



# The Municipal Corporation of the Town of Fort Erie

## Council-in-Committee Meeting Minutes

**Monday, April 15, 2019**

### **1. Call to Order**

The meeting was called to order by Mayor Redekop, Chair at 6:00 p.m.

### **2. Roll Call**

Present: His Worship Mayor Redekop; Councillors Butler, Dubanow, Lubberts, Noyes and Zanko

Absent: Councillor McDermott

Staff: K. Dolch, J. Ferraccioli, J. Janzen, M. Kernahan, T. Kuchyt, E. Melanson, C. Schofield, D. VanderVeen, and K. Walsh

### **3. Announcements/Addenda**

There were two Addendums: the first one to amend the order of the Agenda to consider Report No. PDS-25-2019 prior to Report No. PDS-77-2018; and the second one to amend Report No. PDS-26-2019 to correct the owner's name in the title "Proposed Zoning By-law Amendment – 275 Gorham Road – Petrogold – Gil Shcolyar (Agent) – 2478838 Ontario Inc. – Gil Shcolyar (Owner)" and List of Stakeholders to "Petrogold – Gil Shcolyar (Agent); 2478838 Ontario Inc. – Gil Shcolyar (Owner)."

Mayor Redekop made the following announcements:

- Public meetings are being held with respect to the future of specialized transit in Niagara. The first is on Tuesday, April 23, 2019, from 5:00 to 7:00 p.m. at the Civic Square in Welland, and the second is on Wednesday, April 24, 2019 from 5:00 to 7:00 p.m. at the St. Catharines Public Library.
- Chamber of Commerce Annual General Meeting on Thursday, April 18, 2019 at the Buffalo Canoe Club. Tickets are still available by contacting the Chamber of Commerce.

- Tuesday, May 21, 2019 is the final day to make submissions to the Provincial Government with respect to the Provincial review of the Regional Government. He encouraged the public to go to the Province's website to give their input on Fort Erie and the Niagara Region.

#### **4. Declarations of Pecuniary Interest**

- (a) Councillor Butler declared a pecuniary interest with respect to Report No. IS-10-2019 and IS-12-2019 under Item No. 8.2, as her business works with Circle P. Paving Inc. She abstained from discussing and voting on the matter.
- (b) Mayor Redekop declared a pecuniary interest with respect to Report No. IS-10-2019 and IS-12-2019 under Item No. 8.2, as his son-in-law is employed by Circle P. Paving Inc., the contractor awarded contracts on submitting tenders. He abstained from discussing and voting on the matter.

#### **5. Notice of Upcoming Public Meetings**

None.

#### **6. Public Meetings**

- (a) Property Rezoning

Re: Marz Homes (Crystal Beach) Inc. c/o Dan Gabrielle (Owner) - Stephen Fraser, A.J. Clarke and Associates (Agent) - Southeast Corner of Michener Road and Schooley Road. The applicant is proposing to rezone to permit the reconfiguration of lots within the approved subdivision and to incorporate site specific regulations to accommodate the proposed dwelling designs.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of a Public Meeting to consider the proposed Zoning By-law Amendment to the Town's Comprehensive Zoning By-law No. 129-90.

Mr. Kernahan, Senior Development Planner, delivered a PowerPoint presentation which is available for viewing on the Town's website.

Mr. Kernahan confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the meeting, and reviewed the related report.

Mayor Redekop enquired as to whether the Agent or the Applicant wished to speak to the proposed amendments.

Mr. Stephen Fraser, A. J. Clarke & Associates, Agent, on behalf of Marz Homes (Crystal Beach) Inc., delivered a PowerPoint presentation which is available for viewing on the Town's website, explained the proposed development, and answered questions from members of Council.

Mayor Redekop enquired if anyone wished to speak in favour of the application.

No one came forward.

Mayor Redekop enquired if anyone wished to speak in opposition to the application.

No one came forward.

Mayor Redekop enquired if anyone wished to ask questions with respect to the application.

(a) Carole Kuderian, 4122 Rebstock Road

Ms. Kuderian questioned if this development is to be a mix of single storey and double storey homes or are they all planned to be two storeys because they have asked for a variance from 9 meters to 10.5 meters which is a fairly extensive height option. The South Coast homes are beautiful but it was in a fairly vacant area where there was not a large percentage of existing homes to begin with. To put that type of development in this particular area of Crystal Beach is going to create an inconsistent neighbourhood. She is concerned on how that is going to look as the overall appeal of Crystal Beach are older homes and cottages and access to the beach.

