current state of those assets, and prepare and implement plans to replace those as necessary.
- Local government lacks ways to measure and manage natural assets.
- Natural assets are ecosystem features that provide services just like other engineered assets but have not been considered in Asset Management Plans.
- Natural assets are wetlands, forests, parks, lakes, rivers, creeks, fields and soil.
- Created natural assets are rain gardens, bioswales, urban trees and parks, biomimicry and stormwater ponds.
- Engineered assets are permeable pavement, green roofs, rain barrels, green walls, and cisterns.
- Natural assets reduce service delivery costs, have a perpetual life span, and support climate change adaption.
- Nature-based solutions are evaluated by biophysical and ecological assessment, economic and financial assessment, and social and cultural assessment.
- The Municipal Natural Assets Initiative (MNAI) explores

nature's ability to provide a long-term, cost effective, and climate-resilient solution to aging infrastructure.

- The MNIA provides scientific, economic, and municipal expertise to support and guide local governments in identifying, valuing, and accounting for natural assets in their financial planning and Asset Management Programs.
- MNIA's mission is to make natural asset management a mainstream practice across Canada, and for local governments to accept and use the methodologies and tools in standard ways across the country.
- The Oshawa case studies key findings recommended that natural assets along the segment of the creek provide a stormwater management value of \$18.9 million. When including the full Oshawa Creek, it increases to between \$392 million and \$414 million.
- The Region of Peel case study found all that were assessed mitigate a 100-year flood, and all except the riverine wetlands, exceed the Ministry of Environment and Climate Change's requirements for water quality. The replacement value of these watersheds was estimated \$704 million under current conditions and \$764 million under climate change conditions.
- The Oakville case study demonstrated that the channel is providing equivalent stormwater services to an engineered asset and would cost between \$1,24 and \$1.44 million to replace.
- Natural Assets are an important part of a municipalities infrastructure and need to be valued and managed like built assets.
- Natural Assets can be less costly and more robust than built infrastructure, especially when managing the impacts of climate change.
- Understanding how these assets work and their value is important when making planning decisions.
- A standardized evaluation system now exists, and more municipalities are employing it.

(c) Mr. William Hein, William S. Hein & Co., Inc.

Re: Church on the Beach – 2022

Mr. Hein delivered a PowerPoint Presentation which is available on the Town's Website, and provided the following commentary:



- Church on the Beach is partnered with Buffalo – Toronto Rochester, Kingdom Bound Ministries, South Niagara Life Ministries (SNAM), The Chapel and the Teachers Desk.
- Church on the Beach is a non-denominational worship service on the beach.
- The Church provides worship service every Sunday at 8:45 a.m. to 9:55 a.m. from July through August.
- There are more than 500 visitors per week at each service.
- Beach wheelchairs, ASL interpreters, and baptisms are available.
- In 2016, Church on the Beach was denied a permit because construction was going to start on the Bay Beach Master Plan. The decision was appealed to the Mayor's office and a permit was granted after consultation with Councillors.
- In 2016, the Church suggested paying \$5,000.00, the same as a food truck in the Master Plan.
- In 2017, the Town raised the donation from \$500.00 a service to \$850.00 a service which is a 70 % increase and the number of services were reduced from 10 to 7.
- There is \$20,000.00 worth of radio advertising for Fort Erie and Crystal Beach each year.
- The Church has donated over \$10,000.00 for the SNAM Fort Erie program.
- There is a Facebook page and website with directions to Crystal Beach.

(d) Geoffery Aldridge, 3765 Rebstock Road

Re: Objection to Council Rule of Procedure 9.10 and Effective Communication

Mr. Aldridge delivered a PowerPoint Presentation which is available on the Town's Website and provided the following commentary:

- The *Ontario Act* says it must have at least one Public Meeting and it is "Statutory" because it is mandated by the Ontario Government.
- The *Ontario Act* does not say that you can not have more than 1 public meeting and it does not allow the public to talk about future or past Public Meetings.
- Rule 910- Reduced Transparency is:  
**9.10 Matters subject to a statutory public meeting**  
*A delegation is not permitted on any matter that is the subject of a future statutory public meeting or of a statutory public meeting which has been closed.*

- Other rules include: 9.2 time limit -10/5 minutes, 9.3 decorum observed – must speak to the subject matter in request, 9.4 curtailing delegation – the Mayor may curtail a delegation and 9.6 limited to new information.
- One of the Town’s strategic priority is stewardship. The Strategic Objective is managing the Town’s growth through responsible stewardship that balances the community desire for prosperity, preservation of natural features and sense of civic pride.
- The Town should look after the citizens / residents, insure that the residents know what’s going on, transparency and accept responsibility.

