



The Municipal Corporation of the Town of Fort Erie

Regular Council Meeting Minutes

Monday, June 21, 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 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 reside in this area.

2 Invocation

The Clerk read the Invocation.

3 Roll Call

Present (In Council Chambers): His Worship Mayor Redekop

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

*Arrived at 6:03 p.m.

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

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

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 two addenda being:

- Revision to Item 10.2 4. Report No. PDS-49-2021 to correct the name of the owner; and
- Addition under Item 15. Consideration of By-laws, By-law No. 82-2021 To Appoint Jordan Hamilton as Building Inspector and revision of the Confirmatory By-law to No. 83-2021

Mayor Redekop made the following announcements:

National Indigenous Peoples Day

As a country, we have improved in recognizing the history of Indigenous Peoples, including their experiences and the challenges they have faced due to the things inflicted upon them throughout the decades and centuries. We can make amends, and this is as good a time as any to do that.

Displaced Residents Update

The Niagara Region, Niagara Regional Housing, Niagara Community Legal Clinic, Town Staff, and MPP, Wayne Gates, met regarding the displacement of residents from the 2 buildings in Fort Erie undergoing new ownership. Assistance is being provided for those who were displaced, and hopefully, there will be a positive resolution to those matters.

Canada Day

Canada Day is an opportunity to celebrate the history of our country, and we need to make sure we do it safely as we are still in a pandemic. There may be some changes in how we can go about doing that; celebrating outdoors is ideal. I want to make sure everyone has a happy and safe Canada Day on our 154th anniversary.

COVID-19 Vaccines

New clinics are scheduled in Niagara, with some being in Fort Erie on June 25, 26, and 27th. I encourage individuals to continue checking the

provincial online portal as openings become available and booking with pharmacies. There are additional clinics in mid-July in Fort Erie and throughout the Region as second-dose vaccinations begin to ramp up.

Canada-US Border

The reopening of the border and easing of restrictions relies heavily on the number of fully vaccinated individuals.

I am disappointed that current border restrictions have not been eased, particularly for families across borders, property owners, and fully vaccinated individuals. The Federal Government should release the border reopening plan for transparency. Even though we have hit vaccination milestones as a country, there have been no changes to the current restrictions extended to July 21st. The border Mayors have requested a follow-up meeting with Minister Blair to find out if there is a plan and when it will be announced.

5 Declarations of Pecuniary Interest

(a) Councillor Dubanow

Councillor Dubanow declared a pecuniary interest regarding Consent Agenda Item 10.2 4. Report No. PDS-50-2021 Award of Contract for Spears Park Construction as he lives in Spears Estates. He abstained from discussing and voting on the matter.

(b) Councillor Dubanow

Councillor Dubanow declared pecuniary interests regarding Item 13.(d) Motion Re: By-law to Regulate, Control and Register Animal Rescue Groups and Item 13.(d) Motion Re: Amendment to Animal Control By-law No. 73-2021 with respect to "Agricultural", as the company that he works for has performed contracted services for the Fort Erie SPCA. He abstained from discussing and voting on the matters.

6 Notice of Upcoming Public Meetings

(a) Proposed Zoning By-law Amendment

Re: 129 Cook Avenue - Owner: Peggy Boles - Agent: Bob Cosby - Monday, July 12, 2021 - 6:00 p.m. Via Video Teleconference. The information report will be available on Wednesday, July 7, 2021.

7 Public Meetings

(a) Crystal Beach Secondary Plan

Re: Crystal Beach Secondary Plan. The plan proposes various forms of land use, such as residential, commercial, parks and open space and environmental protection areas, all of which must be appropriately balanced to make a viable community. Designated land uses for certain properties will result in zoning changes.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of the Public Meeting.

Mayor Redekop also provided information on electronic participation for members of the public who wished to provide input relative to the Application.

Mr. Wasserman, Neighbourhood & Urban Designer, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Mr. Wasserman confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Mayor Redekop enquired whether the Clerk received any comments subsequent to the posting of the Report. The Clerk read the following correspondence into the Minutes:

a) Todd and Tina Cooney, 15 Promenade Way, Crystal Beach

"This email relates to my property at 15 Promenade Way within the CBTYC and the planning work of the Crystal Beach Secondary Plan. It is a vacant residential waterfront lot on Promenade Way in the Crystal Beach Tennis and Yacht Club.

