



The Municipal Corporation of the
Town of Fort Erie

Regular Council Meeting Minutes

Monday, May 31, 2021

Council Chambers via Video Teleconference

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

All electronic meetings can be viewed at:

Town's Website:

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

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

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

1. Call to Order

Mayor Redekop called the meeting to order at 5:32 p.m.

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

Mayor Redekop referenced the following statement made by the Niagara Mayors and the Regional Chair following the revelation of the mass grave at the Kamloops Residential School:

“Starting Monday, May 31 at 9 a.m., flags will be flown at half-mast until June 8. The discovery of the mass grave in Kamloops at a former Residential School is a stark reminder of the devastating legacy that the Canadian residential school system had on First Nations people across our country. As Canadians, we must never forget that residential schools forcefully removed indigenous children from their families, robbed them of their culture, and exposed many of them to physical, mental and sexual abuse.

This particular residential school was operational until 1969, and in the mass unmarked grave, bodies belonging to children as young as three were discovered. Leaders in the Tk'emlúps te Secwépemc First Nations community have rightfully pointed out that the individuals found in this mass grave would have been elders in their community by now. The

discovery of this grave site represents more than just a loss of life; it is also an unmeasurable loss of culture, tradition, customs and society.

As Niagara's municipal leaders, we recognize that reconciliation starts with a sincere acknowledgement of the injustices and harms experienced by Indigenous people in Canada. While this discovery is exceptionally tragic, we must also recognize it as an opportunity to learn the truth about the horrors of the residential school system, and the lasting intergenerational trauma it has had for First Nations people across Canada.

We are also joining many communities and organizations across the country who are calling on the federal government to declare a national day of mourning to recognize the tragedies of residential schools in Canada. While nothing will erase the painful impact that residential schools had on First Nations, Inuit and Metis people, we believe we must better acknowledge, and learn from, one of the darkest chapters of our history.”

Mayor Redekop added that today, the Fort Erie Native Friendship Centre put out a notice that they had commenced a remembrance fire at their facility at 2:15 p.m. which will run until 2:15 p.m. tomorrow. He had the opportunity to stop by, while maintaining physical distance from the members of the Indigenous community there, was provided the opportunity to place tobacco in the remembrance fire, and share my sense of tragedy with respect to this particular matter. I assured the First Nations People who were present, that this Council and this Town Administration are fully supportive of the Truth and Reconciliation objectives and that we share in their sense of loss at this tragic time.

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, McDermott, Noyes, and Zanko

(*Arrived at 5:52 p.m.)

Regional Councillor Insinna (Regrets)

Staff (Via Zoom Teleconference): *K. Dolch, J. Janzen, T. Kuchyt,

E. Melanson, C. Schofield, and K. Walsh

(*K. Dolch did not attend the Closed Session)

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

4. Declarations of Pecuniary Interest

(a) Councillor Dubanow

Councillor Dubanow declared a pecuniary interest regarding By-law No. 73-2021 as the company he works for has performed contracted services for the Fort Erie SPCA, and an Animal Control By-law may impact their operations. Additionally, he declared pecuniary interests regarding By-law Nos. 74-2021 and 75-2021 as the company he works for has performed contracted services for the Fort Erie SPCA. He abstained from discussing and voting on the by-laws.

(b) Mayor Redekop

Mayor Redekop declared a pecuniary interest regarding By-law No. 73-2021, as his law firm represents a company identified in Schedule "B" of the by-law for exemption. He abstained from discussing and voting on the by-law.

(c) Councillor Butler

Councillor Butler declared a pecuniary interest regarding By-law No. 71-2021 as her company does business with one of the partners of Westwind Developments. She abstained from discussing and voting on the by-law.

5. Closed Session

Resolution No. 1

Moved by: Councillor Noyes

Seconded by: Councillor Zanko

That: Council does now go into closed session at 5:39 p.m. to discuss the following:

(a) Pursuant to Subsection 239 (2) (e) of the *Municipal Act, 2001* - Litigation or potential litigation, including matters before

administrative tribunals, affecting the municipality or local board;
and

Pursuant to Subsection 239 (2) (f) - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Re: LPAT Appeal: Niacon Limited Construction Company - 625 Garrison Road & 0-10389 Helena Street - Official Plan and Zoning By-law Amendments

Mayor Redekop asked each member that was in attendance electronically to confirm no one else was present with them, and that they were not recording this portion of the meeting. Each member confirmed they were alone and not recording the meeting, as did Mayor Redekop. (Councillor Butler confirmed she was alone and not recording to the Manager, Digital Services, prior to entering the meeting, and Mayor Redekop asked Councillor Butler to confirm once again upon rising from closed session publicly).

Mr. Kuchyt provided background on the matter. The Town's legal counsel, Tom Hanrahan, advised members of Council of the status of the matter and provided legal advice. A question and answer period followed. Council gave direction to Mr. Hanrahan.