(e) Brigitte Losier, 1700 Royal York Road

Re: PDS-101-2021 (Sale of Limited Marketability Land - Lands North of Royal York Road)

The following were comments provided during her presentation:

- The Council’s strategy to dispose of part of block A (aka part 2) entirely to the owner of properties known as part 1, would elevate the marketability of the existing lots, provide services that are available on York Road and increase the lot size in order to meet the minimum lot size requirement for a septic system.
- It is not Ms. Losier’s intent to land-lock the owners of part 1 but as an abutting owner, she feels that she is equally entitled to this purchase.
- Her interest to the land is essentially to add the natural swale and tree zone that currently follows the Princeton Avenue road allowance to her property.
- Since part 2 of the plan is 0.6 acres, it can be divided to satisfy both of the land owners.
- Ms. Losier proposed adding 15 meters along the radius of the Princeton Avenue road allowance to her property. This would still leave 20 meters (typical road allowance) of frontage for the owners of part 1.

## **9. Consent Agenda Items**

### **9.1 Request to Remove Consent Agenda Items**

Item No. 9.2 2.(b) was removed to be dealt with separately due to Councillor Dubanow’s declared pecuniary interest.

Item No. 9.2 2.(d) was removed to be dealt with separately at the request of Mayor Redekop.

Item No. 9.2 4 Report No. CAO-25/LC-17-2021 was removed to be dealt with separately at the request of Mayor Redekop.

## **9.2 Consent Agenda Items for Approval**

### **1. Minutes**

- (a) Approve - Council Meeting - October 25, 2021
- (b) Approve - Special Council Meeting - November 8, 2021
- (c) Approve - Council-in-Committee Meeting - November 8, 2021
- (d) Approve - Council-in-Committee Meeting - November 15, 2021
- (e) Approve - Council-in-Budget Committee Meeting No. 1 - November 17, 2021

### **2. Correspondence**

- (a) Proclamation - Women's Place of South Niagara Inc. - November 25, 2021 as International Day for the Elimination of Violence Against Women and Activism Against Gender-Based Violence (2021 Wrapped in Courage Campaign)

**That:** Council proclaims November 25, 2021 as "International Day for the Elimination of Violence Against Women" and "Activism Against Gender-Based Violence" and approves their flag be flown at Town Hall. **(Carried)**

- (b) Receive - SPCA Board of Directors Minutes - October 22, 2021; November 10, 2021
- (c) Receive - The Honourable Greg Rickford, Minister of Northern Development, Mines, Natural Resources and Forestry - Public Shoreline Access along the Great Lakes

- (d) Receive & Support - City of Niagara Falls - Request Federal Government to Remove COVID-19 Testing at Land Border Crossings to Fully Vaccinated Travellers (***Postponed from November 8, 2021 Special Council Meeting***)
- (e) Receive - CUPE - OMERS Investment Review

### **3. Board/Committee Minutes**

- (a) Receive - Accessibility Advisory Committee - October 26, 2021
- (b) Receive - Ridgeway Business Improvement Area Board of Management - October 6, 2021; October 15, 2021; November 3, 2021
- (c) Receive - Community Health Care Services Committee - September 21, 2021; October 26, 2021
- (d) Receive - Crystal Beach Business Improvement Area Board of Management - October 5, 2021; November 2, 2021

### **4. Reports**

**CAO-25/  
LC-17-2021** Land Matters: November 4, 2021  
Land Committee Meeting Minutes

**That:** Council receives the November 4, 2021 Land Committee meeting minutes attached as Appendix "1" to Report No. CAO-25/LC-17-2021, and further

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

**PDS-101-2021** Sale of Limited Marketability Land: Lands North of Royal York Road - Block A, Part of Spartan Terrace, and Part of Princeton Avenue, Plan

447, Bertie; Fort Erie (Steven Stenson; Brett and Gloria Jaros)

