



The Municipal Corporation of the  
Town of Fort Erie

**Regular Council Meeting Minutes**

**Monday, August 23, 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.forterrie.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.forterrie.ca](http://www.forterrie.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

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

Absent: Councillor McDermott

Also Present (Via Zoom Teleconference): Regional Councillor Insinna,

Staff (Via Zoom Teleconference): A. Dilwaria, K. Dolch, J. Janzen, T. Kuchyt, T. Marotta, E. Melanson, C. Schofield, and D. Vander Veen

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 being the attachment of Appendix "4" to Report No. PDS-71-2021, which was inadvertently omitted.

Mayor Redekop made the following announcements

##### **Association of Municipalities of Ontario (AMO) Conference**

Most Councillors were able to participate in the AMO Conference. I had the opportunity to meet with the Minister of Long-Term Care, Rod Phillips, and the Region to discuss the builds taking place in Fort Erie for the Gilmore Lodge at the old County Fair Mall, and at Lindhaven in St. Catharines. Both projects are scheduled ground breaking shortly, with Gilmore Lodge being in the latter part of October or November, with a move-in date for residents planned for December 2023. The Minister was particularly impressed with the 2-facilities campus nature, and the fact that we will have Niagara Hospice adjacent to the new Gilmore Lodge, and in particular we have an opportunity for further construction in terms of affordable housing, transitional housing, and perhaps some medical services.

On day two of the conference, I met with the Minister of Economic Development, Job Creation and Trade, Vic Fedeli, concerning employment lands and the focus of the Region, particularly for developing large parcels of property along the Queen Elizabeth Way gateway corridor between Fort Erie and Niagara Falls. I had the opportunity to highlight the work that has identified the need for employment lands and the opportunities coming to Niagara and Fort Erie. Over the last year and a half, we have had about 28 inquiries looking for small and large parcels of land. We are currently challenged but are working to ensure that Fort Erie has the necessary employment lands to attract good paying jobs.

##### **Ground Breaking for Abatement Technologies**

On Friday, August 20, 2021, there was a ground breaking ceremony for Abatement Technologies which is owned by the Harbor Family. Harbor Manufacturing started business right after the war in 1946 and has grown from manufacturing aluminum, lawn furniture, and boats into one of the preeminent manufacturers of high-tech filters and filter equipment in North America. It holds approximately 14 patents and has chosen to

construct its new international headquarters in Fort Erie. The expansion is great news for Fort Erie as we continue to maintain a legacy manufacturer, the existing 80 jobs at the current factory, and the expectation of another 65 jobs with the expansion. This is a 100,000 square foot initial build, and they have plans to expand on 2 occasions over the next 10 years. Congratulations to the Harber family, and thank you for picking Fort Erie as the location to continue your journey.

### **Great Lakes and St. Lawrence Cities Initiative Conference**

On Wednesday and Thursday this week, the conference for the Great Lakes and St. Lawrence Cities Initiative is taking place. Fort Erie is a member and each year the conference highlights some of the important issues that we're dealing with. None right now is more important than climate change and the issues relative to invasive species, microplastics, water levels, and nutrient levels in the Great Lakes systems. The conference this year has several high-profile speakers, including former Prime Minister Brian Mulroney.

### **Friendship Trail - Waverly Beach Repairs**

The Town applied for disaster relief funds from the provincial government approximately a year and a half ago, and provided additional information as requested. We have communicated with the Ministry of Municipal Affairs and Housing staff and the Minister on a number of occasions. About 3 weeks ago I scheduled a telephone conference with the Chief of Staff of the Ministry for this Wednesday. Fortunately, people are still able to walk through the wooded area, but it's an eyesore due to the damage that was done on Halloween in 2019. It will take several million dollars to reconstruct the trail, and we are reluctant to expend the amount of money that's necessary simply because we don't want the province to feel that it's off the hook if we spend the money. We would like them to process our application not only for Waverly Beach but also for Point Abino Road which was wiped out as well by the same storm. I will have more information after meeting with the Chief of Staff on Wednesday.

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

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

Councillor Dubanow declared a pecuniary interest with regard to Report No. PDS-74-2021 Proposed Draft Plan of Vacant Land Condominium and Zoning By-law Amendment, 397 Garrison Road - Ashton Homes (Western) Ltd. which was considered at the August 9, 2021 Council-in-Committee meeting, as lives in a

subdivision developed by Ashton Homes (Western) Limited that has not yet been transferred to the municipality. Councillor Dubanow was absent from the meeting; however, declared his pecuniary interest at this meeting as required by the Municipal Conflict of Interest Act.

