



# The Municipal Corporation of the Town of Fort Erie

## Regular Council Meeting Minutes

**Monday, September 21, 2020**

### **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](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**

The meeting was called to order by Mayor Redekop at 6:00 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 occupy this area.

#### **2. Invocation**

The Invocation was read by the Clerk.

#### **3. Roll Call**

Present (In Council Chambers): His Worship Mayor Redekop

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

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

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

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

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

There were no Addenda.

Mayor Redekop made the following announcement:

- **COVID-19 Pandemic**

Last Thursday, Regional Council approved an extension of the mandatory Mask By-law to April 1<sup>st</sup>, 2021, in the context of the rising number of cases in Ontario and in Niagara. Ironically, on Thursday, when that By-law was discussed and passed, there were 12 new cases in Niagara alone, and in Fort Erie there have been 5 new cases in the past month. Fortunately, there haven't been any new deaths, but I would urge everyone to be cautious, be respectful and do the things that have been begged of all of us over the past 6 ½ months. Wash your hands frequently, maintain physical distance from others who aren't in your bubble and wear a mask when it's not possible to physical distance, or when you think that it may not be possible to physical distance. That's the only way that we're going to overcome this and minimize the expansion of the infections until such time as there is a vaccination available for everyone. It's all well and good for individuals to think that they're immune or that if they get sick, it won't be that serious. The problem is that if you're infected, you then become a vector for transmitting the infection to others. Those others may be individuals who have a compromised immune system or who are susceptible to more serious health implications. The research so far shows that even people who have mild symptoms may have long-term health implications, so I would urge everyone to help us contain this virus and minimize the impacts on our community.

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

(a) Councillor Dubanow

Councillor Dubanow declared a pecuniary interest with respect to Item No. 12 (f), Motion Re: Request SPCA's Policies and Procedures with respect to Animal Services, as the company he works for has performed contracted services for the Fort Erie SPCA. He abstained from discussing the matter (which was postponed).

(b) Councillor Butler

Councillor Butler declared a pecuniary interest with respect to Item No. 12 (c), Motion Re: Site Plan and/or Site Plan Agreement Approval for Proposed Cannabis Operation at 1141 Ridge Road North, as she is an investor in the property in question. She

abstained from discussing or voting on the matter.

(c) Mayor Redekop

Mayor Redekop declared a pecuniary interest with respect to Item No. 12 (c), Motion Re: Site Plan and/or Site Plan Agreement Approval for Proposed Cannabis Operation at 1141 Ridge Road North, as he represents a party that has a cannabis production facility, and is contemplating construction of a second facility. He abstained from discussing or voting on the matter.

## 6. Notice of Upcoming Public Meetings

(a) Proposed Official Plan & Zoning By-law Amendment

Re: 625 Garrison Road & 0-10389 Helena Street - Owner - 575 Garrison Road Inc. (David Kompson) - Agent - Adam Hawkswell (Niacon Construction) - Monday, October 5, 2020 - 6:00 p.m. - Via Video Teleconference. The information report will be available on Wednesday, September 30, 2020.

## 7. Regional Councillor Report

Regional Councillor Insinna reported on matters at the Region as follows:

- The new school year has brought with it the new Community Safety Zone in Fort Erie. The zone is designated by the 2 signs posted on Central Avenue between Bertie Street and Gilmore Road. The rules of the road don't change, just the penalties, and they are doubled. This zone is part of the Vision Zero Road Safety Program that was initiated in 2019. This week the Niagara Regional Police Service will be patrolling the area and will be enforcing the regulations. This area by Our Lady of Victory Catholic School met the criteria for the Region: Regional Road, speeding complaints, percentage of students and families walking to and from school, Speed Study results and the number of collisions. Mayor Redekop has brought forward the area on Garrison Road by the Greater Fort Erie High School and the area in front of Garrison Public School to be considered. He will be following up with the Director of Transportation and at the next Public Works meeting.
- Garbage collection changes will come into effect next month. The Region has developed an App for residents in order to keep track of when and what to put out to the curb. The App can be downloaded from the Region's website - search for "Niagara Region Waste".

Those residents that require pick up of medical waste or diapers can contact the Region or go on-line to find out about the extra pick ups for these items. Elderly residents who require assistance getting their garbage to the curb can contact the Region for services that can be provided. Further communications are forthcoming to residents, including mail-outs and advertising on many forms of media.

- The Niagara Region Official Plan is being prepared and currently went through the Councillor interview stage. During his interview he made it clear that our natural heritage features and environment need to be protected. At the Regional Council meeting the topic of the Ramsar Designation for the Niagara River came before Council. The designation brought about much discussion, and he shares the view of the Mayor and supports the Ramsar Designation. The decision was referred back to staff to engage legal services to see how the Designation would affect agricultural zones.
- Regional Council extended the Mask By-law for the wearing of masks and face coverings to April, 2021. The caveat with the By-law was that at any time the By-law can be brought back to Council and modified or terminated. It is hoped that this will continue to hamper the spread of the Virus.

Councillor Noyes referred to garbage pickup in the Village Creek Subdivision. A lot of glass and leakage spilled out of a garbage truck in a very highly residential area, which has dangers associated with it - from kids cutting themselves on the glass to the germs that are probably in the leakage itself. She advised she brought this up about a year ago. The situation did improve somewhat, but it's coming around again. Someone sent her some pictures that she gave to Mayor Redekop and she imagines that it is going to be discussed at the Regional level, but she wanted to mention it again.

