



The Municipal Corporation of the
Town of Fort Erie

Special Council-in-Committee Meeting Minutes

Wednesday, May 11, 2022

**(Balance of Council-in-Committee Meeting Agenda Adjourned
from May 9, 2022 due to the lateness of the meeting)**

Council Chambers

Meetings are being held in-person and via Video Teleconference as may be permitted. All 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 "YourTV"

1. Call to Order

Mayor Redekop called the meeting to order at 6:01 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: His Worship Mayor Redekop and Councillors Butler, Dubanow, Lubberts, Noyes and Zanko

Absent: Councillor McDermott

Staff: K. Beauchamp, K. Davis, A. Herlovitch, C. McQueen, C. Schofield, and K. Walsh

4. Declarations of Pecuniary Interest

(a) Mayor Redekop

Mayor Redekop declared a pecuniary interest at the May 9, 2022 Council-in-Committee meeting with respect to Item 10.1 (a) delegation by Kim Helsdon and Brian Maskell, and under Item

10.2: Item 1) 5) Report No. CAO-28/LC-20-2021 Land Committee Minutes - December 2, 2021, and Item 3) 16) Report No. CAO-06/LC-09-2022, as he previously represented the parties in a legal capacity and has declared a pecuniary interest on this issue in the past. He abstained from discussing and voting on the matter.

8. Planning and Development Services

Chaired by Councillor Dubanow

8.2 Reports

PDS-28-2022 Proposed Combined Official Plan and Zoning By-law Amendment - 97 Gorham Road - Urban Environments - Greg Hynde (Agent) - Bomofive Inc. - Ross Boncore & Kam Mofid (Owners)

Recommendation No. 1
Moved by: Councillor Zanko

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

That: Council receives for information purposes Report No. PDS-28-2022 regarding a proposed Combined Official Plan and Zoning By-law Amendment for 97 Gorham Road. **(Carried)**

Councillor Zanko returned the Chair to Councillor Dubanow.

PDS-29-2022 Information Report - Proposed Zoning By-law Amendment - 3914 Alexandra Road - Upper Canada Consultants - Matt Kernahan & Ethan Laman (Agent) - Centurion Building Corporation - Nicholas Colaneri (Owners)

Recommendation No. 2
Moved by: Councillor Noyes

That: Council receives for information purposes Report No. PDS-29-2022 regarding a proposed Zoning By-law Amendment for 3914 Alexandra Road. **(Carried)**

8.3 New Business/Enquiries

None.

8.4 Business Status Report

No changes.

9. Infrastructure Services

Chaired by Councillor Noyes

9.1 Presentations and Delegations

None.

9.2 Reports

None.

9.3 New Business/Enquiries

(a) Councillor Butler

Councillor Butler advised that she received an updated email from Richard Bertran with respect to receiving an Information Report from the Niagara Regional Police regarding incidents that occur on Ridge Road in the downtown core. Councillor Noyes had responded to him to let him know that she's forwarded it on to the Traffic Committee. Councillor Butler asked Mr. Walsh if he sees the speed being reduced in the Ridgeway core as a direct result of this.

Mr. Walsh responded that he did not look at the email yet. Staff's preference is to defer any decisions on traffic calming requests Town wide until they can get the Traffic Calming Policy in place. It is listed on the Business Status Report for June 13, 2022, and with the addition of the future June 20, 2022 Meeting, the 4 Traffic Reports will come forward then. There are a number of hotspots that are on the target list and Ridge Road in this area is one of them.

(b) Councillor Butler

Councillor Butler advised that there have been a number of dump trucks and construction trucks that have been entering in and out of Nicholas Road, and have caused damage to the road so much so that residents are

concerned about damage to their vehicles. She enquired if someone could take a look at that.

Mr. Walsh responded that last year the Town passed a by-law regarding weight limits on all surface treated roads and that they can look into that.

(c) Councillor Zanko

Councillor Zanko advised that she had a request from a resident regarding a “Children at Play” sign and enquired about the cost of the sign.

Mr. Walsh responded that they do have a sign program in place called “Slow Down Think of Us” and the signs cost \$100 each, installed, including taxes.

Councillor Noyes enquired if there are requirements or criteria for where the signs should be placed.