Resolution No. 2

Moved by: Councillor Zanko

Seconded by: Councillor Noyes

That: Council does now rise and reconvene from closed session at 6:20 p.m. with report that staff proceed as directed. **(Carried)**

6. Announcements/Addenda

There were two addenda:

- Addition under 10.2 Consent Agenda Items – Correspondence (g) Proclamation - Senior Citizens Advisory Committee - June as “Seniors Month” and flag-raising request; and
- Revision to By-law No. 67-2021 To Enact An Amendment to the Official Plan Adopted by By-law No. 150-06 for the Town of Fort Erie Planning Area - Amendment No. 53 - Susan Smyth- Agent - Niagara Regional Housing - Applicant - Lions Douglas Heights Senior Residence – Owner - 255 High Street. Page 6 paragraph (g) was revised to reflect the Development Charges being waived for all units.

Mayor Redekop made the following announcements:

Flag Raisings for June

There are 2 flag raisings June 1st: the Age-Friendly Flag as June is Senior's Month and the Pride Flag as June is Pride Month. In light of the news from Kamloops, we must understand that everyone has value in our society no matter the color of their skin, their religious beliefs, where they come from, or how they dress. It is an important reminder that by embracing the diversity around us, we take advantage of the talents that everyone has to enrich our community and society. I am happy to raise both of those flags tomorrow.

COVID-19 Vaccinations

Fort Erie will have 3 additional clinics on June 25, 26, & 27. There are at least 6 pharmacies in Fort Erie that are dispensing Pfizer and Moderna vaccines, and some physician offices. The residents who cannot attend one of the local clinics can attend pharmacies or possibly their physician's office.

Individuals over 80 are now able to arrange appointments for the second dose of the vaccination. On June 14th, those 70 and over will be able to start making appointments for their second doses, accelerating the timeline.

Local Updates

- Splash pads in Fort Erie are opening tomorrow. The Town recreation department and Regional Public Health will ensure everything is in order.
- In speaking with MPP, Wayne Gates, the Region of Niagara, and Councillors, concern has been expressed about the displacement of residential tenants from 2 large buildings in Fort Erie. These buildings house numerous tenants, many of whom have been in occupation of those units for decades, and this places them under a great deal of stress. In further discussion with the CAO, he will engage with the Region on arranging a team to see whether we can provide at least some information and support for those who need accommodations and housing. I will keep Council updated. Regional Councillor Insinna is also up-to-date on the matter; he is aware that this situation is occurring across Niagara and undoubtedly across the province. New owners of these properties are looking at ways to monetize their investment, which doesn't help our community and those displaced.

Canada-US Border

- The 13 border Mayors had a meeting with the Minister of Public Safety and Emergency Preparedness, Bill Blair, on Friday regarding the Canada-US border. The Minister discussed the Federal Government's plan, which included: markers that they are working on, measures they are looking into, the vaccinations that Canadians and Americans have, how to ensure that the record of vaccinations is available and reliable, and certification and verification of vaccination. We also talked about testing protocols as well as contact tracing as the need arises. The reality is that some sectors are more likely to be capable of being subject to the easing of border restrictions. The Minister made it quite clear that reopening the border would be phased in, incremental, based on science, and that it will ensure the safety of Canadians.
- The Minister is trying to balance the requests and concerns from Premiers and communities along the border. Border communities highlight the significance of what is happening here on the ground; families, relationships, property owners, and economic impacts of local economies for those engaged in hospitality and tourism. The Minister has committed 2 things: to include at least 1 of the mayors in the ongoing discussion at the federal level, which will likely be Mayor Dilkens of Windsor, and to meet with the border mayors again in 2 weeks. The border closure is currently extended to June 21st. A lot will depend upon the protocols that will be put in place. We need to know what the markers and milestones are. It's really a function of the number of cases going down, vaccinations going up, and people continuing to act prudently and in accordance with public health guidelines.

7. Notice of Upcoming Public Meetings

(a) Public Information Open House

Re: Proposed Zoning By-law Amendment - 129 Cook Avenue - Owner: Peggy Boles - Agent: Bob Cosby - Thursday, June 3, 2021 - 5:00 p.m.

(b) Public Information Open House

Re: Proposed Draft Plan of Condominium (Standard) - 315 and 0-350 Garrison Road - Owner: 2717041 Ontario Inc. (Vijaykumar Patel) - Applicant: Susan Smyth (Quartek Group Inc.) - Monday, June 7, 2021 - 5:00 p.m.

(c) Public Information Open House

Re: Affordable Housing Official Plan Amendment and Community Improvement Plan - Tuesday, June 8, 2021 - 5:00 - 7:00 p.m.

(d) Public Information Open House

Re: Cannabis Legislation and Policy Study - Wednesday, June 9, 2021 - 5:00 - 7:00 p.m.

(e) Public Information Open House

Re: Proposed Zoning By-law Amendment - 2751 Nigh Road - Owner: Christine and Jesse Savage - Agent: P. Leigh Whyte (PLW Consulting) - Thursday, June 10, 2021 - 5:00 p.m.

8. Regional Councillor Report

None.

9. Presentations and Delegations

(a) Constable Frank Elia and Staff Sergeant Eric Ellwood, Niagara Regional Police Service

Re: Community Engagement in Fort Erie

Constable Elia provided the following comments:

- He has worked for the Niagara Regional Police (NRP) for over 8 years and is currently working in the Fort Erie District.
- He has taken on the new role of Community Engagement and Native Liaison Officer
- As Community Engagement and Native Liaison Officer his role is to:
 - Establish and re-establish connections throughout the community
 - Engage in positive public relationships
 - Connect with the public and listen ideas and concerns
 - Conduct walk throughs in public areas and local businesses
 - Establish a positive relationship with the Fort Erie Native Friendship Centre and help with issues or questions and build rapport

- Prepare for meetings with community service providers and obtain updated contact information to assist with service
- Projects include facilitating better communication
- Goal is to provide a proactive policing approach
- Quickly respond to complaints

Staff Sergeant Ellwood advised that the Community Engagement Program has been successful so far in spite of COVID-19 restrictions. He further advised that the program will continue and that they look forward to engaging with the public more as pandemic restrictions are lifted.