Councillor Noyes questioned whether the elderly who are already registered for the current program for assistance to get their garbage to the curb need to re-register? RC Insinna responded that they do not need to re-register.

RC Insinna also advised that with regards to the leakage of things coming out of the garbage trucks, he will contact the Director again.

Councillor Dubanow advised he wished to express appreciation to the Mayor and RC Insinna for looking at Garrison Road School for a potential Community Safety Zone as well. He noted that Mayor Redekop touched on what he saw in front of GFES in a recent meeting, and he sees similar things happening in front of Garrison Road School all the

time. With the volume of traffic and the higher speed limit, he thinks it is something that needs to be looked at. Councillor Dubanow asked that RC Insinna keep Council apprised of the status of that, because he thinks it's something that needs to be looked into and he appreciates it.

## **8. Presentations and Delegations**

- (a) Anne Radojcic, Board Member, Alzheimer Society, Niagara Region

Re: Update on Activities and Introduction of "Social with a Purpose" Campaign

Ms. Radojcic thanked the Mayor and members of Council for the opportunity to appear and share information about the Society and some of their new fundraising initiatives.

She advised that in Niagara there are over 10,524 people who are living with progressive dementia, with the most common being Alzheimer's Disease. Anyone can develop dementia and it is fatal with no cure. At the Society this past year they served 9,760 individuals, received 1,998 new referrals and educated 9,750 Niagara residents and frontline staff on dementia. They saw a 200% increase in attendance at Elder Abuse presentations, provided over 12,400 hours of respite services to help prevent caregiver burnout and had over 5,700 hours of volunteer service in their many programs.

This year they have seen an unprecedented challenge and since it is their mission to advocate for and with persons with dementia and their care partners and provide access to a diverse range of appropriate resources and supports, they stand before Council today (virtually) to deliver this message.

Ms. Radojcic advised that COVID-19 is impacting their clients very significantly. People living with dementia are already facing deep stigmatization and the isolation that they live with every day has become so much worse. In their client outreach it is not uncommon for a person living with dementia or a care partner to tell them that The Alzheimer Society is the only one that is checking in on them regularly. One telecare client said: "Thank you for calling, it gets so lonely. Please call me again, you can call me every day if you would like." Care partners are also feeling very lonely right now. One told them: "I was doing OK until you called me... now I'm so touched and emotional. No one has called me to ask me how I am and I'm so grateful to you and The Alzheimer Society for checking in with me."

Another alarming message they would like to point out is that as of September 17<sup>th</sup>, 64.6% of all COVID-19 deaths in Ontario are among Long-Term Care residents, and in Ontario 9 in 10 Long-Term Care residents have some form of cognitive impairment, including 2/3 with dementia. Age is the biggest risk factor for dementia and older people are the most at risk group for COVID-19.

Ms. Radojcic explained that is why now more than perhaps ever before they need to talk about dementia. It is imperative that people keep talking about dementia, seeking out information, advice and support. Programs and services provided by The Alzheimer Society such as counselling, care partner education, and support groups help delay admission to Long-Term care and improve quality of life for people living with dementia and their care partners. Every year they must fundraise over \$500,000 to provide these essential services, which have been adapted and have continued throughout COVID-19.

Ms. Radojcic advised that also due to COVID-19, they have had to cancel many of their fundraising events. With these setbacks, as well as the uncertainty and changing landscape brought on by the pandemic, fundraising became much more difficult. They responded by shifting gears and adapting to create new, innovative ways to raise much needed funds for their programs. The first fundraising initiative that they introduced this summer is called "Social with a Purpose", which will replace their Coffee Break fundraiser. As social distancing and physical isolation became a part of their daily routines, they began to understand the overwhelming feelings of loss and loneliness that being separated from the community can bring us. These are feelings that people living with dementia often experience in their normal, day-to-day lives.

Ms. Radojcic explained that "Social with a Purpose" is a do-it-yourself fundraising program – similar to what "Coffee Break" was, but the goal is now also to combat those feelings of loneliness and isolation. Now more than ever, it is important to find new, creative ways to stay connected to friends and family, and at the same time, raise funds to support important services to help ensure people living with dementia are not isolated. The idea behind "Social with a Purpose" was to create a fundraiser that is unique and easy to participate in. To host a "Social with a Purpose" is simple. All that you need to do to become a host is sign up on-line at [alzheimerniagara.ca/social](http://alzheimerniagara.ca/social). The fundraising

event can be anything from coffee and conversation with friends on-line, to a yoga class over Zoom. If on-line is not your preference, then you also have the opportunity to host a small in-person physically distanced event as long as public health guidelines are maintained, or you can even simply send cards and fundraising letters to some of your connections and past “Coffee Break” guests.

Ms. Radojcic continued that another key fundraising initiative that they are putting on this year is an entirely on-line Silent Auction. The Auction began that morning as part of their World Alzheimer Day celebrations, and it will run until end of day October 21<sup>st</sup>. The link to the Auction website is [32auctions.com/ASNR](https://32auctions.com/ASNR). All of the Auction items have been generously donated by businesses and individuals within the community and include items such as Muskoka and Toronto sight-seeing flights, autographed sports memorabilia, a designer handbag, food gift certificates and much more.