(b) Councillor Dubanow

Councillor Dubanow declared a pecuniary interest concerning Consent Agenda Item No. 10.2 2(c) Fort Erie SPCA Board of Directors July 14, 2021 Minutes, Item 11 Report No. PDS-79-2021 Animal Control Services Agreement Report, and Item No. 15 By-law No. 98-2021 to Amend Animal By-law No. 73-2021 (Exception to Number of Dogs Permitted in Household or on Premises) as the company he works for has performed contracted services for the Fort Erie SPCA which would likely be bidding to provide animal control services to the Town regarding Report No. PDS-79-2021, and the amendment to be made by By-law No. 98-2021 may affect their operations.

(c) Councillor Dubanow

Councillor Dubanow declared a pecuniary interest concerning Consent Agenda Item No. 10.2 4 Report No. IS-44-2021 Award of Tender for the Replacement of the EJ Freeland Community Centre Roof System and Rooftop Mechanical Units Replacement as the company he works for has been retained to provide services to the Boys & Girls Club of Niagara.

(d) Councillor Dubanow

Councillor Dubanow declared a pecuniary interest concerning Item 15 By-law No. 96-2021 To Amend Zoning By-law No. 129-90 - 397 Garrison Road - Peace Bridge Village Phase-3 as he lives in a subdivision developed by Ashton Homes (Western) Limited that has not yet been transferred to the municipality.

## 6. Notice of Upcoming Public Meetings

(a) Open House

Re: 3285 Thunder Bay Road - Proposed Zoning By-law Amendment and Draft Plan of Subdivision - Owner: Westwind Niagara Developments Inc. (Alfred Beam) - Agent: Upper Canada Consultants (Craig Rohe) - Monday, August 30, 2021 - 5:00 p.m.

(b) Open House

Re: 1107 Garrison Road - Combined Official Plan and Zoning By-law Amendment - Owner: 1107 Garrison Road LP (c/o Khaled Berbach) - Agent: Michael Sullivan (LandPro Planning Solutions) - Wednesday, September 8, 2021 - 5:00 p.m.

(c) Proposed Zoning By-law Amendment

Re: 544 Walden Boulevard - Owner: Anthony Infurna Sr. - Agent: Hallex Engineering Ltd. (Anthony Infurna) - September 13, 2021 - 6:00 p.m. The information report will be available by 5:00 p.m. on September 8, 2021.

(d) Proposed Zoning By-law Amendment

Re: 3399 North Shore Drive - Owner: Paul Phillip & Susana Phillip / Sider Brothers Builders Ltd. - Agent: Upper Canada Consultants Planning & Engineering Ltd. (Matt Kernahan) - September 13, 2021 - 6:00 p.m. The information report will be available by 5:00 p.m. on September 8, 2021.

(e) Proposed Official Plan and Zoning By-law Amendment

Re: 4197 Niagara River Parkway - Owners: Sant Prakash Dhillon, Aman, Uppal, Shaminder Dhillion & Kuldip - Agent: Curtis Thompson (Better Neighbourhoods Inc.) - September 13, 2021 - 6:00 p.m. The information report will be available by 5:00 p.m. on September 8, 2021.

## 7. Public Meetings

(a) Proposed Zoning By-law Amendment

Re: 85 Idylewylde Street - Owner: Eduard Unger - Agent: Rusit & Associates Ltd. (Frank Ierfino). The applicant's request is to permit construction of a semi-detached dwelling. The zoning of the retained lot is proposed to change from Residential 2 (R2) Zone to a site-specific Residential 2 (R2) Zone that permits a semi-detached dwelling and contains site-specific provisions to implement the dwelling design.

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 or Agent in to participate in the meeting.

Eduard Unger and Stella Unger were present to speak on the Application. Mr. Unger stated that he is willing to make changes regarding the potential fire separation issue with the existing dwelling to the east.

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 opposition or had any questions regarding the Application. No members of the public came forward.

**Mayor Redekop declared the Public Meeting closed.**

(b) Proposed Zoning By-law Amendment

Re: 4002 Erie Road - Owner: 5017064 Ontario Ltd. (Chris Hawkswell) - Agent: Upper Canada Consultants (Matt Kernahan). The applicant's request is to construct a 3 storey addition to the existing building to include a microbrewery and a 28-room inn. The lands are currently zoned Core Mixed Use 2 (CMU2-274). The applicant is requesting to rezone the subject property to a new site-specific Core Mixed-Use 2 (CMU2) Zone to add a microbrewery to the list of permitted uses, an increase in the building height, the number of storeys, the seating capacity of the outdoor patio, and a reduction in the setback of the outdoor patio from a residential zone. The applicant is also requesting to recognize the existing reduced rear yard setback.

Ms. Dilwaria, Senior Development Planner, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Ms. Dilwaria 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 or Agent in to participate in the meeting.

Mr. Kernahan, Agent, was present to speak on the Application. He introduced Chris Hawkswell, owner, Doug McBride, managing partner of Crystal Beach Brewery, and Emilio Ramondo, Architect. He provided a PowerPoint Presentation.