Ms. Kuderian referred to the Jetmar Subdivision that was registered in 1978 containing 54 lots, 42 of which have been left. The other 12 have been developed for other single residential uses, her home being one of them. Now they are trying to fit 54 homes into what was originally 42 lots which seems to be crowded. She does not think that Crystal Beach or Ridgeway has the infrastructure to

support the influx of new houses. She referred to the area on Rebstock Road that has been clear cut although she doesn't know what the plans for development are. This development is on the other side of the road and they are trying to do the same thing. The area does not have the services or infrastructure. When the summer residents flood in you don't want to go to Joe's Valu Mart because you can't get into the parking lot. She believes it was said that by building the homes and bringing in extra people, it will attract more business, infrastructure, grocery stores, etc. to Crystal Beach. She referred to the subdivision in the old amusement park and in Ridgeway behind the library and stated that brought in no extra infrastructure or services to the community. It seems to her we are trying to pile in more and more people without giving the adequate resources to do so.

Ms. Kuderian stated she looked at the tree structure and they have done a nice job saving some of the existing trees. The concern is if you're putting them on the existing road allowance, there is no room to expand that road. Michener Road is the scene of multiple accidents. It is a busy road and with the influx of new development, would require it to be widened.

Mayor Redekop closed the Public Meeting.

## 7. Planning and Development Services

*Chaired by Councillor Butler.*

### 7.1 Presentations and Delegations

None.

### 7.2 Reports

**PDS-25-2019**                      Short-Term Rental Roundtable Information Report

Recommendation 1

Moved by: Councillor Zanko

**That:** Council approves in principle, the options of education, licensing and enforcement as identified by the participants of the roundtable, and directs staff to submit a report to Council outlining a policy and an implementation strategy.                      **(Carried)**

**PDS-77-2018** Short-Term Rental Options Report  
*(Postponed from the March 18, 2019  
Council-in-Committee Meeting)*

*Previously moved by Councillor Butler as Recommendation No. 12 on November 13, 2018.*

**That:** Council approves Option No. \_\_\_\_ contained in Report No. PDS-77-2018 as a preferred policy direction, including planning tools, regulation model, and cost recovery program for addressing short-term rentals, and directs staff to develop a draft policy accordingly for further consideration by Council; and further

**That:** Should Council select Option No. 2, 3, or 5; they approve Cost-Recovery Option No. \_\_\_\_\_. **(Lost)**

**PDS-24-2019** Proposed Zoning By-law Amendment - JetMar Subdivision - Southeast Corner of Michener Road and Schooley Road - Lots 1 to 35 and Lots 38 to 44 inclusive, Plan M-65 - Marz Homes (Crystal Beach Inc.) - Stephen Fraser, A.J. Clarke and Associates (Agent)

Recommendation No. 2  
Moved by: Mayor Redekop

**That:** Council receives for information purposes Report No. PDS-24-2019 regarding a proposed Zoning By-law Amendment for the lands owned by Marz Homes (Crystal Beach Inc.) known as the JETMAR Subdivision at the southeast corner of Schooley Road and Michener Road. **(Carried)**

**PDS-26-2019** Proposed Zoning By-law Amendment - 275 Gorham Road - Petrogold - Gil Shcolyar (Agent) – 2478838 Ontario Inc. – Gil Shcolyar (Owner)

Recommendation No. 3  
Moved by: Councillor Dubanow

**That:** Council approves the amendments to the Town's Zoning By-law No. 129-90 as detailed in Appendix "3" of Report No. PDS-26-2019 for the lands known as 275 Gorham Road, and further

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

Recommendation No. 4  
Moved by: Mayor Redekop

**That:** Report No. PDS-26-2019 be postponed to the May 13, 2019 Council-in-Committee Meeting. **(Carried)**

### **7.3 New Business/Enquiries**

(a) Mayor Redekop

Mayor Redekop referred to short-term rentals and if you look at the top three choices that came out of the roundtable, they involved licensing. He questioned whether we need to license or simply register. In other words, all short-term rental accommodations would register with the municipality so we know where they are and we could put some information on our website, as opposed to licensing which would require us to do a bit more in terms of inspecting the property, etc. Whereas if we simply register them, it would be less work and we would have a handle on where they are.