(b) Greg Hunter, 3735 Sussex Lane

Re: Traffic Calming - Black Creek Road

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

Mr. Hunter provided the following comments during his presentation:

- Numerous traffic safety problems exist on Black Creek Road
- Road is heavily used by pedestrians and cyclists
- Traffic Management Policy highlights neighbourhood traffic safety
- Douglstown Secondary Plan – active transportation shall be considered by council
- Black Creek Road wrongly identified as an urban shoulder style road when the road does not have a fully paved shoulder
- Safety issues and concerns have been brought to council through delegations since 2019
- Previous speed bump which helped ease traffic concerns was removed and never replaced
- Sight distance – minimum distance required for drivers to observe possible obstructions prior to stopping; for Black Creek Road it would be designated as 65 metres
- Vegetation blocks the required sight distance
- In 2015, Director determined that the 50 kph was appropriate however, he believes that the speed limit should be 30 kph like Edgemere Road
- Pedestrians are forced into trees and vegetation when there are vehicles travelling on either side of the road

- Town report from 2016 identified that drivers drive below the speed limit (45 kph)
- 85% of motorists might suggest that the 50 kph speed limit is too high
- Solutions to increase safety include:
 - Cutting back vegetation
 - Prioritize safety of pedestrians
 - Speed hump with 30 kph speed limit

Resolution No. 2A

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

That: The delegation be given an additional 5 minutes to speak.
(Carried)

(c) Tim Trombley, MacDonald Drive Residents Association

Re: Street Light Repair

Mr. Trombley read the following letter:

"I am here today on behalf of the 34 households, which make up the Residents Association of MacDonald Drive. I attend to appeal to your sense of fairness concerning the deteriorating light situation, along the private section of MacDonald Drive. The private section of MacDonald Drive links both regional and municipal roads along the lakefront, and as such, it is a conduit for regular travel by non-residents in the general public. The 10 street lights on the roadway were installed a few decades ago through an application process, instituted and approved by the Town. And that information came from the Director of Infrastructure Services, his response to Council on April 12th. Given the fact that we followed existing Town processes to receive lighting, we believe the lighting maintenance should certainly be grandfathered. Further, at no time, have residents ever been directly billed for the electricity usage. Through numerous conversations with CNP, it is clear that CNP physically owns both the costs and the lights in question. However, since the Town transition to LED lights starting in 2014, a decision was made not to include private roads in this process. The decision has slowly resulted in a number of the fixtures burning out with no one willing to repair them. We are at an impasse.

As many of you are aware, MacDonald Drive is a scenic road, which has been in existence for well over 100 years. The road's private designation has meant that residents have been responsible for the roads upkeep, resurfacing and ploughing. However, the lighting has always been maintained and covered. A fact that clearly distinguishes MacDonald Drive from other private roads is that the road is a through street. As such, it sees much higher volumes of use than in the dead end, private roads, which exists elsewhere in the Town, and as such, it should not be readily compared with roads that simply lead to private dwellings. Another point of distinction is that the road runs along the lakefront and as such, many locals and non-residents alike utilise it as simply part of the Town's scenic infrastructure or utilise it to access the public beaches at each end of the roadway.

In order to provide you with some sense of the road's usage, a local resident, Dave Plato, who is seated to my right here with me now monitor the traffic on Wednesday, May 26, between 11:00 and 12:00 AM. In that interval, he recorded 3 motorcycles, 24 cars and trucks, 1 ATV and 3 dog walkers. This midweek time period was randomly chosen and please keep in mind that at least half of the streets, 34 families are currently locked out of the country as they have been for the past 15 months. And I'm speaking specifically about our American neighbours. While MacDonald Drive is a private road, it is not treated as such by area residents. While there is a private road, no trespassing sign for liability purposes, it is not gated. However, feelings of abandonment by many within the association has led to discussions concerning the possible gating of the roadway, an outcome I don't believe anybody here wants to see, including myself.

Clearly the street lighting was deemed vital by the Town many years ago when it was installed. Since that time, the roads used by vehicles and pedestrians has increased exponentially. Why we do live on a private road, we too are property taxpayers and are disappointed the decision to remove a critical tax supported service was made with no consultation or consideration of the concept when it's for us.

In closing, we would respectfully request that the Town of Fort Erie assume responsibility for the street lighting as this gesture will restore confidence and due process while acknowledging these legitimate concerns, respectfully."

Mr. Trombley advised that one of the residents made an inquiry with the street lighting company and was quoted \$500 per LED light. He further advised that the older style bulbs, which currently exist, would be at a lesser cost.

10. Consent Agenda Items

10.1 Request to Remove Consent Agenda Items

Councillor Butler requested that Correspondence Items (c) and (e) be removed to be dealt with separately.