I asked many questions a year ago before I bought the lot with the plan to build a residential structure on 15 Promenade Way (please see email less than a year ago - assistance from Jay Muraca). I also checked into Environmental setbacks with the Conservation Authority – please see the PDF that was provided by Jessica Abrahamse from the Niagara Peninsula Conservation Authority. The watershed planner clearly indicates that building can take place from the conservation's perspective, as long as it is behind the "stable slope allowance" delineated in the PDF as the dotted purple line. In the secondary plan, the City also provided assurances in earlier communication that there would be "no policy change" and only a new "administrative classification" of waterfront residential on CB2.

For whatever reason, the new Environmental Protection zone on Map F is certainly not the boundary that was communicated in the attached file PDF and email below from the Niagara Peninsula Conservation Authority less than a year ago.

How do you build a home in the yellow area – not aligned to Conservation communication received less than a year ago in the PDF?

I am not asking for anything that was not previously committed to, and as you can see, building on lot 15 should follow the same pattern as every other water property along Promenade Way. I am formally requesting to keep the current Environmental regulations along Promenade Way, which involves allowing residential lot property owners to build a residential structure behind the “stable slope allowance” – that is the delineation that was provided.

Map F is not clear, but I am extremely concerned based on the drawing that this boundary has shifted. Establishing a new environmental boundary location impacts residential building for designated residential vacant lot property owners and this is not aligned whatsoever to previous communication from the City of Fort Erie Building Permits, the Niagara Peninsula Conservation Authority and even the City of Fort Erie, suggesting that there will be no policy changes to Waterfront properties in CBTYC with the Secondary Plan. What is extremely concerning in Section 21 – Environmental Protection Zone, is that “residential use is prohibited with the exception of existing dwellings. So that boundary is critical and any expansion would prevent my home from being built. The lot’s purchase and valuation was based on residential use and guidance provided by the Town of Fort Erie and the Conservation.

This is a very important matter as the land has no use or value if there is any change that would prevent a residential structure to be built.

SECTION 21 - ENVIRONMENTAL PROTECTION (EP) ZONE

No person shall within an Environmental Protection (EP) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

21.1 PERMITTED USES

- 21.1.1 residential uses are prohibited with the exception of an existing dwelling or an existing dwelling unit

I am asking for an immediate amendment to the plan as we do look forward to building on this property and becoming an active member of the Fort Erie Community. Please eliminate the Environmental Zone changes to CBTYC, and keep the current environmental approach based on previous communication in regards to the stable slope allowance set back.

Can you please confirm receipt as soon as possible and inform me that I will be on the formal agenda to discuss this matter.

Looking forward to your response and resolution, Thank you, Todd and Tina Cooney“

Mr. and Mrs. Cooney arrived in the meeting after the Clerk began reading the correspondence into the Minutes. Mayor Redekop permitted them to speak to the matter as follows:

Mr. Cooney thanked Council, staff and the Niagara Peninsula Conservation Authority for clarification of the zoning maps and designations, as it has cleared up his concerns.

b) John and Jill Perry, 51, 53 and 55 Newport Beach Boulevard, Crystal Beach

“Jill and I have enjoyed the community of Crystal Beach for over 20 years, and like many of the full and seasonal residents, fully support the community, vendors and merchants in the surrounding areas. Our community of Crystal Beach Tennis and Yacht Club (CBTYC) has been a catalyst for the change, development and ongoing health of the local economy – especially during the summer months.

We are excited to learn of the long-term vision and planning of our local area as well as the greater Fort Erie municipality as our community expands and grows.

However, when the CBSP was originally presented to our neighbors in CBTYC, we were disappointed in the reach of the plan without consultation, consideration or involvement of our members. We shared our sentiments in 2019 with the petitioning to the CBTYC our concern and displeasure of the reach to alter the zoning, capacity and build out potential within our community – specifically the change of the Erie Road parcels, and a new addition from the initial plan of an extended EP area impacting members private property.