Ms. Radojcic advised that the last fundraising initiative that she is going to briefly speak about is their Raffle. The Raffle opened that day as well to mark World Alzheimer Day, and participants can win some great prizes such as a Romance Package in Niagara Falls donated by the Holiday Inn By The Falls and the Skylon Tower, a Roomba vacuum donated by Canadian Tire in Niagara Falls, a case of wine donated by Glen Elgin Vineyard Management and a foursome of golf at Peninsula Lakes Golf and Country Club. You can get information about purchasing tickets at [raffle.alzheimerniagara.ca](https://raffle.alzheimerniagara.ca) or by calling 905-687-3914.

In conclusion, anyone can help if they know someone living with dementia or a caregiver, by reaching out to them and see how they are doing. Or, if after months of social distancing you get back together with an older adult in your bubble and are worried about cognitive changes, reach out to the Society. You do not need to wait for a referral from a doctor to receive support from The Alzheimer Society. They are here to help at any stage of the journey.

This year is very different, it requires a lot of creativity, and every bit counts. You can help by hosting a “Social with a Purpose” fundraiser. You can also support the Society by donating or participating in their Raffle and Auction. Finally, you can spread the word to family and friends and keep the conversation going. In whichever way you can, they hope that Fort Erie will consider partnering with them to help them continue to support all those

affected by dementia who need their support now more than ever.

In closing, Ms. Radojic thanked members of Council for their time and consideration in making a difference in their community today, and making a difference in the lives of people living with dementia and their loved ones here in Fort Erie and the rest of the Region.

- (b) Helena Ciccone, 735 Celebration Drive (o/b of Residents of Celebration Drive and Bardol Avenue)

Re: Erie Beach/Harbourtown Subdivision Laneway Paving and Existing Encroachments

Ms. Ciccone advised that she has 9 key points for Council's consideration of why an overwhelming majority of residents in Harbourtown have petitioned to limit a private laneway within their community not to exceed a width of 12 feet, and that in her presentation, she will be using a local street, as a comparative.

Ms. Ciccone advised:

- Edgemere Road is one-way from Kraft Road towards Helena Street and is 12 feet, 6 inches wide. It services well over 65 individual properties running along both sides of the roadway.
- Right now Harbourtown has a 12 foot wide gravel and dirt laneway that starts behind Celebration Drive and runs all the way to Buttonwood Drive. Its main purpose is to service only 2 backyard garages. You can see ruts of well worn tire tracks following a path that is well within its 12 foot perimeter.
- This laneway is within a 19 foot wide easement, but they believe that doesn't mean the paving has to be 19 feet wide. Their community is very pro-green. Grass is more eco-friendly than asphalt. They prefer lush lawns, flower gardens and landscaping over asphalt. They want to be good land stewards and practice sound environmental considerations that would minimize the negative impact on their environment.
- Black asphalt heats up more intensely during summer months and radiates hot scorching temperatures throughout the community, while gardens and lush lawns keep their backyards cooler, and provide an oasis of relief from the

summer heat. Asphalt creates more run-off, while grass and gardens absorb the rain and at the same time help prevent excessive flooding. Throughout many forward thinking Regions of the world, local municipalities financially reward home owners as an incentive to tear out paved driveways and replace them with more environmental friendly designs that incorporate the use of grass.

- Today, according to the Planning Department, references have been made to revert the land back to it's original 2003 bankrupt subdivision plan. Now 17 years later, a 19 foot wide paved laneway must be incorporated back into our community. But why? With the 2003 plan there was no room for gardens. The original plan was designed to accommodate cars, backyard driveways, drive-thru laneways, and backyard parking.
- Today not only is the Planning Department advocating to expand to the full easement width, but the new laneway must also become a two-way road. That change would most likely encourage cross-cutting drivers to cruise through their backyards. A two-way road will also physically divide their neighbourhood. It will diminish their green space and displace the character and charm of their community that their resident gardeners have worked so hard to create. The Planning Department's justification? Quote: "So when one car is driving in, the other car won't have to back up." All this for only 2 garages?

Ms. Ciccone stated "How did we get here? Why are we facing this issue now?"

- In 2007, a new developer took over the subdivision with a new plan, a new name and more new residents who would out number the original homes available in 2003. Mr. Campbell imagined something better for his new subdivision known today as Harbourn town. He recognized that a setback clearance of only 4 feet for backyards and exterior side lots created safety hazards that would negatively impact future home owners if he followed the original plans from 2003. To correct this problem, he turned all rear garages to face the front of the lot. Once the homes were all sold he then systematically divided laneway easements into apportioned pieces for each adjacent property.
- In 2016, Mr. Campbell applied for his final amendment to

complete Phase 1 of Harbourn town. He managed to close down all but 2 of the last remaining laneway easements in Block 41 and 42. So what happened? A portion of the laneway in Block 42 and a portion in Block 41 running behind Celebration Drive to Buttonwood Drive was not approved by the Planning Department. According to former Planning Director, Rick Brady: "only one person has to object and the amendment doesn't pass."

- Mr. Campbell did not abandon the residents of Harbourn town. In 2016 he was stopped dead in his tracks to complete his plans of addressing the issue of unsafe property setbacks and the elimination of obsolete laneways.

In closing, Ms. Ciccone advised she would like to state that if local roads, such as Edgemere Road that are one-way and 12 feet wide are good enough for many Fort Erie residents, then why isn't it good enough for a backyard laneway with only 2 backyard garages.