Mr. Ramondo provided the following comments:

- the project:
  - exemplifies what they believe is mainstream traditional architecture
  - utilises appropriate material characteristics
  - attempts to integrate with the scale of the street
  - seeks to engage and reinforce the public and pedestrian realms.
- The ground floor entrances and overhead garage doors are open to the pedestrian sidewalks where it provides an inviting, pedestrian friendly atmosphere, covered patio and second level rooftop terrace.
- They intend to use larger calliper diameter of Boulevard trees to enhance traffic calming measures.
- The proponent advocates a cycle friendly community with plenty of bicycle parking noted in their product logo.
- Lastly, the project utilises unique architectural elements and what they believe is a catalyst for infill redevelopment.

Mr. McBride provided the following comments:

- He has been a resident of Crystal Beach since 2014, living one block over. It has been really encouraging to witness the revitalization in this community, and this project is going to be their contribution to enhance the future of Crystal Beach.
- The Crystal Beach Brewing Company will be a complimentary addition to the Erie Road business district with its onsite brew house open concept kitchen serving a curated menu of locally sourced food.

- The brewery will service the community and its guests with a focus on daytime and early evening. The intent is not to be a late night destination.
- The onsite boutique inn will operate as a separate but affiliated business and will align with the vision and mission of the brewery, offering collaborative and unique short-term stay experiences.
- The interior design of the brewery will facilitate easily converting the space to support community needs, such as group social events, yoga, speakers, meetings, etc.
- The intent is to create a hub that balances the needs of the community, fills gaps that may currently exist, and becomes a destination of choice for residents and tourists.
- This landmark business will quickly become one of the largest employers in Crystal Beach, as well as delivering incremental revenue back to the local economy through increased tourism and tax dollars generated.
- In keeping with the bicycle theme, they have adopted a simple logo that embodies the spirit of the neighbourhood
- The brewery and hotel will offer amenities, such as state-of-the-art exterior bicycle parking, small repairs and maintenance, and indoor secure storage that promote short-term stays for the cycling community.

Mr. Hawkswell provided the following comments:

- The capital investment will be approximately \$6.5 million when complete.
- The Crystal Beach Brewing Company promises to be an iconic cornerstone that will compliment the growing business core and provide a catalyst for other new ventures.

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.

(a) Dan DiGaetano, 271 Rosewood Avenue, Crystal Beach

Mr. DiGaetano stated that he supports the proposed increase to the patio area as outdoor patios are synonymous and complementary to the Crystal Beach culture. He also stated that a good venue would negate



potential parking issues as there are many popular locations, such as Queen Street, Toronto, where parking is not necessarily easy. Mr. DiGaetano also stated that a longer walk for patrons might increase business for the smaller shops and boutiques.

(b) Tara Marton, 47 Nantuckett Road, Crystal Beach

Mr. Marton stated that she is an owner and operator of Crystal Beach Mercantile at 4086 Erie Road, and based on her experience with opening a new business in the past year, parking had not been an issue for them. She added that residents in Crystal Beach tend to walk or bike to patronize businesses in the Crystal Beach business area and are happy to do so. Ms. Marton also stated that she has received a lot of positive feedback from tourists regarding the recent economic growth in Crystal Beach and that further development will reinforce that feedback. Ms. Marton added that the proposed short-term accommodations and brewery would be a welcome addition.

(c) Lauren Bacon, 412 Derby Road, Crystal Beach

Ms. Bacon stated that she is the owner of the Green House Floral Bar at 3970 Erie Road, and the brewery would be a welcome addition to Crystal Beach. Ms. Bacon added that she opened her business in April and has received similar feedback and support as Ms. Marton. She also stated that the level of growth in the area since her childhood has been incredible and that she would like to see that growth continue.

(d) James Backshall, 253 Oxford Avenue, Crystal Beach

Mr. Backshall stated that from his interactions with Mr. Hawkswell, it is evident through his support of other local businesses and clubs that he is deeply invested in the Crystal Beach community and wants to continue to see it grow. Mr. Backshall added that there has been a lot of growth in Airbnb properties in Crystal Beach, which impacts the quality of life for full-time residents. Crystal Beach needs an overnight commercial operation for visitors that does not affect the residential areas.

- (e) Phil Smith, 3788 Crystal Beach Drive, Crystal Beach

Mr. Smith stated that Mr. Hawkswell and Mr. McBride are very professional and passionate individuals. He also stated that the proposed building is very well thought out and impressive and fits perfectly into the Crystal Beach community. Mr. Smith added that brewery tourism is growing and that the proposed brewery will introduce different types of people to Crystal Beach throughout the year and not just in the summer months while also giving them a place to stay. Mr. Smith stated that the proposal will help employment, tourism, bicycle tourism, and a walkable community. He added that he is looking forward to serving Crystal Beach Brewery beer at his restaurant establishment, South Coast Cookhouse.