Mr. Walsh advised that the “Children at Play” diamond is very specific as to where they go, essentially in playgrounds. The “Slow Down Think of Us” signs are non-regulatory in display and residents may request them. Until a number of years ago, when the regulations changed, they had innumerable “Children at Play” signs (yellow diamond), and have corrected that to meet the regulation. These signs would typically go in a subdivision or an area where there are many children at play and it's appropriate.

(d) Mayor Redekop

Mayor Redekop advised that a tree has fallen over Six Mile Creek, immediately South of Dominion Road and has been there for a while. He asked if somebody could take a look at it because it may be part of the process to prevent water from getting down Six Mile Creek to flood the neighbours in heavy rains, or it may be that beavers are starting to build a dam, but it looks like it is becoming more of a permanent structure.

Mr. Walsh responded that he can look into it and asked for clarification if it was south of Dominion on the lake side.

Mayor Redekop advised that it was, and it is 100 ft from the road.

9.4 Business Status Report

No Changes.

10. Corporate and Community Services

Chaired by Councillor Butler

10.1 Presentations and Delegations

Available for viewing on the Town's YouTube Channel:

www.youtube.com/townofforterie

**Presenters speaking notes retained in Clerk's office*

(b) * Darcy and Jennifer Michelic, 236 Lincoln Road West

Re: Request for Encroachment Agreement - Ulster Lane
(Report No. CAO-06/LC-09-2022)

- She requested Council to allow the neighbours to care for Ulster Lane as they have removed garbage, planted grass, seeds, and perennials.
- There is plenty of room in the laneway for both a 5 to 6 ft wide sidewalk and fence preserving natural features for plant and wildlife.
- Concerned that with the Town putting in a sidewalk on Ulster Lane, a road would follow causing pollution leading to health concerns.
- If unsuccessful with the Encroachment Agreement, they would request an extension to move the fence, and to secure funds.

(c) Matthew J. Holowatsch, Solicitor, Martin Sheppard Fraser, Amanda Harris and Shawn Slater, 329 Cambridge Road West

Re: Request for Encroachment Agreement - Ulster Lane
(Report No. CAO-06/LC-09-2022)

Mr. Holowatsch provided a PowerPoint Presentation. Materials previously circulated to Council for consideration are available on the website.

Ms. Harris provided the following comments:

- She did not know there was an encroachment on Ulster Lane.
- There is a beautiful community garden established there and is worried that if they disrupt the land it can have a negative impact on wildlife.
- With an encroachment agreement, it still would be possible to have a sidewalk of 5 ft wide, and could be 6 ft at the intersections of Ulster and Lincoln.
- If they lose this land they will have no place to park.
- They hope that the Town will either come to a compromise or give them more time to resolve this.

10.2 Reports

CAO-28/LC-20-2021 Land Matters: December 2, 2021 Land Committee Meeting Minutes (*Item, 1) 5) being Recommendation No. 2 in Appendix "2" (1799 Niagara River Parkway) Postponed from December 13, 2021 and February 28, 2022 Council Meetings - Postponed to the April 11, 2022 Council-in-Committee Meeting and deferred to May 9, 2022 Council-in-Committee Meeting and further to the May 11, 2022 Special Council-in-Committee Meeting - Previously Moved by Councillor Noyes and Seconded by Councillor Dubanow as Resolution No. 1D)*

That: Council approves Item 1) 5), being Recommendation No. 2 contained in Appendix "2" to Report No. CAO-28/LC-20-2021.

Councillor Dubanow requested that the Recommendations in Recommendation No. 2 be dealt with separately.

That: Land Committee denies the request to enter into an encroachment agreement with the owners of 1799 Niagara River Parkway for vegetation planted on the Burnside Avenue municipal road allowance. **(Carried)**

That: The vegetation encroachment be removed from the municipal road allowance and replanted on the owner's property or; alternatively, the Town will remove the plantings at the owner's expense.

Recommendation No. 3

Moved by: Councillor Dubanow

That: The second recommendation be amended to read: "That the vegetation encroachment be allowed on the municipal road allowance".

Councillor Noyes moved a friendly amendment that the following be added: "so long as it's not creating a safety or sight line issue, and that a property marker be installed indicating that it is Town owned land, at the property owner's expense".

Councillor Lubberts moved a friendly amendment that: "no further plantings will be permitted on the road allowance and the Town now owns whatever is planted".