(c) Beverly Smithyman, 16 Lakebreeze Court

Re: Support of Erie Beach/Harbourn town Subdivision Laneway Paving

Ms. Smithyman advised she is representing herself and her neighbour, Rae McNamara of 19 Lakebreeze Court. They are the only 2 homes that actually need to use the laneway. Both of them have closing documents and/or deeds giving them complete and unrestricted access to Blocks 41 and 42. She doesn't know if any other residents have any similar stipulations regarding the lanes.

Ms. Smithyman stated that Mr. McNamara owns a boat and trailer. In order for him to navigate the corner of Blocks 41 and 42, he requires absolutely no less than a 15 foot clearance. She advised that she understood that the Blocks were also intended as access for emergency services. If so, ambulances and fire trucks would have to navigate that same corner. Also, it should be taken into consideration that future owners of their 2 properties may also own boats, trailers or motorhomes. There could be future repercussions that have not even been considered.

Ms. Smithyman advised that she and Mr. McNamara appreciate the predicament Mr. and Mrs. Ciccone have found themselves to

be in, and they are sorry it has caused so much stress and anxiety for them. The blame for that encroachment should be laid at the feet of the Developer, Ward Campbell, who had no approval from the Town Planning Department. Rick Brady was the head of that Department at the time, and vetoed Mr. Campbell's proposals immediately.

In closing, Ms. Smithyman stated that at the moment, and for many years previous, the laneways have been an eyesore of mud, gravel and weeds. Since moving in on September 20, 2004, she has been looking forward to having the laneways paved, as has her snow plow driver. This year, 16 years later, they are close to achieving this goal. She and Mr. McNamara are grateful.

- (d) Don Pardoe, 730 Celebration Drive (o/b 730 & 736 Celebration Drive)

Re: Support of Erie Beach/Harbourtown Subdivision Laneway Paving at a Reduced Width

Mr. Pardoe advised he would keep his presentation brief because he would be repeating what's been already discussed, although his situation is a little different. He's also representing his neighbors, Patrick and Margaret Guay at 736 Celebration Drive, and Dion Reinhart at 45 Bardol. Mr. Reinhart is one of the only 2 people that takes access off of the extension of the laneway that's being discussed.

Mr. Pardoe stated he is referring to the portion of the laneway that runs north off of Celebration Drive, between 730 and 736 Celebration Drive. They are in the same boat. They have 2 rear yard garages. The laneway, at this point, is a dead end laneway 43 meters in length. Between the 2 homes, they generate less than 10 vehicle trips per day, and that would be on the high side, so they find it very interesting that they would need a 19 foot wide laneway to go through there, with the appearance of a two-lane roadway.

Mr. Pardoe referred to photos which were submitted to Council. Looking up the laneway from Celebration Drive, you can see that there is actually a swing set at the very end of this dead end street. Anybody that's proceeding along the laneway would have to turn around at the end of this laneway on private property. Anybody using this laneway would find that they would be in conflict with the swing set in the playground at the very end.

In closing, Mr. Pardoe advised that they are very concerned about bringing more traffic on to basically a two-lane dead-end driveway.

## 9. Consent Agenda Items

### 9.1 Request to Remove Consent Agenda Items

None.

### 9.2 Consent Agenda Items for Approval

#### 1. Minutes

- (a) Approve - Council Meeting - August 24, 2020
- (b) Approve - Special Council-in-Committee Meeting - August 31, 2020
- (c) Approve - Special Council-in-Committee Meeting - September 2, 2020
- (d) Approve - Council-in-Committee Meeting - September 14, 2020

#### 2. Correspondence

- (a) Proclamation - Senior Citizens Advisory Committee - October 1, 2020 - World Senior's Day  
  
**That:** Council proclaims October 1, 2020 as "World Senior's Day" and approves the Age-Friendly flag to be flown at Town Hall. **(Carried)**
- (b) Proclamation - CN - September 21-27, 2020 - Rail Safety Week  
  
**That:** Council proclaims September 21-27, 2020 as "Rail Safety Week". **(Carried)**
- (c) Receive - Local Planning Appeal Tribunal - Canadian Motor Speedway - Decision to Extend Deadline in Sunset Clause 9 to By-law No. 106-10 to September 13, 2021
- (d) Proclamation - Alzheimer Society, Niagara Region - September 21, 2020 - World Alzheimer Day

**That:** Council proclaims September 21, 2020 as "World Alzheimer Day". **(Carried)**

- (e) Proclamation - Miranda's Miracles Fund - September as Childhood Cancer Awareness Month

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

### 3. Board/Committee Minutes

None.

### 4. Reports

**CS-15-2020** 2020 2nd Quarter Financial Report

**That:** Council receives Report No. CS-15-2020 regarding the 2020 2nd Quarter Financial Report, including Covid-19 financial impacts, for information purposes. **(Carried)**

**COS-05-2020** Award of Request for Proposal for Consulting Services for Corporate Software Review - Contract No. COS-20P-SOFTWR

**That:** Council amends the 2020 General Levy Operating Budget to include a Corporate Software Review for \$112,500 with funding from the Ontario Municipal Modernization Program (OMMP) grant, and further

**That:** Council accepts and approves the proposal from Perry Group Consulting Ltd for a Corporate Software Review – Contract No. COS-20P-SOFTWR to the upset limit of \$93,970.80 (including 13% HST). **(Carried)**

### 5. Other Matters

#### Consent Agenda Resolution

Resolution No. 1

Moved by: Councillor Lubberts

Seconded by: Councillor McDermott

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

### 9.3 Items Removed to be Dealt with Separately

None.