At the very least, we should have the ability to have a voice in change and flexibility of designations put forth in this plan, and strongly object to the plan as presented within the CBTYC community for both the Erie Rd portions, and the EP designation of all the privately held (not public) properties.

I further submit support of the message below on behalf of all of the community and members of CBTYC, as submitted by our counsel and solicitor, Nicholas T Macos, outlined below:

“The CBSP/ZBAs propose some significant designation and policy changes to that portion of the Crystal Beach Community that interfaces with the downtown district. Our client proposes that the consideration of the CBSP/ZBAs and/or any adopting by-law be deferred pending further consideration by the Crystal Beach Community and discussions with the Town on the redesignations along Erie Road and companion siteplan discussion impacting on waste collection.”

On initial consideration Crystal Beach Club is concerned that:

1. Lands along Erie Road are proposed to be designated as medium density as shown in Map F. There has been insufficient consideration for the impact on the abutting single-family residential community/designation which these lands previously shared. This area has existing planning permissions developed as part of the original planning for the Crystal Beach Community. The ZBAs propose to remove and replace these existing permissions with the suggested approval of the community. This is not the case, and the Town has been provided with representations and a petition to the contrary some two years ago. It is preferable that the existing single-family home permissions remain in place with the additional policy permissions for medium density housing or Core Mixed Use. This would offer the Crystal Beach Community future flexibility pending further discussions with the Town. If this flexibility cannot be incorporated, then adoption of the CBSP/ZBAs should be deferred.
2. The Environmental Protection designation as shown in Maps E and F affects existing residential lots and the community beach in the Crystal Beach Community. Insufficient consideration has been given to appropriate policies to permit the continuation and maintenance of these uses. There are a number of members lots that are impacted, and these members may also wish to provide comment. These members have been advised to make individual submissions to the Town and we respectfully request that the Town defer adoption until these submissions can be made. Additionally, the mapping should be reviewed for accuracy and locational criteria.

Respectfully, John and Jill Perry“

- c) Heather Sewell, Manager of Planning, NPG Planning Solutions Inc. Re: 0-15850 Rebstock Road, Crystal Beach, o/b M5V Inc.

“Pieter, As you know NPG Planning Solutions has been retained by M5V Inc., owner of 0-15850 Rebstock Road (east of Crystal Ridge Park) in the

Town of Fort Erie, to provide land use planning advice in relation to a proposal to develop 168 dwelling units on the aforementioned property. We have reviewed Report No. PDS-47-2021 and the Draft Crystal Beach Secondary Plan released by the Town of Fort Erie recently, including the proposed policies, mapping schedules, and implementing zoning by-law amendment, and respectfully submit the following comments on behalf of M5V Inc.

While the Draft Crystal Beach Secondary Plan is generally supportive of intensification, our client's property, though designated as medium density residential, is subject to site-specific provisions under 4.22.9.9 that do not appear to permit the proposed development presented through the Zoning By-law Amendment application submitted to the Town on May 25, 2021 (see site plan included with this letter). Specifically, Section 4.22.9.9 c) of the proposed secondary plan requires apartment dwellings to form part of any proposal to develop the lands. We are unclear of the intent and applicability of 4.22.9.9 c) and whether our client's application for back-to-back stacked townhouse blocks would fall under the category of apartment and satisfy this site-specific provision. To date it is our understanding that back-to-back stacked townhouse blocks do not fall under the category of apartment through Fort Erie's interpretation. This approach is replicated in the draft implementing zoning by-law amendment.

Furthermore, site-specific provision 4.22.9.9 d) provides height restrictions for townhouse development up to a max of 3 storeys and apartment development up to a max of 3 storeys. It is our client's intent to provide a back-to-back townhouse form at 3.5 storeys where the half-storey will provide outdoor amenity space and no livable floor area. We are unclear of the intent and applicability of 4.22.9.9 d) and whether the height restriction will apply to only livable floor area. This approach is replicated in the draft implementing zoning by-law amendment.

Thank you for your consideration of our written submission in this matter. We look forward to your response and request notification of any Committee or Council meetings on the proposed Secondary Plan, the draft Zoning By-law, and all decisions under the *Planning Act*."