Ms. Dolch responded they did consider that at the roundtable whether the licensing could be informal or formal and she explained the parameters around that in terms of formal which would mean more licensing restrictions and follow-up; or informal where it was voluntary, where they would come in and register their business, and the other version where they would technically have to hunt down those that didn't get a license, causing more enforcement, and more licensing requirements. They indicated they did not want to go with the voluntary approach but made some suggestions that she is looking into and that is why they were not able to provide a full report to Council. They were asked to look into perhaps contract positions, or hiring an agency to see if the cost could be brought down. They are looking into tweaking their original recommendations on numbers to see if it can be scoped down rather than a full licensing program and reduce the staffing complement that would be needed.

Mayor Redekop stated he wasn't thinking of making it voluntary but he is not interested in spending hundreds of thousands of dollars to regulate and manage a situation

that has been isolated in its problem areas. He does think something where we have a handle on where these locations are would be appropriate. There has to be a mechanism where we can require those who are operating these types of accommodations to register with the municipality and he thinks that staff should look into that.

#### **7.4 Business Status Report**

No changes.

### **8. Infrastructure Services**

*Chaired by Councillor Zanko.*

#### **8.1 Presentations and Delegations**

None.

#### **8.2 Reports**

**IS-10-2019** Award of Tender for 2019 Hot Mix Asphalt - Contract No. ISE-19T-RSRF(H)19; 2019 Surface Treatment - Contract No. ISE-19T-RSRF(ST)19 and 2019 Asphalt Patching - Contract No. ISE-19T-RSRF(AP)19

Recommendation No. 5  
Moved by: Councillor Dubanow

**That:** Council accepts and approves the tender submission for the 2019 Road Resurfacing – Hot Mix Asphalt Contract No. ISE-19T-RSRF(H)19 from Circle P. Paving Inc. in the amount of \$358,780.65 (including 13% HST), and further

**That:** Council accepts and approves the tender submission for the 2019 Road Resurfacing – Surface Treatment Contract No. ISE-19T-RSRF(ST)19 from Norjohn Contracting and Paving Ltd. in the amount of \$966,037.00 (including 13% HST), and further

**That:** Council accepts and approves the tender submission for the 2019 Asphalt Patching Contract No. ISE-19T-RSRF(AP)19 from Circle P. Paving Inc. in the amount of \$107,943.25 (including 13% HST). **(Carried)**

**IS-11-2019** Award of Tender for the 2019 Sidewalk Repair Program - Contract No. ISE-19T-SIDE19 to 1526957 Ontario Limited (o/a CTC Contracting)

Recommendation No. 6  
Moved by: Mayor Redekop

**That:** Council accepts and approves the tender submission from 1526957 Ontario Limited (o/a CTC Contracting) for the completion of the 2019 Sidewalk Repair Program, Contract No. ISE-19T-SIDE19 in the amount of \$322,264.70 (including 13% HST). **(Carried)**

**IS-12-2019** Award of Tender for the 2019 Asphalt Utility Cut Reinstatement - Contract No. ISO-19T-AUCR to Circle P. Paving Inc.

Recommendation No. 7  
Moved by: Councillor Noyes

**That:** Council accepts and approves the tender submission from Circle P Paving Inc. for the completion of the 2019 Asphalt Utility Cut Reinstatement program, Contract No. ISO-19T-AUCR up to December 31, 2019 in the amount of \$242,051.65 (including 13% HST). **(Carried)**

### **8.3 New Business/Enquiries**

(a) Councillor Butler

Councillor Butler referred to an earlier comment by a resident regarding a number of accidents on Michener Road and she questioned if there are any stats that would confirm that. Mr. Walsh responded he can query the Region. The police are the holder of the accident records right now. There used to be a database that we had access to but now we have to go through the Region to access that.

(b) Councillor Butler

Councillor Butler advised that a problematic situation with beaver control has been brought to her attention and that traps have been set because they're causing havoc on the roadways and in other areas. Mr. Walsh responded the



Drainage Superintendent, Dave Maiden, has received numerous reports of flooded waterways this Spring throughout the Town. For the past few years we have been trapping beavers and relocating them as appropriate and then removing the beaver dams to improve drainage. Typically, the beaver dams are on municipal drainage courses so that allows us to do that. If they're not, they consult with the Niagara Peninsula Conservation Authority on what to do.