- (f) Larry MacDonald, 4369 Erie Road, Crystal Beach

Mr. MacDonald stated that he's encouraged that finally they will get something in their community that will allow the entire community to thrive. With respect to parking, it is a problem, but only for 8 to 10 weeks a year, and whether there is a new development or not, parking is still going to be a problem. However, there aren't parking problems the other 10 months of the year. Mr. MacDonald advised that he is encouraging Council to find ways to work with these investors, to help them thrive and help them succeed.

- (g) Eric Hitchcock, 397 Maplewood Avenue, Crystal Beach

Mr. Hitchcock stated that he is a tourism professional, in Niagara Falls for 25 years, and he loves the concept of this and having a unique building. He was formerly the owner of the "O Canada Eh?" Dinner Theatre. Unique building design is an attraction in itself, and they were often visited by people who just came to look at the building. Mr. Hitchcock advised he believes it would be a great anchor for tourism in Crystal Beach, and he is in full support of the development. He continued that the issues that have been brought up as far as parking are an 8 to 10 week problem and shouldn't be focused on. The project is a year-round destination and it will be an anchor for many businesses to come.

- (h) Goran Maljkovic, 4020 Erie Road, Crystal Beach

Mr. Maljkovic stated that he echo's the sentiments of the individuals who have spoken in favour prior to him. As the owner/operator of Sneakers Beach Tavern, he owns 15 parking spaces of which approximately 8 are used by staff; however, his patrons are able to find a place to park and patronize his business and others without designated parking. He added that parking is not an issue.

- (i) David Bergeron, 4345 Erie Road, Crystal Beach

Mr. Bergeron stated that he is the owner/operator of Casa Hugo, and the business community in Crystal Beach is very supportive of each other and he is in favour of the proposed brewery. Mr. Bergeron added that his patrons have not complained about parking being an issue.

- (j) Cole Kenyeres, 38 Lincoln Street, Crystal Beach

Mr. Kenyeres stated that he is excited for the proposed brewery as it would be a great addition to Crystal Beach. He also stated that it would be a good employment opportunity during construction and afterwards. Mr. Kenyeres also stated that parking is not an issue as locals tend to walk or ride their bikes to local establishments.

Mayor Redekop enquired if any members of the public wished to speak in opposition to the Application or direct questions to Council.

No members of the public came forward.

**Mayor Redekop declared the Public Meeting closed.**

*Council recessed at 8:15 for 5 minutes.*

- (c) Proposed Zoning By-law Amendment

Re: 246 & 248 Henrietta Street - Owners: T.J. Lloyd and Rebecca Lloyd - Agent: LandPro Planning Solutions (Adam Moote). Currently, two single detached dwellings exist on one property. The applicant's request is to create one new lot therefore each single detached dwelling will be located on its own lot. The zoning of the retained lot is proposed to change from Residential 2 (R2) Zone to a site-specific Residential 2 (R2)

Zone that permits: Lot 1 (248 Henrietta Street) - Reduced lot area, lot frontage, and interior side yard setback; and Lot 2 (246 Henrietta Street) - Reduced lot frontage and interior side yard setback.

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 or Agent in to participate in the meeting.

Mr. Moote, Agent, was present to speak on behalf of the Application. Mr. Moote stated that in their background research, they reviewed aerial photos on Niagara Navigator from 1934 showing that the two dwellings existed on the property at that time. He added that he is unsure of their age prior to that date. Mr. Moote stated that he agrees with the staff report.

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 received one email on August 23, 2021 as follows:

“Good morning  
This is Lisa Waytena. I live at 256 Henrietta St.  
I see no problem with this severance being done.  
Hope all goes well for the owners.  
Thank you,  
Lisa Waytena”

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.**

## 8. Regional Councillor Report

RC Insinna advised that he intended to report on the Niagara Transit Governance Project but will leave those updates to Mr. Robinson, Director, GO Implementation Office, as he is a Delegate on this agenda.

RC Insinna advised that the first Regional budget workshop is scheduled for September 30<sup>th</sup>.

## 9. Presentations and Delegations

(a) Matt Robinson, Director, GO Implementation Office

Re: Niagara Transit Governance - Revised Strategies Reflecting Phase 1 Consultation

Mr. Robinson delivered a PowerPoint Video Presentation which is available for viewing on the Town's website.