10.2 Consent Agenda Items for Approval

1. Minutes

- (a) Approve - Council Meeting - April 26, 2021
- (b) Approve - Special Council Meeting - May 10, 2021
- (c) Approve - Council-in-Committee Meeting - May 10, 2021
- (d) Approve - Special Council Meeting - May 12, 2021
- (e) Approve - Special Council Meeting - May 17, 2021
- (f) Approve - Council-in-Committee Meeting - May 17, 2021

2. Correspondence

- (a) Receive - Town of Pelham - Request to Niagara Region to Delay Official Plan Update
- (b) Receive - Town of Pelham - Request the Province to Declare a State of Emergency on Mental Health
- (c) Receive - Town of Lincoln - Climate Change Adaptation Plan and Crisis
- (d) Receive - Town of Perth - Provincial Hospital Funding of Major Capital Equipment
- (e) Receive & Support - Town of The Blue Mountains - Provincial Re-opening Strategy and Frontline Business Experience
- (f) Receive - ADR Chambers, Integrity Commissioner Office - Annual Report - May 1, 2020 - April 30, 2021

- (g) Proclamation - Senior Citizens Advisory Committee - June as Seniors Month and flag raising request

That: Council proclaims June as "Seniors Month" and approves the Age-Friendly flag to be flown at Town Hall. **(Carried)**

3. Board/Committee Minutes

- (a) Receive - Crystal Beach Business Improvement Area Board of Management - March 2, 2021
- (b) Receive - Ridgeway Business Improvement Area Board of Management - May 5, 2021

4. Reports

PDS-40-2021 Heritage Permit Request – 546 Ridge Road North

That: Council approves the Heritage Permit application for the demolition of a rear yard shed at 546 Ridge Road North as outlined in this report, based on the application and supporting documentation contained in Appendix “1”, and further

That: Council authorizes the Director of Planning and Development Services to issue a Heritage Permit reflecting the approved demolition of the rear yard shed as 546 Ridge Road North, and further

That: Council directs that the Heritage Permit be provided to the Town’s Chief Building Official. **(Carried)**

IS-24-2021 Award of Tender for Bay Beach Security 2021-2023 - Contract No. ISF-21T-SECURITY

That: Council accepts and approves the tender submission from 2467562 Ontario Inc. DBA Signal 88 Security Canada Inc. - Contract No. ISF-21T-

SECURITY in the amount of
\$148,151.00 (including 13% HST).
(Carried)

IS-25-2021 Award of Tender for the Leisureplex
Roof Recovering - Contract No. ISF-
21T-LPRR20

That: Council accepts and approves the
tender submission from George Roque
Roofing Corp. for Leisureplex Roof
Recovering - Contract No. ISF-21T-
LPRR20 in the amount of \$732,240.00
(including 13% HST). **(Carried)**

5. Other Matters

Consent Agenda Resolution

Resolution No. 2A
Moved by: Councillor Dubanow
Seconded by: Councillor McDermott

That: Council amend correspondence Item 2 (d) to
“receive and support”. **(Carried)**

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

That: Council approves the Consent Agenda Items, as
amended, save and except Correspondence Items 2 (c)
and (e). **(Carried)**

10.3 Items Removed to be Dealt with Separately

Resolution No. 3A
Moved by: Councillor Dubanow
Seconded by: Councillor McDermott

That: Council approves Consent Agenda Item 2 (c) as
recommended.

Resolution No. 3B
Moved by: Councillor Butler

Seconded by: Councillor Lubberts

That: Consent Agenda Item 2 (c) be amended to “receive and support”. **(Carried)**

Resolution No. 3C

Moved by: Councillor Dubanow

Seconded by: Councillor McDermott

That: Council approves Consent Agenda Item 2 (c), as amended. **(Carried)**

Resolution No. 3D

Moved by: Councillor Dubanow

Seconded by: Councillor McDermott

That: Council approves Consent Agenda Item 2 (e) as recommended. **(Carried)**

Council recessed for 5 minutes at 7:38 p.m.

11. Reports

PDS-41-2019 Urban Area Boundary Expansion Study - Addendum #2

Resolution No. 4

Moved by: Councillor Zanko

Seconded by: Councillor McDermott

That: Council approves the Urban Boundary Expansion Study – Addendum #2, which identifies candidate lands available for urban boundary expansion outside of the Region of Niagara’s Municipal Comprehensive Review. **(Carried)**

12. New Business/Enquiries

(a) Proclamation - June as Post Traumatic Stress Disorder (PTSD) Awareness Month

Resolution No. 5

Moved by: Councillor McDermott

Seconded by: Councillor Dubanow

That: June is hereby proclaimed "Post Traumatic Stress Disorder (PTSD) Awareness Month" and residents are encouraged to actively learn about PTSD and assist those affected by PTSD to obtain medical assistance. **(Carried)**

(b) Response to Enquiry

Re: Enquiry by Councillor Lubberts at the May 17, 2021 Council-in-Committee Meeting regarding the Bay Beach Viewing Deck

Ms. Dolch read the response into the Minutes which is appended to the Meeting Agenda.

(c) Councillor McDermott

Councillor McDermott enquired about the reconstruction of Sugar Bowl Park and whether the design will be for a new pool or splash pad.

