



The Municipal Corporation of the
Town of Fort Erie

Council-in-Committee Meeting Minutes

Monday, May 17, 2021

Council Chambers via Video Teleconference

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

All electronic meetings can be viewed at:

Town's Website:

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

Town's YouTube Channel: www.youtube.com/townofforterie

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

1. Call to Order

Mayor Redekop called the meeting to order at 6:12 p.m.

Mayor Redekop acknowledged the land on which we gather is the traditional territory of the Haudenosaunee, Mississaugas of the New Credit, and Anishinaabe people, many of whom continue to reside in this area.

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): A. Butler, K. Dolch, J. Janzen, T. Kuchyt, E. Melanson, C. Schofield, D. Vander Veen, 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:

International Day Against Homophobia, Transphobia and Biphobia

On May 17, 1990, the World Health Organization decided to declassify homosexuality as a mental disorder. This is particularly important in relation to our goals and initiatives in Fort Erie, Niagara, and Canada which is to encourage everyone to participate in our society, no matter what their differences might be. As we move forward, let's continue to make Fort Erie a welcoming and caring community. I am very proud and pleased by the work that has been accomplished by this council and in this community over the past couple of years.

COVID-19 and Vaccination Update

As we all know, there are increasing opportunities to get vaccinations including those 18+ being eligible starting tomorrow. There are large supplies of vaccines coming into the country and this is surely the key to returning to a new normal as soon as possible. There have been some recent announcements on how long the current lock-down will last and the Minister of Health has stated that the earlier easing of restrictions would be welcome as long as health and safety are maintained as the primary objective.

Case numbers are slowly declining and remain low in Fort Erie which I believe is attributed to our council and the residents of Fort Erie trying to abide the best they can by the rules. I encourage everyone to continue to follow the rules. We will be considering the reopening of our facilities during our weekly emergency operations meetings. We are anticipating hearing from the Province on Thursday regarding the possible reopening of outdoor activities which would be permitted under the current state of the pandemic. We just want to assure the community that we are reviewing options to ensure everyone is safe while at the same time ensuring people can enjoy the outdoors.

4. Declarations of Pecuniary Interest

(a) Councillor Dubanow

Councillor Dubanow declared a pecuniary interest regarding Item 8.1 Presentation and Delegation (a) Robert Laidlaw, Executive Director, Zoocheck Inc. Re: Proposed Amendment to the Exotic Animal By-law (Report No. PDS-17-2021), 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 the matter.

(b) Councillor Dubanow

Councillor Dubanow declared a pecuniary interest regarding Item 8.2 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.

(c) Mayor Redekop

Mayor Redekop declared a pecuniary interest regarding Item 8.1 Presentation and Delegation (a) Robert Laidlaw, Executive Director, Zoocheck Inc. Re: Proposed Amendment to the Exotic Animal By-law (Report No. PDS-17-2021), as he represents the owner of Safari Niagara which is referenced for exemption in Schedule "B" of the draft Animal Welfare By-law. He abstained from discussing the matter.

(d) Mayor Redekop

Mayor Redekop declared a pecuniary interest regarding Item 8.2 Report No. PDS-17-2021 Animal Welfare, Protection, and Control By-law Recommendation Report, as he represents the owner of Safari Niagara which is referenced for exemption in Schedule "B" of the Animal Welfare Report (PDS-17-2021) and draft By-law. He abstained from discussing and voting on the matter.

5. Notice of Upcoming Public Meetings

(a) Public Open House

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

To participate via audio/video, web or telephone, send an email to Mackenzie Ceci, Planning Technician at mceci@forterie.ca or 905-871-1600 ext. 2514 for information on joining the zoom meeting.

6. 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). An Official Plan Amendment is required as the proposed lot does not meet the infill policy to sever a lot in the Rural Area. The applicant is proposing to rezone from Rural (RU) Zone to a site-specific Rural (RU) zone that contains provisions to permit the proposed lot areas of 0.68 ha and 1.77 ha and lot frontage of 54.79 m for one of the lots. *(Presentation by Daryl Vander Veen, Junior Planner)*

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of the Public Meeting.

Mayor Redekop also provided information on electronic participation for members of the public who wished to provide input relative to the Application.

Mr. Vander Veen, Junior Planner, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Mr. Vander Veen confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Mayor Redekop requested that staff bring the Applicant and/or Agent in to participate in the meeting.

Mr. Perry, Agent, was present to speak on behalf of the Application.