## 10. Report

### PDS-41-2020 Waterfront Road Allowance Markers

Resolution No. 2

Moved by: Councillor Zanko

Seconded by: Councillor Dubanow

**That:** Council receives Report No. PDS-41-2020 for information purposes, pursuant to a request made by Council at its meeting on July 13, 2020, and further

**That:** Council will consider the allocation of funding to replace and install waterfront property line markers, through the 2021 Capital Budget deliberations.

*Councillor Lubberts requested Ms. Dolch to find out whether Waterfront Park has been surveyed and if the Town has a Deed to it. Mayor Redekop advised that Ms. Dolch could provide that information at the next meeting.*

Resolution No. 2A

Moved by: Councillor Lubberts

Seconded by: Councillor Noyes

**That:** The recommendation be amended to include that Waterfront Park be surveyed and marked, and staff ensure the Town has a Deed to the property, and if not, ensure that the Town obtains a Deed.

*Mayor Redekop ruled the amendment out of order as the essence of the amendment was not relevant to the Report. Councillor Lubberts withdrew the amendment.*

**Following the withdrawal of the amendment, the recommendations were voted on as originally presented as follows:**

**That:** Council receives Report No. PDS-41-2020 for

information purposes, pursuant to a request made by Council at its meeting on July 13, 2020, and further

**That:** Council will consider the allocation of funding to replace and install waterfront property line markers, through the 2021 Capital Budget deliberations.

**(Carried)**

**PDS-42-2020** Proposed Official Plan and Zoning By-law Amendment - 260-262 Gorham Road and 3854 Disher Street - Urban & Environmental Management Inc. - Greg Taras (Agent) - Lucky Gas Inc. - Najeeb Quidwai (Owner)

Resolution No. 3

Moved by: Councillor Dubanow

Seconded by: Councillor Zanko

**That:** Council approves the amendments to the Town's Official Plan and Zoning Bylaw No. 129-90 as detailed in Appendix "3" and Appendix "4" of Report No. PDS-42-2020 for the lands known as 260-262 Gorham Road & 3854 Disher Street, and further

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

*Mayor Redekop gave the Chair to Councillor McDermott in order to ask further questions and make comments.*

Resolution No. 3A

Moved by: Mayor Redekop

Seconded by: Councillor Butler

**That:** Report No. PDS-42-2020 be postponed until a Traffic Study relative to Gorham Road from Garrison Road south that was requested in March of this year is conducted, that will take into account what the traffic flows would be, other than during the COVID-19 implications.

**(Carried)**

*Councillor McDermott returned the Chair to Mayor Redekop.*

## 11. New Business/Enquiries

(a) Councillor Zanko

Councillor Zanko directed her question through Ms. Dolch with regard to the delegations concerning the laneways in Harbourtown. She advised that she knows that Ms. Dolch and her staff have been spending a lot of time with residents trying to find a consensus, which is difficult. She advised that residents she has spoke to have concerns more so with regard to traffic going down the laneway, and kids playing. She asked if the Town could have private road signs at both sides of the laneway to alleviate that concern? And if so, is that something she would need to bring forward?

Ms. Dolch advised it wasn't part of the original subdivision design, but it's not to say that it can't happen. It's private property, and not a public laneway. The Town could look to install the signs. In terms of the monies, the Town has enough to cover the works of that subdivision, but anything else would be above and beyond.

Councillor Zanko enquired how much a sign like that would cost at each entrance? Ms. Dolch referred the question to Mr. Walsh. Mayor Redekop clarified that it would be 3 signs. Mr. Walsh responded that signs are typically around \$200 each. Councillor Zanko questioned whether she would need to bring that through a notice of motion? Mayor Redekop responded that yes, she would.

Councillor Zanko advised that her next question is with regard to the width, as she knows having heard from all the delegations this evening, 3 are not opposed to the laneway, but just hoping that the width, aside from the residents that are impacted the most, would be at least a 15 foot width. She questioned what the current width is, because she thinks there's some confusion around the shoulders being inclusive. She has heard 14.5 to 15 to 19 feet in width. Mayor Redekop clarified that the width of the lane shown on the plan is 6 meters. The paved portion is 4.5 meters with a 0.75 meter shoulder paved on each side. He asked Ms. Dolch if that was correct. Ms. Dolch advised that is correct, normally shoulders, but not in all cases are paved. Sometimes they are gravel, but in this case it's paved, so it ends up being a full 6 meters of pavement.

Councillor Zanko advised that she knows the Town is governed by the Plan of Subdivision, and has to complete the work. She asked if staff are currently looking at decreasing that width, or is that basically what we have to do?

Mayor Redekop advised that he spoke to the CAO earlier today about the concern as to the municipality's obligations, relative to the Subdivision Agreement. Once the developer defaulted, the Town then cashed the security in order to complete the plan, so it may be

appropriate for Council to ask staff to consult a lawyer with respect to what the municipality's actual obligations are ie. whether the Town could direct staff to pave less than 6 meters, and if so, what latitude would the Town have?

Councillor Dubanow asked if the Town has other subdivisions or other areas of Town that have laneways, such as Dufferin and Jarvis up in the north end, and what are the width of them? Mayor Redekop responded he thinks it's pretty clear that they're not 19 feet, but it's somewhat beside the point. He thinks the example provided by the one delegate that Edgemere is 12 feet is probably helpful.