Mr. Robinson provided the following comments during his presentation:

- Based on feedback from council and other local area municipalities (LAM) earlier this year on Phase 1 of the Niagara Transit Governance Study, the models and strategies have been updated for further review and feedback before officially moving forward with consolidation
- In the first phase of feedback, the Town of Fort Erie and other LAM advised that the financial model did not work, more direct representation was needed on the Board, and there was a need for service strategy standards
- As a result of that feedback, 11 financial alternatives were considered and analyzed with the goal to ensure that municipalities were paying for the services that they received.
- The new financial strategy is now based on:
  - 12 special levy tax rates
  - The establishment of a capital reserve to ensure that the future needs of the commission are met
  - A reduced cost to Fort Erie residents from the previously proposed assessment-based approach
  - The Town's local budget will no longer need to include transit cost as it will transition to the Regional Levy
  - The remaining increase of \$400,000 in cost to Fort Erie residents is due to inflation between 2020 and

- 2023, as well as the move to a proportional cost allocation based on service hours.
- On-demand hours of operation are proposed to expand in 2025, resulting in an additional three hours of weekday and Saturday service, as well as the introduction of Sunday and holiday service for town residents
- The revised composition of the Board now includes a transition Board for the first three years and will be comprised of 15 elected representatives from across Niagara, with at least one dedicated representative for each municipality; this will allow for:
  - An opportunity for elected officials to guide the establishment of the commission and its initial operation directly in its early years
  - Provide non-binding input and advice to the commission board on a quarterly basis.
  - After the first three years, an external review of the transitional model would be undertaken to examine as the fully elected composition of the board, its size and share of representation, is still ultimately achieving the strategic outcomes commission
- To develop a series of service standards, a project team was established and led by local transit managers; this will allow for a common baseline to integrate and standardise differences between existing transit services
- Under the single commission, demand responsive transit in Fort Erie, would be integrated and shared with other on-demand services across the region to leverage economies of scale and extend hours of operation to include late evenings, Sundays and holidays
- The Region will be launching a communications and engagement strategy that will include a standalone website and public survey, providing residents and transit users information on the project and the opportunity to provide input

## **10. Consent Agenda Items**

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

Item No. 10.2 2 (c) Fort Erie SPCA Board of Directors Minutes – July 14, 2021 was removed and dealt with separately due to Councillor Dubanow’s declared conflict of interest.

Item No. 10.2 4 Report No. IS-44-2021 Award of Tender for the Replacement of the EJ Freeland Community Centre Roof

System and Rooftop Mechanical Units Replacement – Contract No. ISF-21T-EJFC21 was removed and dealt with separately due to Councillor Dubanow’s declared conflict of interest.

## 10.2 Consent Agenda Items for Approval

### 1. Minutes

- (a) Approve - Council Meeting - July 19, 2021
- (b) Approve - Special Council Meeting - July 26, 2021
- (c) Approve - Council-in-Committee Meeting - August 9, 2021

### 2. Correspondence

- (a) Receive & Support - Niagara Peninsula Conservation Authority - Request the Advancement of the Use of Native Pollinator Plant Species to Promote Pollinator Habitat
- (b) Receive - Niagara Transit Governance Revised Strategies Reflecting Phase 1 Municipal Consultation (CLK-C 2021 100 / LNTC-C 3-2021)
- (c) Receive - Fort Erie SPCA Board of Directors Minutes - July 14, 2021
- (d) Proclamation - Miranda's Miracles Fund - September as Childhood Cancer Awareness Month

**That:** Council proclaims September as "Childhood Cancer Awareness Month" and approves the flag to be flown at Town Hall. **(Carried)**

### 3. Board/Committee Minutes

- (a) Receive - Community Gaming Development Corporation - December 9, 2020
- (b) Receive - Ridgeway Business Improvement Area - August 4, 2021
- (c) Receive - Accessibility Advisory Committee - August 10, 2021
- (d) Receive and Approve Recommendations - Environmental Advisory Committee - August 10, 2021

(i) 4444 Nigh Road - The EC Overlay be removed from the front portion of the main house to allow

the construction of a 50 feet by 30 feet accessory building proposed to be located on the easterly portion of the existing driveway.

(ii) 1010 Barker Avenue - The EC Overlay be removed from the cleared portion of the property to allow the construction of an addition to the existing dwelling.

(iii) 0-6573 Nigh Road - The EC Overlay be removed from the front 69 metres of the subject property measured south from the front lot line.

(iv) 71 Albert Street - The EC Overlay be removed from the southeasterly portion shown as Part 1 on the survey sketch, conditional upon the owner planting a metre landscape buffer of native shrubs to prevent the encroachment of invasive species into the woodlot to the south and submitting a landscape plan showing the native shrubs for EAC's approval. Some native shrubs recommended include Red Dogwood, Spice Bush, and Eastern Redbud. **(Carried)**

#### 4. Reports

**PDS-78-2021** Subdivision Agreement and Pre-servicing Approval - West Side of Hazelwood Avenue, North Side of Erie Road - Hazelwood Subdivision - 828421 Ontario Inc. (Wilson Ribeiro)

**That:** Council authorizes the entry into a Subdivision Agreement with 828421 Ontario Inc. for the Hazelwood Subdivision, and further