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

(d) Councillor McDermott

Councillor McDermott enquired on behalf of the Bridgeburg BIA and residents in Wards 1 and 2, about obtaining the financial figures of how much it would cost to open the Kinsmen pool in July and August so that Council may decide whether to open the pool.

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

(e) Councillor McDermott

Councillor McDermott enquired about the status of Bay Beach passes.

Mr. Walsh advised that beach passes will go on sale to residents on June 2nd from 9 a.m. to 3 p.m. everyday at the beach until sales taper off and then will be moved to the arenas. Information will be posted on the town's web site. He further advised that stay-at-home rules will no longer be in place after June 2nd, according to Premier Ford's new reopening and that the beach will operate on a first come first serve basis. Mr. Walsh stated that the beach capacity limit is 2,000 people and that the first 2,000 people to arrive with either a resident pass or a \$5.00 ticket to enter.

Councillor McDermott enquired whether this applied to commercial passes as well. Mr. Walsh confirmed that commercial passes are available at the beach.

(f) Councillor Butler

As a follow-up to Mr. Trombley's delegation, Councillor Butler enquired about what would be required to change-out the street lights between Rosehill and Bertie Bay Road. Mr. Walsh requested that the scope be clarified, ie. Who's paying, who's swapping them out, and are we upgrading to an LED? He added that he's not sure the Town has permission to touch those lights.

Mayor Redekop stated he thought in essence the question is what is the first step, and that would be Canadian Niagara power would need to approve someone changing the lights.

Councillor Butler added that no one seems to know who is paying for the hydro, but she understands it's pretty minimal, and thinks switching out the lights could be accommodated.

Mayor Redekop advised that the first issue is that it's private property and requested Mr. Walsh to find out whether CNP has an easement for maintenance of the street lights on MacDonald Drive, and under what conditions they would permit maintenance on their infrastructure by a party other than themselves.

Mr. Walsh will provide a Response to Enquiry at a future meeting.

(g) Councillor Zanko

Councillor Zanko enquired why staff recommended a new beach security provider in Report No. IS-24-2021 instead of recommending the provider we had in previous years. They did a good job and were reputable.

Mr. Walsh advised that the lowest bidder is the successful company as the Town went with the tender process. He further advised that the Town would have had to put out a request for proposal which is a two-envelope system. Costs are looked at separately so as not to influence the proposal scoring on a technical basis. Even in that process, the current provider may not have been successful.

(h) Councillor Zanko

Councillor Zanko enquired about repairs to Pound Avenue as the use of construction vehicles on that road has caused significant damage. She stated that construction vehicles are not using the appropriate roadway to access the development behind Pound Avenue and referring complaints to the developer has yielded little results.

Mr. Kuchyt advised that staff have been in contact with the developer to provide reminders, however; at this time, a letter from either himself, the Director of Community and Development Services or the Town's Solicitor will be the next action step.

Councillor Zanko further enquired about how the road will be repaired and who will be responsible for the costs.

Mr. Kuchyt advised that Infrastructure Services will have to review the condition of the road in order to advise further on responsibility, damages and cost.

Councillor Zanko also questioned the construction access on Nathaniel Drive as it's not visible due to greenery and the sign has been washed out with weather. It looks like we are instructing the traffic down Pound Avenue.

(i) Councillor Lubberts

As a follow-up to Mr. Trombley's delegation, Councillor Lubberts enquired about the Town's policy on working on private roads.

Mr. Walsh advised that the Town does not do work on private roads. He further advised that the Town has a watermain under that road and it extends over several private properties for which there is no easement. Mr. Walsh stated that a study is budgeted to examine options for watermains on private property.

Councillor Lubberts further enquired about the maintenance history of the street lights on MacDonald Drive and whether the Town or CNP fixed the lights.

Mr. Walsh advised that he would have to check back through maintenance request records to answer that question, but that's not to say that the request didn't go directly to CNP.

Councillor Lubberts stated that if CNP owns the lights, and if they wouldn't allow anyone to touch their property, he is assuming the Town didn't do any maintenance on them before. Mr. Walsh advised that CNP has advised they don't own the lights.

Councillor Lubberts asked how did CNP walk away from the lights? Mr. Walsh advised that CNP's regulatory body became simply an electrical distribution company, which means they don't maintain the lights. The Town took over ownership and maintenance of the lights on Town roads in approximately 2013 to 2014.

Councillor Lubberts requested confirmation that the Town did not take over ownership of any lights on private roads. Mr. Walsh confirmed that was correct, and the Town does not maintain them.

Mayor Redekop stated that Mr. Walsh could enquire with CNP on whether there were other street lights on private roads that CNP stopped servicing when they transitioned away from that service.

Councillor Lubberts enquired about who is paying for hydro for the street lights. Mr. Walsh advised, as was covered in a previous response to enquiry, that CNP will not disclose who pays for the hydro for privacy reasons, but that it is not the Town.

Councillor Butler stated that the resident's association on Macdonald Drive has been in touch with CNP and was advised that no one from the association has been paying for the hydro for the lights.

This Response to Enquiry will be included in the Response to Councillor Butler's Response to Enquiry on the same topic.

(j) Councillor Butler

Councillor Butler enquired about the possibility of small retailers being able to sell goods outdoors.