Councillor Noyes moved a further friendly amendment that: "the Town reserves the right to remove vegetation if it so deems necessary or desirable".

Following acceptance of the friendly amendments to the amendment, Recommendation No. 3 was voted on as follows:

That: The vegetation encroachment be allowed on the municipal road allowance so long as it's not creating a safety or sight line issue, a property marker be installed indicating that it is Town owned land, at the property owner's expense, no further plantings will be permitted on the road allowance and the Town now owns whatever is planted it and reserves the right to remove vegetation if it so deems necessary or desirable.

(Carried)

Following approval of the amendment, as amended, Item 1) 5), being Recommendation No. 2 contained in Appendix "2" to Report No. CAO-28/LC-20-2021, as amended, was voted on as follows:

That: Land Committee denies the request to enter into an encroachment agreement with the owners of 1799 Niagara River Parkway for vegetation planted on the Burnside Avenue municipal road allowance, and further

That: The vegetation encroachment be allowed on the municipal road allowance so long as it's not creating a safety or sight line issue, a property marker be installed indicating that it is Town

owned land, at the property owner's expense, no further plantings will be permitted on the road allowance and the Town now owns whatever is planted it and reserves the right to remove vegetation if it so deems necessary or desirable.

(Carried)

CAO-03-/LC-04-2022 Land Matters: February 10, 2022 - Land Committee Meeting Minutes
(Reconsideration of Item 1) 1), being Recommendation No. 1 in Appendix "2" (4152 Erie Road):

At the March 28, 2022 Regular Council Meeting, Moved by: Councillor McDermott, and Seconded by Councillor Dubanow as Resolution No. 10C):

"That: Council reconsider the decision made by Council on February 28, 2022 to deny an extension of the time for the owner of 4125 Erie Road."

Council held a Closed Session Meeting and rose with Report as follows:

Resolution No. 10F

Moved by: Councillor Dubanow

Seconded by: Councillor Butler

That: Council does now rise and reconvene from Closed Session at 10:50 p.m., with report that the matter be postponed to the April 11, 2022, Council-in-Committee Meeting, no action be taken by staff, and the owner be notified that Council is reconsidering the matter. **(Carried)**

This matter was subsequently deferred to the May 9, 2022, Council-in-Committee Meeting and further to the May 11, 2022, Special Council-in-Committee Meeting.

Matter for Reconsideration:

That: Council approves Recommendation No. 1) contained in Appendix "2" to Report No. CAO-03/LC-04-2022:

That: The Land Committee denies the owner's request for a further six-month extension for the Town's Right to Re - Conveyance of 4152 Erie Road.

Recommendation No. 4
Moved by: Mayor Redekop

That: The matter be postponed to the May 30, 2022 Council meeting. **(Carried)**

CAO-06/LC-09-2022 Land Matters: April 21, 2022 - Land Committee Meeting Minutes **(Deferred to the May 11, 2022, Special Council-in-Committee Meeting)**

Recommendation No. 5
Moved by: Mayor Redekop

That: Council receives the April 21, 2022, Land Committee meeting minutes attached as Appendix "1" to Report No. CAO-06/LC-09-2022.

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

10.3 New Business/Enquiries

(a) Mayor Redekop

Mayor Redekop referred to the property owners on Ulster Lane who both expressed concerns with the September 30, 2022 date to remove the encroachments. He asked for clarification from the CAO if there is a problem removing the encroachments, if the property owners on Ulster Lane can request the Land Committee to provide them with an extension.

Mr. McQueen responded that he spoke with Mr. Walsh and they don't have the project slated for construction this season, and would be looking for in a future report some consideration by Council for the capital for the project to move forward in 2023. There's currently an appeal on the Secondary Plan, but it is the hope that they will release those areas. The Town will not be proceeding in 2022 as a result of that. If they release those areas under appeal, they would be looking at moving forward in 2023 during the

construction season. An extension to the end of April of 2023 would not impede the Town's project in any way and give the property owners some additional time as they have requested.

10.4 Business Status Report

No Changes.

11. Scheduling of Meetings

None.

12. Adjournment

Recommendation No. 6

Moved by: Councillor Dubanow

That: Council-in-Committee hereby adjourns at 7:56 p.m. **(Carried)**

Mayor

Clerk