Mr. Perry advised that the only person who spoke at the public open house was a person who wanted to buy a lot and that staff responded to an email from another resident and did not receive any further follow-up; public interest in this application is low. Mr. Perry further advised that any comments or concern received by the Niagara Region and the NPCA have been addressed through an amended buffer strip along drain and an updated EIS. Mr. Perry advised that they will continue to work with the Region and the NPCA to achieve their satisfaction.

Mayor Redekop enquired whether the Clerk received any comments subsequent to the posting of the Report, to be read into the Minutes. The Clerk advised that she did not.

Mayor Redekop enquired whether there were any members of

the public in the waiting room who wish to speak in favour of the Application.

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to speak in favour, in opposition or had any questions regarding the Application.

No members of the public came forward.

Mayor Redekop declared the Public Meeting closed.

7. Consent Agenda Items

7.1 Request to Remove Consent Agenda Items

None.

7.2 Consent Agenda Items for Approval

IS-22-2021 Award of Tender for the 2021 Sidewalk Repair Program - Contract No. ISE-21T-SIDE21 to Neptune Security Inc.

That: Council accepts and approves the tender submission from Neptune Security Services Inc. for the completion of the 2021 Sidewalk Repair Program, Contract No. ISE-21T-SIDE21 in the amount of \$238,006.25 (including 13% HST); and further

That: Council amends the 2021 Capital Budget to supplement the 2021 Sidewalk Repair Program – Contract No. ISE-21T-SIDE21 by \$40,000.00 with funding from the Road Refurbishing Reserve. **(Carried)**

CAO-11/LC-06-2021 Land Matters: May 6, 2021 Land Committee Meeting Minutes

Recommendation:

That: Council receives the May 6, 2021 Land Committee meeting minutes attached as Appendix “1” to Report No. CAO-11/LC-06-2021, and further

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

CAO-12-2021 Age Friendly Initiative

That: Council receives Administrative Report No. CAO-12-2021 for information purposes. **(Carried)**

CS-05-2021 Adjustments, Rebates, Under Section 357 and 358 for 2018, 2019 and 2020

That: Council approves the cancellation, reduction or refund of taxes and penalties in the amount of \$18,395.44 as per Appendix "1" to Report No. CS-05-2021 in accordance with Section 357 and 358 of the Municipal Act, 2001 and directs staff to submit a By-law to Council. **(Carried)**

Consent Agenda Recommendation

Recommendation No. 1
Moved by: Councillor Butler

That: Council approves the Consent Agenda Items as recommended. **(Carried)**

7.3 Items Removed to be Dealt with Separately

None.

8. Planning and Development Services

Chaired by Councillor Dubanow

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

8.1 Presentations and Delegations

(a) Robert Laidlaw, Executive Director, Zoocheck Inc.

Re: Proposed Amendment to the Exotic Animal By-law (Report No. PDS-17-2021)

Mr. Laidlaw provided the following comments during her presentation:

- Schedule "A" Animal Species Classifications List should be corrected so as not to classify Rhinos and Hippos under the same class as Elephants

- Exceptions in Schedule “B” should be listed by address rather than just a use

8.2 Reports

Councillor Zanko returned the Chair to Councillor Dubanow

PDS-38-2021 Proposed Combined Official Plan & Zoning By-law Amendment - 0-5513 Dominion Road - Essential Capital Inc. (Frank Ianniello) - Owner - Planning Services Inc. (John Perry) - Agent

Recommendation No. 2
Moved by: Councillor Zanko

That: Council receives for information purposes Report No. PDS-38-2021 regarding a proposed Combined Official Plan and Zoning By-law Amendment for 0-5513 Dominion Road.

(Carried)

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.

Ms. Jennifer Friedman was present as legal counsel to respond to questions from Council.

Explanatory Notes:

The Report was postponed from the February 22, 2021, Regular Council Meeting and the March 22, 2021, Regular Council Meeting and further postponed from the May 10, 2021, Council-in-Committee 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.

Councillor Butler called a point of order that Councillor Lubberts was involving the SPCA Contract with respect to this by-law, and she would like Council to move on. The Chair ruled that Council was not discussing the Contract at this time and Councillor Lubberts was out of order.

Recommendation No. 3
Moved by: Councillor Lubberts

That: Subsection 5 (18) be amended to permit the transfer of cat and dog licences. **(Carried)**

Recommendation No. 4
Moved by: Councillor Butler

That: The word “(elaborate)” be removed at the end of the definition for “Poundkeeper” in Section 3 Definitions (aaa). **(Carried)**

Recommendation No. 5
Moved by: Councillor Butler

That: Subsection 15 (1) (d) prohibiting invisible fencing be removed. **(Carried)**

Recommendation No. 6
Moved by: Councillor Noyes

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That: The words “and only on the grassy areas of said parks” be removed from Subsection 9 (3). **(Carried)**

Recommendation No. 7
Moved by: Councillor Noyes

That: Report No. PDS-17-2021 be further postponed to the Council-in-Committee meeting of September 13, 2021 to permit circulation and comment from three (3) local veterinarians and public input through the Town’s web site. **(Lost)**

Recommendation No. 8
Moved by: Councillor Lubberts

That: Any references to “Poundkeeper and “Licence Agent” be referenced throughout the by-law by way of using the language “and/or” where they appear in the by-law.