Councillor Butler stated that the questions that are arising surrounding the beaver relocation is whether they're being handled humanely and not being sold to trappers and their pelts used for nefarious reasons. She asked for clarification.

Mr. Walsh responded that he knows they are trapped humanely. They are live traps. He is not sure where they are relocated and believes they are not sold to trappers. The trappers we used are licensed by the Ministry of Natural Resources so everything is on the up and up. Councillor Butler requested a follow-up email to let her know where these beavers are being relocated to so that she can give peace of mind to constituents.

(c) Councillor Noyes

Councillor Noyes stated that this afternoon Councillors were sent a report from the Federal Government regarding rail crossings and housing. She quickly reviewed it and it was talking about rail crossing safety which is something she has brought up a few times. She questioned if the Director of Infrastructure could look at it to see if it would help us in getting some more crossing arms or how it's going to affect the crossings that don't have arms at this time. There was also a large amount of money going towards affordable housing which will be interesting to see how this is going to help the municipality.

## **8.4 Business Status Report**

No changes.

## **9. Corporate and Community Services**

*Chaired by Councillor Dubanow.*

## 9.1 Presentations and Delegations

None.

## 9.2 Reports

**CAO-09-2019** Funding Request for Modernization and Upgrade to the Fort Erie Group Family Practice

Recommendation No. 8  
Moved by: Mayor Redekop

**That:** Council approves the request in the amount of \$50,000 for modernization and upgrade to the Fort Erie Group Family Practice to make this a clinical space that is favourable to physician recruitment; and further

**That:** Council amends the 2019 Operating Budget to provide grant funding to the Fort Erie Group Family Practice in the amount of \$50,000 with funding from the Community Health and Wellness Reserve.

Recommendation No. 9  
Moved by: Mayor Redekop

**That:** Report No. CAO-09-2019 be postponed to the May 13, 2019 Council-in-Committee meeting. **(Carried)**

**CAO-10-2019** Funding Request for Walk-in Mental Health Clinic for Youth in Fort Erie

Recommendation No. 10  
Moved by: Councillor Butler

**That:** Council approves the request in the amount of \$20,000 for Pathstone Mental Health to service a Walk-In Clinic for Mental Health for youth in Fort Erie; and further

**That:** Council amends the 2019 Operating Budget to provide grant funding to the Pathstone Mental Health in the amount of \$20,000 with funding from the Community Health and Wellness Reserve. **(Carried)**

### **9.3 New Business/Enquiries**

(a) Councillor Noyes

Councillor Noyes stated that a while ago she asked for VISA statements from the EDTC. She understands there was a meeting this past week and this was supposed to be on the agenda but she hasn't heard anything.

Councillor Butler responded that she did get the information and will read the response and follow-up with an email. The first month she had enquired about was a hefty sum with respect to charges for educational purposes for both the assistant and at the time, for the other EDO to get certified. Those university fees were training fees. The second month that she enquired about for 2018 were for two months where the statements were higher than normal in April and November. One was in respect of \$6,086.89 and that was for year one registration for the University of Waterloo's Economic Developer's Association of Canada Program, plus travel expenses, airfare and accommodation for those meetings with the Canadian Consulate in Boston and with the Canadian Embassy in Washington. The purpose of the meetings were to provide an introduction on Niagara, the key sectors, advantages for businesses located here and the overview of incentive programs to build relationships, intelligence gathering and generate investment leads for Niagara which was part of the team Niagara initiative. The other enquiry was with respect to November 2018 where the via bill was \$5,365.22, expenses that contributed to the bill being higher than normal related to a table being purchased for the Niagara Economic Summit and a charge in the amount of \$2,938.00 that occurred in error in which the EDTC was reimbursed for in December.

### **9.4 Business Status Report**

No changes.

## **10. Scheduling of Meetings**

- Fort Erie Active Transportation Advisory Committee on Tuesday, April 16, 2019 at 5:30 p.m. in Conference Room No. 2
- Fort Erie Public Library Board Meeting on Tuesday, April 16, 2019 at 5:30 p.m. at the Fort Erie Public Library

- Fort Erie Non-Profit Housing Corporation on Wednesday, April 16, 2019 at 12:00 p.m. at Bridges

**11. Adjournment**

Recommendation No. 11  
Moved by: Councillor Lubberts

**That:** Council-in-Committee adjourns at 8:16 p.m. **(Carried)**

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Mayor

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Clerk