**That:** Council authorizes and approves the sale of Part of Block A, Plan 447, Bertie; Fort Erie, being part of PIN 64448-0067 (LT); Part of Spartan Terrace, Plan 447, Bertie; Fort Erie, being part of PIN 6448-0141 (LT); and Part of Princess Drive, Plan 447, Bertie, North of Royal York Road, Princeton Avenue (Formerly Princess Drive); Fort Erie, being part of PIN 64448-0143 (LT), shown as Part 2 on the Disposal Plan, as Limited Marketability Land, for the amount of \$64,697.00 plus HST, to Steven Stenson, subject to the lands being required to legally merge with the purchaser's abutting lands shown as Part 1 on the Disposal Plan, and further

**That:** Council authorizes and approves the sale of Part of Block A, Plan 447, Bertie; Fort Erie, being part of PIN 64448-0067 (LT); and Part of Spartan Terrace, Plan 447, Bertie; Fort Erie, being part of PIN 6448-0141 (LT), shown as Part 4 on the Disposal Plan, as Limited Marketability Land, for the amount of \$41,964.80 plus HST, to Gloria Jaros, subject to the lands shown as Part 3 on the Disposal Plan legally merging in title and further subject to these lands legally merging with the Town lands shown as Part 4 on the Disposal Plan, and further

**That:** Council retains Part 6 on the Disposal Plan in Town ownership, and further

**That:** Council directs that a Reference Plan be obtained at the expense of the purchasers, and further

**That:** Council directs that by-laws be submitted to Council to stop up, close and convey part of the Spartan Terrace road allowance, and part of the Princeton Avenue road allowance, and further

**That:** Council directs that by-laws be submitted to Council to authorize the entry into Agreements of Purchase and Sale with Steven Stenson and with Gloria Jaros for the lands shown as Part 2 and Part 4, respectively, on the Disposal Plan.

**(Carried)**

*Council recessed at 8:21 p.m. until 8:30 p.m.*

## **5. Other Matters**

### **Consent Agenda Resolution**

Resolution No. 1

Moved by: Councillor Noyes

Seconded by: Councillor McDermott

**That:** Council approves the Consent Agenda Items as recommended, save and except Item Nos. 9.2 2.(b), 9.2 2.(d), and 9.2 4 Report No. CAO-25/LC-17-2021.

**(Carried)**

## **9.3 Items Removed to be Dealt with Separately**

Resolution No. 1A

Moved by: Councillor Noyes

Seconded by: Councillor McDermott

Item No. 9.2 2(b)

Receive - SPCA Board of Directors Minutes - October 22, 2021;  
November 10, 2021

**(Carried)**

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Resolution No. 1B

Moved by: Councillor Noyes

Seconded by: Councillor Lubberts

Item No. 9.2 2 (d)

Receive & Support - City of Niagara Falls - Request Federal Government to Remove COVID-19 Testing at Land Border Crossings to Fully Vaccinated Travellers

Resolution No. 1C

Moved by: Councillor Dubanow

Seconded by: Councillor Noyes

**That:** Consent Agenda Item 9.2 2(d) be postponed to the December 13, 2021 Regular Council Meeting. **(Carried)**

Resolution No. 1D

Moved by: Councillor Noyes

Seconded by: Councillor McDermott

Item No. 9.2 4 Land Matters: November 4, 2021 Land

**CAO-25/** Committee Meeting Minutes

**LC-17-2021**

**That:** Council receives the November 4, 2021 Land Committee meeting minutes attached as Appendix "1" to Report No. CAO-25/LC-17-2021, and further

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

Resolution No. 1E

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

**That:** With respect to the second Recommendation, it be amended to provide that Council approves the recommendations contained in Appendix "2", with the exception of Recommendation No. 4 regarding "Church on the Beach", and directs staff to engage "Church on the Beach" regarding Sunday services for 2022, with respect to the issues raised by members of Council. **(Carried)**

**Following approval of the amendment, Resolution No. 1D was voted on as amended, as follows:**

**That:** Council receives the November 4, 2021 Land Committee meeting minutes attached as Appendix “1” to Report No. CAO-25/LC-17-2021, and further

**That:** Council approves the recommendations contained in Appendix “2”, with the exception of Recommendation No. 4 regarding “Church on the Beach”, and directs staff to engage “Church on the Beach” regarding Sunday services for 2022, with respect to the issues raised by members of Council. **(Carried)**