Councillor Butler moved a friendly amendment to change “and/or” to “or”, which was accepted by the mover.

Following acceptance of the friendly amendment, the amendment was voted on as follows:

That: Any references to “Poundkeeper and “Licence Agent” be referenced throughout the by-law by using the language “Poundkeeper or Licence Agent”. **(Carried)**

Recommendation No. 9
Moved by: Councillor Lubberts

That: Subsection 8 (6) (b) (iv) be amended to provide that for non-agricultural lands there be a three (3) dog maximum, by removing the words “and up to three (3) rescue foster dogs on non-agricultural property”. **(Carried)**

Recommendation No. 10
Moved by: Councillor Butler

That: Subsection 8 (b), 8 (b) (iii) be amended to change “agricultural” to “agricultural and/or rural” and change “five (5) acres” to “two (2) acres”.

Councillor Butler moved a friendly amendment to change “two (2) acres” to “three (3) acres”.

Recommendation No. 10, as amended by the mover's friendly amendment:

That: Subsection 8 (b), 8 (b) (iii) be amended to change "agricultural" to "agricultural and/or rural" and change "five (5) acres" to "three (3) acres". **(Withdrawn)**

Recommendation No. 11
Moved by: Councillor Noyes

That: Section 5 be amended to provide that there is no requirement to licence a cat annually. **(Carried)**

Report No. PDS-17-2021, as amended, was voted on as follows:

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, and the following additional amendments:

- (a) Subsection 5 (18) to permit the transfer of cat and dog licences;
- (b) The word "(elaborate)" removed at the end of the definition for "Poundkeeper" in Section 3 Definitions (aaa);
- (c) Subsection 15 (1) (d) prohibiting invisible fencing removed;
- (d) The words "and only on the grassy areas of said parks" removed from Subsection 9 (3);
- (e) Any references to "Poundkeeper and "Licence Agent" shall be referenced throughout the by-law by using the language "Poundkeeper or Licence Agent";
- (f) Subsection 8 (6) (b) (iv) to provide that for non-agricultural lands there be a three (3) dog maximum, by removing the words "and up to three (3) rescue foster dogs on non-agricultural property"; and
- (g) Section 5 to provide that there is no requirement to licence a cat annually. **(Carried)**

Councillor Zanko returned the Chair to Councillor Dubanow.

Council recessed for 5 minutes at 9:43 p.m.

PDS-39-2021 477 Ridge Road North - Update No. 2

Recommendation No. 11
Moved by: Mayor Redekop

That: Council receives for information purposes Report No. PDS-39-2021 regarding 477 Ridge Road North.

Recommendation No. 12

That: The following recommendation be added: “That: Council directs that the AMPS fines that have been held in abeyance since January 11, 2021, be instated.” **(Carried)**

Following approval of the amendment, Recommendation No. 12, as amended, was voted on as follows:

That: Council receives for information purposes Report No. PDS-39-2021 regarding 477 Ridge Road North, and further

That: Council directs that the AMPS fines that have been held in abeyance since January 11, 2021, be instated. **(Carried)**

8.3 New Business/Enquiries

None.

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

(Postponed from May 10, 2021, Council-in-Committee Meeting - Previously Moved by Councillor Zanko as Recommendation No. 9)

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. 13
Moved by: Mayor Redekop

That: The following part of the recommendation be **postponed** to the Council-in-Committee of June 14, 2021, in order for staff to report back concerning a Traffic Management Plan:

“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;” **(Carried)**

Following approval of Recommendation No. 13 to postpone the above recommendation, Recommendation No. 9 moved on May 10, 2021, save and except the postponed portion,

was voted on as follows:

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 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. **(Carried)**

Recommendation No. 14
Moved by: Mayor Redekop

That: The hour of adjournment be extended to 10:30 p.m.
(Carried)

IS-21-2021 Fort Erie Public Transit Services - Award of Proposal for the Provision, Maintenance and Operation of On-Demand/Micro Transit