Resolution No. 3B:

Moved by: Councillor Zanko

Seconded by: Councillor McDermott

**That:** Staff are requested to obtain a legal opinion with respect to the municipality's obligations under the Subdivision Agreement at Erie Beach. **(Carried)**

(b) Councillor Noyes

Councillor Noyes enquired with respect to Stevensville Mini Park being delayed, and the park equipment that we're waiting for, when will it be completed? Ms. Dolch advised all she can offer at this point is fall, but will have the Manager of Community Planning follow up with the contractor to see if they can provide a concise delivery date.

(c) Councillor Noyes

Councillor Noyes referred to the corporate software review. She asked if it was going to include rural needs for residents to be able to access the Town through internet.

Mr. Kuchyt responded that it is an internal review of the Town's own software. Over the years, as the corporation grows, we buy software for specific needs, and over time they don't necessarily all work together, and there may be packages out there that are better suited for the corporation, so that's what this review is for. It's not internet speed, that's a whole separate issue that the Town is trying to deal with. Recently, the EDTS has put out a survey to residents to find out where those needs are and what people presently have. Prior to this, we did a business survey as well, so this is an internal software review only.

Mayor Redekop added that since the pandemic, it looks like the broadband service providers seem to be a lot more interested in expanding their services, There's more federal and provincial money. The Town has provided letters of support to at least 3 to assist them in their applications for funding from the upper levels of government. There have been some active discussions with Bell, Cogeco, and NRB, and it looks like they're interested in moving into some areas specifically. He advised he doesn't know that he can share areas that some of them have identified right now, but he will endeavor to get out an email to members of Council sometime later this week as an update as to what's happening, because that's a very significant issue now for everybody.

(d) Councillor Lubberts

Councillor Lubberts advised that he wanted to comment on the letter that was sent out by Councillor Butler to one of the SPCA's former Board members. There are some statements in there that aren't accurate. Councillor Butler says in the letter that there's some training that's not provided by the SPCA, there's some legislated, mandated policies, and dedicated training associated with those policies, and there's none of them in place at the SPCA. She goes on to list some policies, that the way he reads it, she's saying that the SPCA doesn't have, for instance, WHMIS, but the SPCA has WHMIS. She goes on to say, First Aid - the SPCA has a staff that's trained in First Aid. Workplace Violence and Harassment Prevention - SPCA has policies in place. Workman's Safety Insurance Board - SPCA pays the premiums to a Workman's Safety Insurance Board. Accessibility for Ontarians - SPCA has that. She says there's no adequate training for individuals carrying out euthanasia, and the SPCA has been investigated by Animal Services. Animal Services has no problem with the training that's been provided to the employees. She claims there's no due diligence at the SPCA, which is not true, and there's no intake systems documentation for that, and that's not true. She also stated in her letter that the Manager at the SPCA told the Town of Fort Erie that the SPCA does not need our contract and to basically feel free to cancel it. The Manager of the SPCA did not say that, that is an outright lie. That was never said by the Manager. It's been verified that it wasn't said by the Manager. He advised he brought that up to Mayor Redekop because this issue needs to be attended to by Mayor Redekop because we can't have councillors going out there, making statements that aren't accurate, and making statements that aren't true.

Mayor Redekop advised Councillor Lubberts that it would have been

helpful if he had a concern about this, if he had of brought it up, whenever that letter was sent out (was it an email or a letter?). In any event, one of the motions that's on tonight's Agenda, that's going to be adjourned, was to ask for the SPCA to provide whatever its policies and procedures are on these various points. He advised he doesn't disagree with Councillor Lubberts that Councillors should be cautious in the things that they say, and should try to be accurate in the things that they say. He stated what he is going to go to Councillor Butler since Councillor Lubberts has referenced her with respect to her message, and he asked Councillor Butler was it an email or a letter that Councillor Lubberts is referring to?

Councillor Butler advised it was a letter that she sent in response to Ms. Bredin, who is on the Board of Directors, who sent an email to Council, and a letter directly to Mayor Redekop. She advised that she responded to that, and she has actual testimonials from 3 employees that are currently working there that said that they have never been trained in any of those areas, and there have never been any sign-offs, and so she is going specifically on their word and the word of former employees, so she can absolutely provide those names in the future if Council would like that reference. Also, she does want to correct herself, it was Geoff Stephenson, who is no longer with The Corporation of the Town of Fort Erie, and who was the Coordinator of By-law Enforcement, who did say in a meeting in front of Councillor Zanko, and in front of the CAO, who can attest to it, that he did say that at the signing of the contract, she did say that they don't need this contract to be able to fulfill it, which she finds very interesting, because the contract is \$154,000 per year, plus the revenues that they get for dog tags, which actually adds up to an additional \$150,000, so it's \$300,000, which is, she thinks, close to half their budget, if not a little bit more. Those numbers were just relayed to her through the new Coordinator of By-law Enforcement, Mr. Chudoba. She advised that she doesn't write things if she doesn't have proof to back her up.

Mayor Redekop advised that he wasn't sure what Councillor Butler's response was to the issue about whether the SPCA needed the contract or didn't. He asked whether she said that Mr. Kuchyt would have been aware of that or it was said in his presence?

Councillor Butler responded that she thought it was Mr. Kuchyt that had told them that in the meeting, but it was actually Geoff Stephenson. Mayor Redekop responded that it is his understanding that Mr. Kuchyt has never heard such a statement. He asked Mr. Kuchyt if that was correct.