**10. Reports**

**PDS-100-2021** Crystal Beach Hill Cottagers Parking Lot Lease Agreement

Resolution: No. 2

Moved by: Councillor Lubberts

Seconded by: Councillor Noyes

**That:** Council authorizes and approves the entry into a Lease and Municipal Capital Facility Agreement with the Crystal Beach Hill Cottagers Organization for the parking lot lands located at 0-15652 and 0-15651 Erie Road, based on the recommendations of this report, and further

**That:** Council exempts from municipal and school taxes the portion of the land leased from the Crystal Beach Hill Cottagers Organization that will be used as a municipal capital facility for the purposes of the municipality and for public use pursuant to s.100(6) of the *Municipal Act, 2001*, and further

**That:** Council directs the Town Solicitor to prepare a Lease and Municipal Capital Facility Agreement, for the lease of the Crystal Beach Hill Cottagers Organization lands, and further

**That:** Council directs staff to prepare and submit by-laws to Council, as required to authorize same.

**(Carried)**



## 11. New Business/Enquiries

- (a) Joint Board of Management, Niagara Region Courts - Appointment of Staff Representative - January 1, 2022 - December 31, 2022

Resolution No. 3

Moved by: Councillor McDermott

Seconded by: Councillor Noyes

**That:** Council appoints John Bridgeman, Municipal Law Enforcement Officer, as the Staff Representative to sit on the Joint Board of Management, Niagara Region Courts for the period January 1, 2022 - December 31, 2022. **(Carried)**

- (b) Notice of Resignation - Mayor's Youth Advisory Committee - Craig Amadio, Trinity Bernier, Megan Dale, Skyler Harrison, Jackson Louws, Faith McKenzie Foster Phibbs, Owen Riel, Rory-Ann Smith, Emily Thomas, Stacey Weeks and Abigail Reed

Resolution No. 4

Moved by: Councillor Butler

Seconded by: Councillor Zanko

**That:** Council accepts the resignations of Craig Amadio, Trinity Bernier, Megan Dale, Skyler Harrison, Jackson Louws, Faith McKenzie Foster Phibbs, Owen Riel, Rory-Ann Smith, Emily Thomas, Stacey Weeks and Abigail Reed from the Mayor's Youth Advisory Committee, and further

**That:** Council directs staff to proceed with filling the vacancies in accordance with the Procedural By-law. **(Carried)**

- (c) Appointments - Mayor's Youth Advisory Committee - Sydney Victoria Steele, Mackenzie M. Arts and Paige Gismondi

Resolution No. 5

Moved by: Councillor Dubanow

Seconded by: Councillor McDermott

**That:** Council appoints Sydney Victoria Steele, Mackenzie M. Arts and Paige Gismondi to the Mayor's Youth Advisory Committee for the period ending November 14, 2022. **(Carried)**

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- (d) Appointment - Accessibility Advisory Committee - Ashley Marie Greaves

Resolution No. 6

Moved by: Councillor Noyes

Seconded by: Councillor McDermott

**That:** Council appoints Ashley Marie Greaves to the Accessibility Advisory Committee for the period ending November 14, 2022.

**(Carried)**

- (e) Appointment - Community Health Care Services Committee - Carol Nagy, Hospice Niagara Representative

Resolution No. 7

Moved by: Councillor McDermott

Seconded by: Councillor Noyes

**That:** Council appoints Carol Nagy, Hospice Niagara Representative, to the Community Health Care Services Committee for the period ending November 14, 2022.

**(Carried)**

- (f) Appointment - Affordable Housing Committee

Resolution No. 8

Moved by: Councillor Butler

Seconded by: Councillor Zanko

**That:** Council appoints William Thomas to the Affordable Housing Committee (At Large Member), for the period ending November 14, 2022.

**(Carried)**

- (g) Appointment - Ridgeway Business Improvement Area Board of Management

Resolution No. 9

Moved by: Councillor Butler

Seconded by: Councillor Zanko

**That:** Council appoints Christine Trombley to the Ridgeway Business Improvement Area Board of Management for the period ending November 14, 2022.