Ms. Dolch advised that take out food business are okay to have an outdoor presence, however; outdoor retail is not permitted until the Stay-at-Home order is over. She further advised that

once the new regulations are provided, outdoor retail can be reconsidered. Ms. Dolch advised that non-essential retail will be permitted at 15% capacity starting June 14th and any complaints regarding businesses not currently complying, can be made to by-law enforcement.

Mayor Redekop referred to an email chain on this topic and that Council would wait for the response through email.

13. Motions

(a) Councillor Butler

Re: Capital Gains Tax on Primary Residence

Resolution No. 6

Moved by: Councillor Butler

Seconded by: Councillor Dubanow

Whereas primary residences are currently exempt from a capital gains tax, and

Whereas currently secondary and additional non-primary properties are subject to capital gains, and

Whereas the Federal Government is currently looking into a primary residence capital gains tax as they have recognized that affordable housing has become a serious issue in Canada, and

Whereas smaller communities including the Town of Fort Erie are seeing unprecedented higher selling prices that are outpacing prices in larger cities, and

Whereas many hard-working Canadians who have only a primary residence with no additional non-primary homes count on their home equity as financial aid to apply to upsizing or downsizing their home depending on their personal situation, and

Whereas a change in taxation to primary residences would be a significant financial blow to Canadians and would create an unfair, two-tiered taxation which could lead to depleted savings, inter-generational disparities, disparities among diverse groups such as seniors who may have a significant portion of their savings vested in their primary residence, as well as, reducing

the ability of home ownership thereby a further, higher need for rentals, and

Whereas the Federal government could look at other means to slow down the rapidly escalating housing costs to improve housing affordability;

Now therefore be it resolved,

That: The Federal Government cancel further consideration to capital gains tax on primary residences, and further

That: A copy of this resolution be circulated to The Right Honourable Justin Trudeau, The Honourable Doug Ford, Premier of Ontario, All Members of Parliament, All Members of Provincial Parliament, The Regional Municipality of Niagara, and all Municipalities, for their support.

Councillor Dubanow moved a friendly amendment as the Seconder, to change the 1st substantive clause to: "The Federal Government cease further consideration of eliminating capital gains tax exemptions on primary residences." The amendment was accepted by the Mover.

Following approval of the friendly amendment, Resolution No. 6, as amended, was voted on as follows:

Whereas primary residences are currently exempt from a capital gains tax, and

Whereas currently secondary and additional non-primary properties are subject to capital gains, and

Whereas the Federal Government is currently looking into a primary residence capital gains tax as they have recognized that affordable housing has become a serious issue in Canada, and

Whereas smaller communities including the Town of Fort Erie are seeing unprecedented higher selling prices that are outpacing prices in larger cities, and

Whereas many hard-working Canadians who have only a primary residence with no additional non-primary homes count on their home equity as financial aid to apply to upsizing or downsizing their home depending on their personal situation, and

Whereas a change in taxation to primary residences would be a significant financial blow to Canadians and would create an unfair, two-tiered taxation which could lead to depleted savings, inter-generational disparities, disparities among diverse groups such as seniors who may have a significant portion of their savings vested in their primary residence, as well as, reducing the ability of home ownership thereby a further, higher need for rentals, and

Whereas the Federal government could look at other means to slow down the rapidly escalating housing costs to improve housing affordability;

Now therefore be it resolved,

That: The Federal Government cease further consideration of eliminating capital gains tax exemptions on primary residences, and further

That: A copy of this resolution be circulated to The Right Honourable Justin Trudeau, The Honourable Doug Ford, Premier of Ontario, All Members of Parliament, All Members of Provincial Parliament, The Regional Municipality of Niagara, and all Municipalities, for their support. **(Carried)**

(b) Councillor Butler

Re: Generation Squeezing with Respect to Affordable Housing

Resolution No. 7

Moved by: Councillor Butler

Seconded by: Councillor Dubanow

Whereas there has been a housing affordability crisis in the making for over 25 years, and

Whereas the growing disparity for affordable housing has further been heightened within the past 18 months where the housing prices in larger cities have risen by 30% and most recently in smaller communities by two to three times it's market value, and

Whereas the current generation of Canadians under the age of 45 are being squeezed out of the housing marketplace with less opportunity of purchasing a home as their primary residence and are referred to as "gen-squeeze" or "Generation Squeeze", and

Whereas Stats Canada numbers indicate that the housing crisis is more severe in small, suburban areas and cities, and

Whereas Canada's National Housing Strategy, CMHC, Scotiabank and RBC Economists have highlighted that housing needs drastically surpass availability, and

Whereas many houses are currently being purchased as non-primary homes for the use of short-term rental, equity investment, foreign investment and turn key business operations, and

Whereas 1 in 5 Canadian renters are spending more than half their income on rent creating further disparities towards a Canadian dream and right to home ownership; and

Whereas affordable housing has been pushed to a Municipal issue, and

Whereas affordable housing is a Country-Wide issue that needs to be fully addressed on both a Federal and Provincial level;

Now therefore be it resolved,

That: The Federal Government raise the Capital Gains tax rule that applies to non-primary residences, and further

That: The Province of Ontario change the provincial Land Transfer Tax Act to levy a greater charge for the purchases of residences not intended for primary residence use, and further

That: The Province of Ontario request that MPAC assess short-term rental properties for "commercial" use, as opposed to continue to assess them for residential use, and further