Recommendation No. 15
Moved by: Councillor Dubanow

That: Council accepts and approves the proposal from 1699225 Ontario Inc. o/a Regional Limousine for the Provision, Operation and Maintenance of the Fort Erie On-Demand Public Transit System, Request for Proposal No. ISE-21P-TRANSIT in the amount of \$3,152,608.47 (including 13% HST) for a three (3) year term (October 1, 2021 to September 30, 2024), and further

That: Council directs staff to terminate the current contract with Tokmakjian Inc. in accordance with the terms of the contract to

coincide with the start of the new contract with the successful proponent. **(Carried)**

IS-23-2021 Year-Round Load Restrictions on Low Class Bituminous Town Roadways

Recommendation No. 16
Moved by: Councillor Zanko

That: Council directs staff to apply year-round load restrictions of five tonnes per axle on all Town Low Class Bituminous (LCB) roadways, and further

That: Council directs that Traffic By-Law No. 2000-89, Schedule 'X', be amended accordingly, and further

That: Council directs Highway Occupancy Policy By-law No. 120-2015 be amended to include load exemptions as identified in Report No. IS-23-2021. **(Carried)**

9.3 New Business/Enquiries

(a) Response to Enquiry

Re: Enquiry by Councillor Butler at the April 12, 2021 Council-in-Committee Meeting regarding the MacDonald Drive street lighting billing.

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

(b) Response to Enquiry

Re: Enquiry by Councillor McDermott and Councillor Lubberts at the April 12, 2021 Council-in-Committee Meeting regarding the street lighting replacement contract.

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

(c) Councillor Noyes

Councillor Noyes enquired about the status of boat ramps during the Stay-at-Home Order, especially in relation to the several ramps which are open, for

example the Niagara Parks Commission which is charging \$10. Councillor Noyes stated that, for clarification, we wish we could be open but we cannot. Councillor Noyes further enquired about who will be able to access boat ramps when they are able to open.

Mr. Kuchyt advised that the provincial regulations require that boat ramps are to be closed, with exceptions. He advised that exceptions include repairing a boat, access to a cottage/lodging that does not have road access, or launch the boat to be kept in a marina and not used for pleasure purposes. Mr. Kuchyt further advised that he does not believe that boat launches are being heavily policed. He stated that once the boat launches are open, they will be open to anyone and not just residents of Fort Erie.

Councillor Noyes stated that not everyone is adhering to those regulations, but Fort Erie is complying.

Mr. Kuchyt further advised that during the Stay-at-Home Order, people are advised to do passive things such as walking through parks, and to only go out for grocery shopping and doctors appointments.

(d) Councillor Butler

Councillor Butler thanked staff for their work on the completion of the Bernard Beach boardwalk over the weekend. Councillor Butler advised that she received a wide range of positive comments from residents on the completion including appreciation for the accessibility the boardwalk provides.

Councillor Butler enquired whether there will be a rollout mat from the boardwalk to the beach for further accessibility.

Mr. Walsh advised that staff will add the request for next years' budget as there is no availability this year, especially since they require a custom order.

(e) Mayor Redekop

Mayor Redekop enquired about the status of the proposed red light cameras, especially at the

intersection of Municipal Centre Drive and Highway 3.

Mr. Walsh advised that this topic was discussed at the bi-monthly Public Works Officials meeting approximately 4 months ago, and at that time; installation was approximately a year away.

Mayor Redekop stated that many people run that light and is hopeful that installation can take place before the fall when school returns to session. He further advised that he will raise the issue at the Region.

(f) Mayor Redekop

Mayor Redekop enquired about the status of the traffic study for traffic calming.

Mr. Walsh advised that the Town has retained a consultant and should have a report ready for September/October.

(g) Councillor Lubberts

Councillor Lubberts enquired about the status of maintenance and repairs at Bay Beach, especially for the viewing deck.

Mr. Walsh advised that the project is currently at status quo as some of the repairs fall under the claim for damage from the storm with the Province, and that staff will be looking to get it done early.

Ms. Dolch advised that staff is looking into it and will start to plan for the work to be done.

Councillor Lubberts stated that repair of the viewing deck is particularly important for beach accessibility for seniors this summer.

Ms. Dolch will provide a Response to Enquiry at a future meeting.

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

None.

10.3 New Business/Enquiries

None.

10.4 Business Status Report

No changes.

11. Scheduling of Meetings

- Fort Erie Public Library Board, Tuesday, May 18, 2021 at 4:00 p.m. via Zoom Teleconference
- Stevensville Business Committee, Tuesday, May 18, 2021 at 4:00 p.m. via Zoom Teleconference

12. Adjournment

Recommendation No. 17

Moved by: Councillor Dubanow

That: Council-in-Committee hereby adjourns at 10:30 p.m.

(Carried)

Mayor

Clerk