**(Carried)**

- (h) Notice of Resignation - Crystal Beach Business Improvement Area Board of Management - Rick Boivin

Resolution No. 10  
Moved by: Councillor Zanko  
Seconded by: Councillor Butler

**That:** Council accepts the resignation of Rick Boivin from the Crystal Beach Business Improvement Area Board of Management, and further

**That:** Council directs staff to proceed with filling the vacancy in accordance with the Procedural By-law. **(Carried)**

- (i) Appointment - Crystal Beach Business Improvement Area Board of Management - David Bergeron

Resolution No. 11  
Moved by: Councillor McDermott  
Seconded by: Councillor Noyes

**That:** Council appoints David Bergeron to the Crystal Beach Business Improvement Area Board of Management for the period ending November 14, 2022. **(Carried)**

- (j) Appointment - Mayor Redekop - Crystal Beach Business Improvement Area Board of Management

Resolution No. 12  
Moved by: Councillor Dubanow  
Seconded by: Councillor McDermott

**That:** Council appoints Mayor Redekop as the Council representative to the Crystal Beach Business Improvement Area Board of Management for the period ending November 14, 2022. **(Carried)**

- (k) Councillor Lubberts

Councillor Lubberts referred to the delegation made by Marcie Jacklin and Liz Benneian regarding the Municipal Natural Assets Initiative. He requested staff to look into the matter and have a discussion with the Region as to where they are doing, and if any other local municipalities might be interested. Perhaps the municipalities can do something jointly and have assessments done in the Region.

Mayor Redekop advised that Mr. Kuchyt advised that he would speak to the Region and find out from his colleagues if any other of the area municipalities are engaged in the Initiative, as well as the NPCA.

**A Response to Enquiry will be provided at a future meeting.**

- (l) Councillor Dubanow

Councillor Dubanow extended his appreciation to the Bridgeburg Business Improvement Area for the Santa Claus Parade they organized on Saturday, it was well organized with many in attendance.

## 12. Motions

- (a) Councillor Dubanow

Re: COVID-19 Testing - Land Border Crossings (***Postponed from November 8, 2021 Special Council Meeting - Moved as Resolution No. 2A***)

**Whereas** the Canada-United States border along the Niagara Frontier forms an integrated binational community bound by families, friends and economic growth and prosperity that was detrimentally impacted by its unprecedented closure during the COVID-19 pandemic, and

**Whereas** the United States has announced that they will open their land border with Canada to non-essential discretionary traffic on November 8th 2021, after Canada opened theirs on August 9th 2021, and

**Whereas** the United States will require travelers over eighteen years of age to be fully vaccinated from COVID-19 with no pre-arrival testing, and

**Whereas** entry to Canada from the United States at the land border currently requires proof of a negative COVID-19 molecular test (including, but not necessarily limited to, a PCR test) within 72 hours of the date of entry in addition to vaccination for all individuals aged twelve and older, regardless of whether that test was obtained in Canada or the United States, and

**Whereas** access and costs of molecular testing (including PCR) is a significant barrier to the flow of individuals across the Canada-United States border, preventing economic recovery and family unification, and

**Whereas** there remain businesses in Fort Erie that rely on cross-border visitors from the United States that are still closed due to this testing barrier, despite otherwise being permitted to operate at full pre-pandemic capacity under provincial public health regulations with proof of vaccination alone and no further testing requirements, and

**Whereas** with COVID-19 vaccination offering protection to residents in both countries and being readily available, it is desirable to proceed with normalizing the movement of people and goods across the Canada-US land border;

**Now therefore be it resolved,**

**That:** The Municipal Council of the Town of Fort Erie requests that the Canadian Federal Government discontinue the requirement for pre-arrival molecular testing at land ports of entry along the Canada-US border, and further

**That:** The Municipal Council of the Town of Fort Erie continues to extend their appreciation to all officials in both Canada and the United States who were involved in the efforts to reunify our binational community; and further,

**That:** This resolution be circulated to The Right Honourable Justin Trudeau, Prime Minister of Canada, The Honourable Marco Mendicino, Minister of Public Safety, The Honourable Jean-Yves Duclos, Minister of Health (Canada), Tony Baldinelli, Member of Parliament for Niagara Falls, all Members of Parliament representing constituencies located along the Canada-US border, and all Canadian municipalities located along the Canada-US border. **(Withdrawn)**

(b) Councillor Butler

Re: Staff to Investigate and Make Recommendations for a Bird Friendly Municipality

Resolution No. 13  
Moved by: Councillor Butler  
Seconded by: Councillor Zanko

**Whereas** a presentation made to Council regarding a Bird Friendly City Initiative by Lynda Goodridge and Deb Sherk - members of the Bert Miller Nature Club, on October 25, 2021, requested the Municipality of the Town of Fort Erie to consider initiatives that would enhance the Initiative;