That: The Province of Ontario prohibit closed bidding on residential sales, and further

That: The Province prohibit sales beyond the list price, and further

That: Both the Federal and Provincial Governments look at funding to enable municipalities to incentivize affordable new housing construction, revitalization of neighbourhoods, and limiting turn-key real estate operations, and further

That: Both the Federal and Provincial Governments consider the creation of affordable housing trusts, and further

That: The Municipality of the Town of Fort Erie requests staff to:

1. consider broadening the residential zones that permit more than one family;
2. review if a certain number of affordable housing units in every subdivision or apartment/condo building approved, should be applied to the affordable housing strategy;
3. review if the construction of a certain amount of smaller houses/units in new subdivisions or infill situation or new apartment/condo buildings should be considered as part of the affordable housing strategy;
4. bring a report to Council to identify the process to limit short-term rentals to specific areas of the Town and limit the overall number of licences, and further

That: The Municipality of the Town of Fort Erie request The Regional Municipality of Niagara and Local Area Municipalities to support this resolution, and further

That: A copy of this resolution be circulated to The Right Honourable Justin Trudeau, The Honourable Doug Ford, Premier of Ontario, All Members of Parliament, All Members of Provincial Parliament, and all Municipalities, for their support.

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

Yes

No

Councillor Lubberts

Councillor McDermott

Councillor Zanko

Councillor Butler

Councillor Dubanow

Councillor Noyes

Mayor Redekop

(Carried)

(c) Councillor Noyes

Re: Installation of Speed Bumps on Black Creek Road

Resolution No. 8

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

Whereas speed bumps are a traffic calming measure to reduce speed and in some cases drivers will choose a different road to avoid the speed bumps thereby reducing traffic, and

Whereas in the past 2.5 years there have been on average 3-4 calls per year from pedestrians that have had to jump out of the way of a vehicle when walking down Black Creek Road, and

Whereas there have already been 2 reports of pedestrians almost being hit in the past month, and

Whereas speed studies were done in 2015, 2018 and 2020 which revealed the following statistics:

- The 2015 average speed was 37.5 km/h, the percentage of drivers exceeding the speed limit Northbound (NB) was 16.75 %, Southbound (SB) was 9.13%, and the maximum speed ranged from 81-90 km/h
- The 2018 average speed was 40 km/h, the percentage of drivers exceeding the speed limit Northbound (NB) was 12.93%, Southbound (SB) was 10.82%, and the maximum speed ranged from 130-150 km/h
- The 2020 average speed was 48.5 km/h, the percentage of drivers exceeding the speed limit Northbound (NB) was 38%, Southbound (SB) was 34.33%, and the maximum speed ranged from 140-150 km/h, and

Whereas from these statistics the speed on Black Creek Road has increased substantially over the years, and the percentage of drivers exceeding the speed limit has more than doubled, and

Whereas the section of Black Creek Road which runs along the Creek, has two curves with foliage on both sides limiting visibility, is without any typical shoulders or sidewalks, and over many years the residents have requested that something be done before someone is hurt, and

Whereas local pedestrians from the Black Creek and Douglstown community use this road frequently, and observations reveal:

- On Friday, May 21, 2021 from 10:15 a.m. to 11:15 a.m. there were 24 cars/trucks and 18 people walking/biking, and
- On Saturday, May 22, 2021 from 9:30 a.m. to 11:30 a.m. there were 40 cars/trucks and 50 people walking/biking, and

Whereas at the end of Black Creek Road is the Niagara Parkway, which is a busy attraction, and this attraction explains the number of pedestrians using this section of Black Creek Road, and

Whereas with the increase in housing over the past few years, the numbers of pedestrians using this road will increase;

Now therefore it be resolved,

That: Removable speed bumps be installed on Black Creek Road between River Trail and the Niagara Boulevard during the spring, summer and fall seasons to act as a traffic calming measure to improve safety of the pedestrians using this road, and further

That: In the event that a better solution for traffic calming is found for this road, removing the speed bumps will be considered.

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

Yes

No

Councillor Lubberts
Councillor McDermott
Councillor Zanko
Councillor Butler
Councillor Dubanow
Councillor Noyes
Mayor Redekop

(Carried)

(d) Councillor Noyes

Re: Request to the Licensing Body of Cannabis and Health Canada to not issue a licence on properties for cannabis use, if the property was used for illegal cannabis operations in the past

Postponed to June 21, 2021

(e) Councillor Noyes

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

Postponed to June 21, 2021

14. Notice of Motion

- (a) Councillor Noyes

Councillor Noyes gave notice of motion regarding reinstating the backstop on River Trail Park, either this year or early next year, by amending the current budget.

(Returnable June 21, 2021)

- (b) Councillor Lubberts

Councillor Lubberts gave notice of motion regarding the adoption of a by-law for the registration of animal rescue groups.

(Returnable June 21, 2021)

- (c) Councillor Butler

Councillor Butler gave notice of motion regarding changing the reference to the word "agricultural" in the Animal By-law to 4 acres.

(Returnable June 21, 2021)

15. Consideration of By-laws

By-law No. 71-2021 was removed from the By-law package to be dealt with separately due to Councillor Butler's pecuniary interest.