**That:** Council permits the Developer to pre-service the subdivision prior to registration of the Subdivision Agreement subject to receipt of the drawings, security deposit, cash payment, approvals, insurance certificate, and letter of indemnification to the satisfaction of the Town, and further



**That:** Council directs staff to prepare a by-law to execute the Subdivision Agreement and associated documents.

**(Carried)**

**IS-41-2021** Award of Engineering Services for the Gorham Road & Ridgeway Road Traffic Operations Review and Douglastown Third Access Pre-Design Review - Contract No. ISE-21P-GRODTA

**That:** Council accepts and approves the proposal from Wood Environment & Infrastructure Solutions, a Division of Wood Canada Limited to provide Engineering Services for the Gorham Road & Ridgeway Road Traffic Operations Review and Douglastown Third Access Pre-Design Review, Contract # ISE-21P-GRODTA at the upset limit of \$149,982.64 (including 13% HST).

**(Carried)**

**IS-42-2021** 2021 Capital Budget Amendment for Project HAGY14 - Hagey Avenue Road Extension

**That:** Council amends the 2021 Capital Budget to supplement Project HAGY14 - Hagey Avenue Road Extension by \$78,500.00 from the Major Capital Expenditure Reserve in order to purchase land from various parties for the road extension.

**(Carried)**

**IS-44-2021** Award of Tender for the Replacement of the EJ Freeland Community Centre Roof System and Rooftop Mechanical Units Replacement - Contract No. ISF-21T-EJFC21

**That:** Council accepts and approves the tender submission from Proteck Roofing and Sheet Metal Inc. for the Replacement of the EJ Freeland Community Centre Roof System and Rooftop Mechanical Units Replacement - Contract No. ISF-

21T-EJFC21 in the amount of \$1,435,506.80 (including 13% HST) and,

**That:** Council amends the capital budget for project EJFF21 by allocating an additional \$55,000.00 to be funded from the Facilities Maintenance Reserve.

**CAO-19/LC  
-09-2021** Land Matters: August 5, 2021, Land Committee Meeting Minutes

**That:** Council receives the August 5, 2021, Land Committee meeting minutes attached as Appendix "1" to Report No. CAO-17/LC-08-2021, and further

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

## 5. Other Matters

### Consent Agenda Resolution

Resolution No. 1  
Moved by: Councillor Noyes  
Seconded by: Councillor Butler

**That:** Council approves the Consent Agenda Items as recommended, save and except Items 10.2 2 (c) and 10.2 4 Report No. IS-44-2021. **(Carried)**

## 10.3 Items Removed to be Dealt with Separately

Resolution No. 1A  
Moved by: Councillor Noyes  
Seconded by: Councillor Butler

**That:** Council approves Consent Agenda Items 10.2 2 (c) and Report No. IS-44-2021.

**10.2 2 (c) Receive - Fort Erie SPCA Board of Directors Minutes - July 14, 2021** **(Carried)**

**IS-44-2021** Award of Tender for the Replacement of the EJ Freeland Community Centre Roof System and Rooftop Mechanical Units Replacement - Contract No. ISF-21T-EJFC21

**That:** Council accepts and approves the tender submission from Proteck Roofing and Sheet Metal Inc. for the Replacement of the EJ Freeland Community Centre Roof System and Rooftop Mechanical Units Replacement - Contract No. ISF-21T-EJFC21 in the amount of \$1,435,506.80 (including 13% HST) and,

**That:** Council amends the capital budget for project EJFF21 by allocating an additional \$55,000.00 to be funded from the Facilities Maintenance Reserve. **(Carried)**

## 11. Reports

**PDS-71-1-2021** Supplemental Report - Proposed Zoning By-law Amendment - 1485 Garrison Road - David French (Storey Samways Planning Ltd. (Agent) - Ray Gupta (c/o Sunray Group of Hotels) (Owner)

Resolution No. 2  
Moved by: Councillor Lubberts  
Seconded by: Councillor Noyes

**That:** Council directs that the Memorandum of Understanding as detailed in Appendix "6" of Report No. PDS-71-2021 be replaced with the revised Memorandum of Understanding attached to Report No. PDS-71-1-2021 as Appendix "1". **(Carried)**

**PDS-71-2021** Proposed Zoning By-law Amendment - 1485 Garrison Road - David French (Storey Samways Planning Ltd. (Agent) - Ray Gupta (c/o Sunray Group of Hotels) (Owner) **(Postponed from August 9, 2021, Council-in-Committee Meeting - Previously Moved by Councillor McDermott as Recommendation No. 7)**

**That:** Council approves the amendment to the Town's Zoning By-law No. 129-90 as detailed in Appendix "7" of Report No. PDS-71-2021 for the lands known as 1485 Garrison Road, and further

**That:** Council approves the entry into a Memorandum of Understanding as detailed in "Appendix "6" of Report No. PDS-71-2021 with Sunray Group of Hotels to ensure the replacement of 107 hotel rooms that will be lost as a result of the conversion of the Clarion Hotel into a retirement facility, and further