**Now therefore be it resolved;**

**That:** The Municipal Council of the Town of Fort Erie directs staff to provide a memorandum offering suggestions on how staff can investigate and provide recommendations on becoming a Bird Friendly Municipality. **(Carried)**

(c) Councillor Noyes

Re: Amendment to Parks and Beaches By-law No. 119-03 and Animal By-law No. 73-2021 to Allow Dogs in A.C. Douglas Park 2

Resolution No. 14

Moved by: Councillor Noyes

Seconded by: Councillor McDermott

**Whereas** the current Parks & Beaches By-law states the following:

Section 6:

No person shall:

(a) permit a dog to be in any park within the Town, except for the following parks:

Lions Sugarbowl

Battle of Ridgeway Park

The Friendship Trail

(b) permit a dog to be in any public park as described in Section 6(a) except on a leash measuring no more than 182 cm. (6 feet) and only on the grassy areas of said parks;

(c) permit or allow a dog to defecate upon park property described in Section 6(a) unless the owner or person in charge of the dog cleans up the excrement and sanitarily disposes of same forthwith, and

**Whereas** the current Dog By-law states the following:

Part III, Section 8 (7):

No person shall permit a dog to be on or in any cemetery, public beach, or park within the Town, except for the following parks: Lions

Sugarbowl Park, Battle of Ridgeway Park, and The Friendship Trail,  
and

**Whereas** the residents have requested permission to walk their dogs pursuant to the conditions set out in By-law No. 119-03, as amended, and have submitted a petition with approximately 100 names in support of this indicating strong public support that A.C. Douglas Park 2 is a passive park, there are no play structures or any playing fields, and there is a paved path that goes throughout the park;

**Now therefore be it resolved,**

**That:** By-law Nos.119-03 and 73-2021, as amended, be further amended to add A.C. Douglas Park 2 to the list of permitted parks that allow dogs on leashes. **(Carried)**

### **13. Notice of Motion**

(a) Councillor Dubanow

Councillor Dubanow gave notice of motion regarding the required molecular testing to enter Canada.

**(Returnable December 13, 2021)**

### **14. Consideration of By-laws**

*Mayor Redekop requested that By-law Nos. 143-2021 and 144-2021 be removed from the By-law package.*

*By-law No. 146-2021 was removed from the By-law package due to Councillor Zanko's declared pecuniary interest.*

Resolution No. 15

Moved by: Councillor Lubberts

Seconded by: Councillor McDermott

**That:** the by-law package containing:

140 -2021 To Accept and Declare a Daylighting Triangle as Public Highway at the Southwest Intersection of Cook Avenue and Poplar Avenue (129 Cook Avenue) 1314420 Ontario Ltd. (B. Cosby)

141-2021 To Assume Primary Services in the Dominion Woods Subdivision – Phase 1 (Plan 59M-375) (Dominion Woods Inc. – Mark Basciano)

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142-2021 To Assume Secondary Services in the Dominion Woods Subdivision – Phase 1 (Plan 59M-375) (Dominion Woods Inc. – Mark Basciano)

145-2021 To Exempt Certain Lots in Plan 59M452 from Part Lot Control, Block 2 (Alderson Court) Parklane Place Subdivision Park Lane Home Builders Limited

is given first and second reading. **(Carried)**

Resolution No. 16  
Moved by: Councillor Zanko  
Seconded by: Councillor Butler

**That:** By-laws:  
140-2021  
141-2021  
142-2021  
145-2021

are given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

Resolution No. 16A  
Moved by: Councillor Lubberts  
Seconded by: Councillor McDermott

**That:** By-law No. 143-2021 To Enact an Amendment to the Official Plan Adopted by By-law No. 150-06 for The Town of Fort Erie Planning Area Amendment No. 56 Crystal Beach Secondary Plan is given first and second reading.