Mr. Kuchyt advised that he didn't recall that statement, but he would have to go back and check his notes, as that was quite a while ago when they had the meeting with Mr. Stephenson.

Councillor Butler stated she was surprised that Mr. Kuchyt doesn't remember that, because they did sit there dumbfounded at that fact, and that was when Mr. Kuchyt did respond with respect to the fact that, who would we actually go to then, who is there in Town? But there are other services, there's the Niagara South SPCA that could step in quite easily, who does have all the systems in place, so she doesn't see a problem with that.

(e) Councillor Butler

Councillor Butler questioned whether with respect to AirBNB's, is Council going to be receiving an updated report?

Ms. Dolch advised that staff are trying to get an update to Council before the end of the year, or early next year, with the results of the program, as well as the enforcement that has been undertaken this year.

Councillor Butler advised it's come to her attention that there's new terminology called "ghost hotels". Mayor Redekop advised it's not new terminology, it's people that are taking advantage of the situation and actually running what are similar to multiple arrangements that look like a hotel, but aren't regulated like a hotel.

Councillor Butler responded that it's 2 to 3 day turnovers, and operating as more of a commercial business, as opposed to short term for 7 days or 10 days. She asked if when that update comes through it can take a look at that and make the comparison to what the other municipalities are doing in terms of putting strict guidelines in. Mayor Redekop responded that that's an issue that will be timely when Council receives the report from staff. He is unsure how helpful it will be because this wasn't an ordinary year for short term rentals, but certainly the decisions Council made last year were intended to be reviewed after we had one full year of activity. So, that's certainly something that she can bring back for Council to consider at that time.

(f) Councillor Butler

Councillor Butler asked the Director of Planning and Development Services to confirm if in the report with respect to the SPCA, there's

going to be discussions with respect to the possibility of terminating the contract with the SPCA and what the legalities associated with that will look like. Mayor Redekop responded that he didn't recall exactly what the wording of her motion was, but that the report will include whatever was referenced in her Motion. Ms. Dolch confirmed that the report will conform to the wording of the motion.

*Councillor Zanko referred back Councillor Lubberts' statement in reference to the email Councillor Butler sent with respect to the SPCA.*

(g) Councillor Zanko

Councillor Zanko advised that with regard to the statement that Councillor Lubberts had made in reference to the email Councillor Butler had sent, when they originally had their meeting with Geoff Stephenson, what he said was the last time the contract was up for renewal, the SPCA indicated that they could sustain themselves without the contract.

## 12. Motions

*Mayor Redekop gave the Chair to Councillor McDermott in order to speak to his Motion.*

(a) Mayor Redekop

Re: Amend Council Rules of Procedure - Debate Relative to both Council-in-Committee and Regular Council

Resolution No. 4

Moved by: Mayor Redekop

Seconded by: Councillor Zanko

**That:** Council amends Council Rules of Procedure By-law No. 36-2016 so that Rule 18.12(e), relative to debate in Council-in-Committee meetings, will conform with Rule 11.6 (b), relative to debate in Regular Council meetings, which reads as follows:

"11.6(b) No member of Council shall speak a second time if a Member who has not spoken wishes to speak for a first time and no Member shall speak more than twice to the motion without Council's consent.

*After discussion, Mayor Redekop made a friendly amendment with the approval of his seconder, to add to the recommendation*

*that the decision be reviewed in one year being next September.*

**Following the friendly amendment, Recommendation No. 4 was voted on, as amended, as follows:**

Resolution No. 4  
Moved by: Mayor Redekop  
Seconded by: Councillor Zanko

**That:** Council amends Council Rules of Procedure By-law No. 36-2016 so that Rule 18.12(e), relative to debate in Council-in-Committee meetings, will conform with Rule 11.6 (b), relative to debate in Regular Council meetings, which reads as follows:

"11.6(b) No member of Council shall speak a second time if a Member who has not spoken wishes to speak for a first time and no Member shall speak more than twice to the motion without Council's consent, subject to this provision being reviewed in one (1) year's time, being next September." **(Carried)**

(b) Councillor Zanko

Re: Traffic Impact Study - 745 Crescent Road

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

**That:** Council directs that in the event an Application is received for 745 Crescent Road which includes an apartment building, a Traffic Impact Study shall be requested at the Site Plan Stage. **(Carried)**

(c) *Mayor Redekop gave the Chair to Councillor McDermott due to his pecuniary interest.*

Councillor Noyes

Re: Site Plan and/or Site Plan Agreement Approval for Proposed Cannabis Operation at 1141 Ridge Road North

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

**Whereas** following the approval of Report No. CDS-31-13, By-

law No. 36-13 was passed to delegate approval of Site Plans and the signing of Site Plan Agreements to the Director of Community and Developments Services (now Director, Planning & Development Services), and

**Whereas** By-law No. 36-13 further provides that Council may require any Site Plan and/or Site Plan Agreement be approved by Council prior to execution by the Director or designate;

**Now therefore be it resolved,**

**That:** Council directs that Council shall be the approval authority for the Site Plan and/or Site Plan Agreement for the proposed cannabis operation at 1141 Ridge Road North, prior to execution by the Director, Planning & Development Services, or designate.