By-law No. 73-2021 was removed from the By-law package to be dealt with separately due to Councillor Dubanow's and Mayor Redekop's pecuniary interests.

By-law Nos. 74-2021, and 75-2021 were removed from the By-law package to be dealt with separately due to Councillor Dubanow's pecuniary interests.

Resolution No. 9

Moved by: Councillor Noyes

Seconded by: Councillor McDermott

That: The by-law package containing:

66-2021 To Amend the Community Health Care Services Committee By-law No. 29-2018, as amended (Terms of Reference)

67-2021 To Enact An Amendment to the Official Plan Adopted by By-law No. 150-06 for the Town of Fort Erie Planning Area - Amendment No. 53 - Susan Smyth- Agent - Niagara Regional Housing - Applicant - Lions Douglas Heights Senior Residence – Owner - 255 High Street

68-2021 To Amend Zoning By-law No. 129-90 - 255 High Street - Susan Smyth- Agent - Niagara Regional Housing - Applicant - Lions Douglas Heights Senior Residence – Owner

69-2021 To Authorize Applications for the Cancellation, Reduction or Refund of Taxes Levied for the Years 2018, 2019 and 2020

70-2021 To Exempt Certain Lots in Plan 59M-363 from Part Lot Control, Block 29, 3615, 3617, 3619, 3621, 3623, 3625, 3627, 3629 and 3631 Thunder Bay Road - Mountainview Homes (Niagara) Ltd.

72-2021 To Amend Traffic By-law No. 2000-89 (Erie Road Parking)

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

Resolution No. 10

Moved by: Councillor Lubberts

Seconded by: Councillor McDermott

That: By-law Nos.:

66-2021

67-2021

68-2021

69-2021

70-2021

72-2021

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

Resolution No. 10A

Moved by: Councillor Noyes

Seconded by: Councillor McDermott

That: By-law No. 71-2021 To Authorize the Entry into a Memorandum of Understanding with Westwind Niagara Developments Inc. (3285 Thunder Bay Road) is given first and second reading. **(Carried)**

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Resolution No. 10B

Moved by: Councillor Lubberts

Seconded by: Councillor McDermott

That: By-law No. 71-2021 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

Resolution No. 10C

Moved by: Councillor Noyes

Seconded by: Councillor McDermott

That: the by-law package containing:

74-2021 To Amend Fees and Charges By-law No. 40-09, as amended (Dog & Cat Licensing Fees & Charges)

75-2021 To Amend the Administrative Penalty By-law No. 111-2019, as amended (Animal By-law)

is given first and second reading.

Resolution No. 10D

Moved by: Councillor Lubberts

Seconded by: Councillor McDermott

That: By-laws:

74-2021

75-2021

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

The vote on Third & Final Reading was suspended in order to vote on By-law No. 73-2021 prior to consideration of By-law Nos. 74-2021 and 75-2021, as those by-laws were dependent upon the passage of By-law No. 73-2021.

Mayor Redekop gave the Chair to Councillor McDermott due to his pecuniary interest in By-law No. 73-2021.

Resolution No. 10E

Moved by: Councillor Noyes

Seconded by: Councillor McDermott

That: By-law No. 73-2021 Animal Welfare By-law, Governing the Care, Licensing, and Regulating of Dogs, Cats, and Other Animals, and to Repeal By-law Nos. 119-97, 156-97, 23-2000, 82-2001, 146-2001, 176-2001, 81-2003, 32-04, 33-04, 135-10, 58-12, 106-2015, 107-2015, 74-2018 and 13-20

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

Resolution No. 10F

Moved by: Councillor Lubberts

Seconded by: Councillor Zanko

That: By-law No. 73-2021

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

Councillor McDermott returned the Chair to Mayor Redekop.

Resolution No. 10D for third and final reading of By-law Nos. 74-2021 and 75-2021 was brought back to the floor.

Resolution No. 10D

Moved by: Councillor Lubberts

Seconded by: Councillor McDermott

That: By-laws:

74-2021

75-2021

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 McDermott

Seconded by: Councillor Dubanow

That: By-law No. 76-2021: To Confirm the Actions of Council at its Council-in-Committee Meeting held on May 17, 2021 and its Council Meeting held on May 31, 2021 is given first and second reading.

(Carried)

Resolution No. 12

Moved by: Councillor Lubberts

Seconded by: Councillor McDermott

That: By-law No. 76-2021 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

16. Scheduling of Meetings

- Planning and Development Services Sub-Committee, Wednesday, June 2, 2021, at 5:00 p.m., via Zoom Teleconference
- Fort Erie Coalition on Diversity and Inclusion, Wednesday, June 2, 2021, at 1:00 p.m., via Zoom Teleconference
- Linking Niagara Transit, Wednesday, June 2, 2021 at 2:00 p.m., via Zoom Teleconference
- Corporate and Community Services Sub-Committee, Thursday, June 3, 2021, at 4:00 p.m., via Zoom Teleconference
- Waste Water Management Review, Wednesday June 2, 2021, at 10:00 a.m., via Zoom Teleconference

17. Adjournment

Resolution No. 13

Moved by: Councillor Dubanow

Seconded by: Councillor McDermott

That: Council adjourns at 10:02 p.m. to reconvene into a Regular Meeting of Council on June 21, 2021. **(Carried)**

Mayor

Clerk