Resolution No. 16B  
Moved by: Mayor Redekop

**That:** The hour of adjournment be extended to 10:45 p.m. **(Carried)**

*Mayor Redekop declared a point of order that Councillor Lubberts was discussing a development matter which is not before Council. Councillor Lubberts agreed to move on to the matter under discussion.*



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Resolution No. 16C  
Moved by: Councillor Noyes  
Seconded by: Mayor Redekop

**That:** The density in Section 4.22.9.9 (b) be changed from “50 to 100 units per hectare” to “25 to 50 units per hectare”. **(Carried)**

**Following approval of the amendment, Resolution No. 16A, as amended, was voted on as follows:**

**That:** By-law No. 143-2021 To Enact an Amendment to the Official Plan Adopted by By-law No. 150-06 for The Town of Fort Erie Planning Area Amendment No. 56 Crystal Beach Secondary Plan, as amended, is given first and second reading.

*Councillor Lubberts requested a recorded vote, the results of which are as follows:*

<u>Yes</u>	<u>No</u>
Councillor McDermott	Councillor Lubberts
Councillor Zanko	
Councillor Butler	
Councillor Dubanow	
Councillor Noyes	
Mayor Redekop	<b>(Carried)</b>

*Councillor Zanko returned the Chair to Mayor Redekop.*

Resolution No. 16D  
Moved by: Councillor Lubberts  
Seconded by: Councillor McDermott

**That:** By-law No. 144-2021 To Amend Zoning By-law No. 129-90 to Implement Official Plan Amendment No. 56, being the Crystal Beach Secondary Plan is given first and second reading.

Resolution No. 16E  
Moved by: Councillor Noyes  
Seconded by: Councillor McDermott

**That:** Under “RM1-684 (144-2021) 0-15850 Rebstock Road (east of Crystal Ridge Park)”, the Minimum site density for all combined unit types in subsection (b) be changed from “50 un/ha” to “25 un/ha”, and the Maximum site density for all combined unit types in subsection (c) be changed from “100 un/ha” to “50 un/ha”. **(Carried)**

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Resolution No. 16F

Moved by: Councillor Zanko

Seconded by: Councillor Butler

**That:** By-law No. 143-2021, as amended, is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

Resolution No. 16G

Moved by: Councillor Zanko

Seconded by: Councillor Butler

**That:** By-law No. 144-2021, as amended, is given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

**(Carried)**

Resolution No. 16H

Moved by: Councillor Lubberts

Seconded by: Councillor McDermott

**That:** By-law No. 146-2021 To Amend Zoning By-law No. 129-90, as amended 3399 North Shore Drive Upper Canada Consultants Planning & Engineering Ltd. (Matt Kernahan) - Agent Sider Bros. Builders Ltd. (Shawn Sider) / Paul Philip & Susana Philip – Owners is given first and second reading. **(Carried)**

Resolution No. 16I

Moved by: Councillor McDermott

Seconded by: Councillor Butler

**That:** By-law No. 146-2021 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

*Councillor Lubberts requested a recorded vote, the results of which are as follows:*

Yes

Councillor McDermott

Councillor Butler

Councillor Dubanow

Councillor Noyes

Mayor Redekop

No

Councillor Lubberts

**(Carried)**

Resolution No. 16J

Moved by: Councillor Dubanow

Seconded by: Noyes

**That:** Council determines that in accordance with Section 34(17) of the *Planning Act*, further notice is not required as a result of the changes made to the proposed by-law. **(Carried)**

Resolution No. 17

Moved by: Councillor Lubberts

Seconded by: Councillor McDermott

**That:** By-law No.147-2021: To Confirm Actions of Council at its Council-in-Committee Meetings held on November 8, 2021 and November 15, 2021, Council-in-Budget Committee Meeting No. 1 Held on November 17, 2021, and its Special and Council Meetings Held on November 22, 2021 is given the first and second reading. **(Carried)**

Resolution No. 18

Moved by: Councillor Zanko

Seconded by: Councillor Butler

**That:** By-law No. 147-2021 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

## 15. Scheduling of Meetings

- Community Health Care Services Committee Meeting, Tuesday, November 23, 2021, 5:00 p.m., Conference Rm. No. 1
- Infrastructure Meeting, Wednesday November 24, 2021, 3:00 p.m., Conference Rm. No. 3
- Planning and Development Services Meeting, Wednesday December 1, 2021, 5:00 p.m., Conference Rm. No. 2

## 16. Adjournment

Resolution No. 19

Moved by: Councillor Dubanow

Seconded by: Councillor McDermott

**That:** Council adjourns at 10:43 p.m. to reconvene into a Regular Meeting of Council on December 13, 2021. **(Carried)**

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Mayor

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Clerk