**That:** Council directs staff to prepare the necessary By-law. **(Carried)**

**PDS-75-2021** Information Report - Proposed Zoning By-law Amendment - 85 Idylewylde Street - Stella Unger (Agent) - Eduard Unger (Owner)

Resolution No. 3  
Moved by: Councillor Dubanow  
Seconded by: Councillor Zanko

**That:** Council receives for information purposes Report No. PDS-75-2021 regarding a proposed Zoning By-law Amendment for 85 Idylewylde Street. **(Carried)**

**PDS-76-2021** Proposed Zoning By-law Amendment - 4002 Erie Road - Greg Lipinski (Applicant) - Matt Kernahan, Upper Canada Consultants (Agent) - 5017064 Ontario Ltd., Chris Hawkswell (Owner)

Resolution No. 4  
Moved by: Councillor Zanko  
Seconded by: Councillor Dubanow

**That:** Council receives for information purposes Report No. PDS 76-2021 regarding an amendment to the Town's Zoning By-law for 4002 Erie Road. **(Carried)**

**PDS-77-2021** Proposed Zoning By-law Amendment - 246 & 248 Henrietta Street - LandPro Planning Solutions, Adam Moote (Agent) - T.J. Lloyd & Rebecca Lloyd (Owners)

Resolution No. 5  
Moved by: Councillor Dubanow  
Seconded by: Councillor Zanko

**That:** Council approves the amendments to the Town's Zoning By-law No. 129-90 as detailed in Appendix "3" of

Report No. PDS-77-2021 for the lands known as 246 & 248 Henrietta Street; and further

**That:** Council directs staff to prepare the necessary By-law. **(Carried)**

**PDS-79-2021** Animal Control Services Agreement Report

Resolution No. 6  
Moved by: Councillor Butler  
Seconded by: Councillor Noyes

**That:** Council directs staff to initiate an open, competitive bid process for the 2022 Animal Control Services Contract.

Resolution No. 6A  
Moved by: Councillor Zanko  
Seconded by: Councillor Butler

**That:** The Animal Control Services Agreement be amended to include the requirement of a staff member on site 24 hours a day and 7 days a week, and that a Registered Veterinary Technician be on staff.

*Councillor Noyes requested that the 2 items in the amendment be dealt with separately.*

*Councillor Zanko moved a friendly amendment to her amendment, to include the requirements as provisional items in the contract to be tendered.*

*Due to the friendly amendment, Councillor Noyes advised that she no longer needed the items to be dealt with separately.*

**Following the amendment to the amendment, Resolution No. 6A was voted on as follows:**

**That:** Council directs staff to initiate an open, competitive bid process for the 2022 Animal Control Services Contract, which will include as provisional items in the tender the requirement of a staff member on site 24 hours a day and 7 days a week, and the requirement of a Registered Veterinary Technician to be on staff. **(Carried)**

Resolution No. 6B  
Moved by: Councillor Butler  
Seconded by: Councillor Zanko

**That:** Report No. PDS-79-2021, as amended be postponed to September 20, 2021. **(Carried)**

**IS-43-2021** MacDonal Drive Street Lighting

Resolution No. 7  
Moved by: Councillor Lubberts  
Seconded by: Councillor Zanko

**That:** Council authorizes the expenditure of funds to decommission and remove the existing cobra head street lights from the private section of MacDonal Drive, subject to the local homeowners agreeing to erect lighting to their requirements through Canadian Niagara Power.

Resolution No. 7A  
Moved by: Councillor Noyes  
Seconded by: Councillor Butler

**That:** Report No. IS-43-2021 be postponed to September 20, 2021, in order that Councillor Butler may provide Council with a copy of the GAMS estimate. **(Carried)**

Resolution No. 7B  
Moved by: Councillor Butler  
Seconded by: Councillor Dubanow

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

**CAO-18-2021** Niagara Transit Governance - Revised Strategies Reflecting Phase 1 Consultation Report

Resolution No. 8  
Moved by: Councillor Noyes  
Seconded by: Councillor Butler

**That:** Council receives Report No. CAO-18-2021 for information purposes. **(Carried)**

*Due to the lateness of the hour, the By-law package was dealt with next, followed by Resolution Nos. 9 and 10, New Business Items, Notice of Motion, and the Confirmatory By-law; however, the Minutes reflect the order of the Agenda.*

## 12. New Business/Enquiries

- (a) Memorandum - Jonathan Janzen, Director, Corporate Services - Financial Donation from the Fort Erie Historical Railway Museum to Support the Restoration, Protection, Preservation and Repair of CN6218

Resolution No. 9

Moved by: Councillor Butler

Seconded by: Councillor Noyes

**That:** The Town of Fort Erie thanks the Fort Erie Historical Railway Association for the donation of \$11,599.71. This will be used to protect, preserve and repair the CN6218 steam engine. The Town is grateful for this generous contribution. **(Carried)**

- (b) Appointment - Museum and Cultural Heritage Advisory Committee - Chris Riou

Resolution No. 10

Moved by: Councillor Butler

Seconded by: Councillor Noyes

**That:** Council appoints Chris Riou to the Museum and Cultural Heritage Advisory Committee for the period ending November 14, 2022. **(Carried)**

- (c) Councillor Zanko

Councillor Zanko enquired whether there was an update on the streetlight replacements, particularly in the Celebration Drive area, as residents continue to follow up with her, and it's been over a year.