**(Lost)**

*Councillor McDermott returned the Chair to Mayor Redekop.*

(d) Councillor Dubanow

Re: Ditching on Tenth Street

Resolution No. 7

Moved by: Councillor Dubanow

Seconded by: Councillor Zanko

**Whereas** complaints have been made to the Town from residents on Tenth Street regarding drainage, and

**Whereas** following investigation by Town staff, drainage in the existing ditches was found to be deficient, and

**Whereas** ditches were restored to original depths, but due to utility conflicts, side slopes were cut steeper than desirable by residents who have expressed concerns related to the safety and maintenance of their properties;

**Now therefore be it resolved,**

**That:** Council directs staff to inspect the ditches in their current state and prepare a Report with recommendations for Council to consider actions going forward, and further

**That:** Council directs that the allocation of funding for any costs associated with the recommendations will be considered through the 2021 Capital Budget deliberations. **(Carried)**

(e) Councillor Noyes

Re: Community Gaming & Development Corporation Review

Resolution No. 9

Moved by: Councillor Noyes

Seconded by: Councillor Lubberts

**Whereas** since the inception of eGaming, the Ontario Lottery Corporation (OLG) together with the Ontario Charitable Gaming Association (OCGA) have made changes to the Charitable Bingo and Gaming Policies and Standards for Charities, which may not be reflective or referred to in The Town of Fort Erie's current Gaming Policy (By-law No. 25-2015), and therefore a review/update of the Town's Gaming Policy is necessary, and

**Whereas** in discussion with the Town's Gaming staff, the Community Gaming Development Corporation (CGDC) has also recognized that due to the OLG and OCGA changes a review of the Town's Gaming Policy is required;

**Now therefore be it resolved,**

**That:** Council directs staff and the CGDC to review the changes in the Gaming Policies and Standards for Charities and make recommendations to Council for revising the Town of Fort Erie's Gaming Policy to address and reflect those changes, and make further recommendations that may improve and /or update the Policy. **(Carried)**

(f) Councillor Butler

Re: Request SPCA's Policies and Procedures with respect to Animal Services

**(Postponed to November 16, 2020)**

**13. Notice of Motion**

(a) Councillor Dubanow

Councillor Dubanow gave notice of a motion regarding the pedestrian pathway leading from Nancy Street to the Storm Water Management pond, and the need to reopen it.

**(Returnable at the earlier of the next Regular Council Meeting or Special Council Meeting)**

(b) Councillor Dubanow

Councillor Dubanow gave notice of a motion regarding the need for the Federal Government to put policies in place to permit family reunification and compassionate travel between Canada and foreign countries.

**(Returnable October 19, 2020)**

(c) Mayor Redekop

Mayor Redekop gave notice of a motion regarding retirement homes, the provincial monitoring of them, and the nature of health services available in them.

**(Returnable at the earlier of the next Regular Council Meeting or Special Council Meeting)**

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

Resolution No. 9

Moved by: Councillor McDermott

Seconded by: Councillor Butler

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

92-2020 To Amend Zoning By-law No. 129-90, as Amended – Removal of Holding Provision - South Coast Village Phase 3 Condominium - (Marz Homes (Crystal Beach) Inc. – Dan Gabriele)

93-2020 To Regulate Open Air Burning in the Town of Fort Erie and to Repeal By-law No. 167-03

94-2020 To Amend Fees and Charges By-law No. 40-09, as amended (Burning Permit and Safety Plan Review)

95-2020 To Amend Council Rules of Procedure By-law No. 36-2016, as amended - Electronic Meetings & Participation

is given first and second reading.

**(Carried)**

Resolution No. 10

Moved by: Councillor McDermott

Seconded by: Councillor Butler

**That:** By-laws:

92-2020

93-2020

94-2020

95-2020

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

**(Carried)**

Resolution No. 11

Moved by: Councillor Lubberts

Seconded by: Councillor McDermott

**That:** By-law No. 96-2020: To Confirm the Actions of Council at its Special Council Meeting Held on August 31, 2020, Special Council-in-Committee Meeting Held on September 2, 2020, Council-in-Committee Meeting Held on September 14, 2020 and Council Meeting Held on September 21, 2020 is given first and second reading.

**(Carried)**

Resolution No. 12

Moved by: Councillor McDermott

Seconded by: Councillor Butler

**That:** By-law No. 96-2020 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

**(Carried)**

## **15. Scheduling of Meetings**

- The Fort Erie Fire Department Food Drive, Saturday, September 26, 2020 at all local Fire Departments (drive-thru) from 9:00 a.m. to 1:00 p.m.
- Infrastructure Services Business Subcommittee, Wednesday, September 30, 2020 at 3:00 p.m., via Zoom Teleconference
- Transit Advisory Committee Meeting, Thursday, September 24, 2020, at 3:00 p.m., via Zoom Teleconference
- Planning & Development Services Meeting, Wednesday, September 30, 2020 at 5:00 p.m. via Zoom Teleconference.
- Corporate and Community Subcommittee Meeting, Wednesday, September 23, 2020, at 2:30 p.m. via Zoom Teleconference

Regular Council - 21 Sep 2020 Meeting Minutes

- Land Committee Meeting, Thursday, September 24, 2020 at 9:00 a.m., via Zoom Teleconference

**16. Adjournment**

Resolution No. 13

Moved by: Councillor McDermott

Seconded by: Councillor Noyes

**That:** Council adjourns at 9:33 p.m. to reconvene into a Regular Meeting of Council on October 19, 2020. **(Carried)**

---

Mayor

---

Clerk