Mayor Redekop responded that he had sent Councillor Zanko an email with information he received from Mr. Marotta, and that Mr. Walsh had advised that most of the non-decorative lights have been replaced or are in the process of being replaced. Mayor Redekop requested Mr. Marotta to provide the status of the decorative lights.

Mr. Marotta advised that the Town has been working with the supplier to assess the decorative lights and to establish what the failures of the lights are. They have a meeting scheduled this week to review the assessments and establish the parts they need so they can mobilize the crews to make the necessary repairs.

Mayor Redekop enquired what a reasonable timeframe would be. Mr. Marotta responded that he would be able to respond better after the meeting scheduled for the next day. He added they also wish to obtain extra parts as well to stock up.

**A previous Response to Enquiry is pending on this matter.**

### **13. Motions**

(a) Councillor Noyes

Re: Town of Fort Erie to Seek Base Supporter Level Living Wage Employee Certification

**(Postponed to September 20, 2021)**

### **14. Notice of Motion**

(a) Mayor Redekop

Mayor Redekop gave notice of motion to request the provincial government to implement a right of passage along the Lake Erie shoreline.

**(Returnable September 20, 2021)**

(b) Mayor Redekop

Mayor Redekop gave notice of motion regarding stormwater management policies, design, location and maintenance.

**(Returnable September 20, 2021)**

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

Resolution No. 11

Moved by: Councillor Noyes

Seconded by: Councillor Butler



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

92-2021 - To Authorize the Sale of Lot 103, Plan 472, Bertie, to Elizabeth Luthringer; and to Authorize the Sale of Lot 104, Plan 472, Bertie, to Dana Caverly and Doug Pew (0 Caribou Trail)

93-2021 - Being a By-law to Exempt Certain Lots in Plan 59M-464 from Part Lot Control, Block 5, 20 – 32 King Street 1639875 Ontario Ltd. (Z. Meng)

94-2021 - To Authorize the Entry into a Memorandum of Understanding between Hospice Niagara and The Corporation of the Town of Fort Erie (Hospice Expansion)

95-2021 - To Amend Zoning By-law No. 129-90 2751 Nigh Road - P. Leigh Whyte, PLW Consulting (Agent) - Christine and Jesse Savage (Owners)

97-2021 - To Amend Zoning By-law No. 129-90- 129 Cook Avenue - Michael Sullivan (LandPro Planning Solutions Inc.) (Agent) - Bob Cosby (Applicant) - Peggy Boles (Owner)

is given first and second reading.

**(Carried)**

Resolution No. 12

Moved by: Councillor Lubberts

Seconded by: Councillor Noyes

**That:** By-law Nos.:

92-2021

93-2021

94-2021

95-2021

97-2021

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

**(Carried)**

Resolution No. 12A

Moved by: Councillor Noyes

Seconded by: Councillor Butler

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

96-2021 - To Amend Zoning By-law No. 129-90 - 397 Garrison Road - Peace Bridge Village Phase-3 - William Heikoop (Agent) - Ashton Homes (Western) Ltd. (Owner)

98-2021 - To Amend Animal By-law No. 73-2021 (Exception to Number of Dogs Permitted in Household or on Premises)

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

Resolution No. 12B

Moved by: Councillor Lubberts

Seconded by: Councillor Noyes

**That:** By-law Nos.:

96-2021

98-2021

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

Resolution No. 13

Moved by: Councillor Zanko

Seconded by: Councillor Dubanow

**That:** By-law No. 99-2021: To Confirm the Actions of Council at its Council-in-Committee Meeting Held on August 8, 2021 and Council Meeting Held on August 23, 2021 is given first and second reading.

**(Carried)**

Resolution No. 14

Moved by: Councillor Butler

Seconded by: Councillor Noyes

**That:** By-law No. 99-2021 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

## **16. Scheduling of Meetings**

None.

**17. Adjournment**

Resolution No. 15

Moved by: Councillor Dubanow

Seconded by: Councillor Zanko

**That:** Council adjourns at 10:44 p.m. to reconvene into a Regular Meeting of Council on September 20, 2021. **(Carried)**

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Mayor

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Clerk