Mayor Redekop enquired whether there were any members of the public in the waiting room who wish to address Council concerning the Application.

d) Nicholas T. Macos, Black Sutherland LLP, o/b Crystal Beach Tennis and Yacht Club (The Club)

Mr. Macos made the following comments:

- His written comments are generally in line with Mr. Perry's comments

- The Club feels that there is a disregard to the planning which was already established, especially the areas for medium density
- The Club believed that similar development would continue as has occurred in the past
- The Club needs more time to review the plan as it poses significant changes
- There are two ways that may satisfy concerns: either defer designation along the community parcel on Erie Road to allow more time for community involvement or provide different layers that would permit different opportunities, including existing permissions
- Environmental protection designation will affect existing residences and their ability to develop their properties

e) Drew Vallee, 0-17048 Rebstock Road (Vacant Land)

Mr. Vallee made the following comments:

- He was advised that the conceptual road proposed through his property should not be a concern for his development plans for his property
- He has removed dead ash trees, gone through planning processes, and hired a professional planner (Quartek)
- He has been continually assured by the Town that he will be able to move forward with his development plans for building a single-detached dwelling
- He is concerned regarding the medium density designation of his property
- He is still in the process of planning a house design under the current zoning designation

f) Mary Lou Tanner, Principal Planner, NPG Planning Solutions Inc. o/b 0-15097 Crystal Beach Drive

Ms. Tanner made the following comments:

- There are 2 narrow issues arise for this property under the proposed plan which are: her client can't meet the minimum lot area and landscaped area requirements
- She is confident that the issues can be resolved in coordination with Mr. Wasserman and Ms. Dolch

g) Fred Tonin, 526 & 528 Ridgeway Road

Mr. Tonin made the following comments:

- He questioned what stacked townhouses are, and if someone purchased one of the lots on Terrace Lane for a single family home would they be denied a building permit before the zoning changed to medium density?
- He is concerned about the change in zoning density regarding properties fronting on Terrace Lane

- He is also concerned that the construction of new dwellings will be used for short-term rentals
- The difference in height designations as the designation of 3-storey dwellings is too great

h) Joan Christensen, 3627 Brunswick Avenue

Ms. Christensen made the following comments:

- She is concerned about the change in zoning to residential-multiple along Ridge Road and Brunswick Avenue and the conceptual road that would be installed in the right-of-way next to her property
- She is concerned for the safety of children due to the intensification of development of approximately 20 units and 40 cars exiting and entering from Brunswick Avenue
- The designation of Brunswick Avenue as an arterial road doesn't appear to be correct as it is a shorter and quiet road
- Density targets should consider the new development that has already occurred since 2015
- The major road from the QEW to Crystal Beach is only two lanes and makes travelling difficult

Mayor Redekop declared the Public Meeting closed.

8 Regional Councillor Report

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

Niagara Regional Housing Strategic Plan

The Plan is anticipated to be brought forward to Council this November. A Renters Gap Analysis has been completed and if the trend continues we will have to come up with over 400 rental units per year for the next 20 years. The largest demand is for single bedroom accommodations. The Plan encompasses several locations in Fort Erie for affordable housing and will also look at properties that are already developed to add on additional structures, modular built homes and other types of housing. The success of housing options in Europe is also being explored. Currently the Niagara Regional Housing wait time for single apartments to rent in Fort Erie is 11 years.

Region's Homelessness Services

The homeless point in time count has been completed in line with the "Built for Zero" objectives and the "Home for All: Niagara's 10 Year Housing and Homelessness Action Plan", with special thanks to the Fort

Erie Native Friendship Centre for their assistance. The count of 665 homeless people is a snapshot of homelessness as of March 23, 2021. There is an increase in older adults who are now experiencing homelessness as well as educated persons. One of the top reasons for recent housing loss is “financial hardship” - people can't afford the rent, and the other is COVID-19 which tied into financial hardship and mental health issues. There are several programs that have been initiated at the Region to assist residents, and had it not been for the money put into homelessness and affordable housing, it is feared that those numbers would be quite higher.

Road Rehabilitation / Reconstruction Program

The rehabilitation / reconstruction of Dominion Road from Helena Street to Lakeshore Road at the Old Fort where a roundabout will be installed, is scheduled to begin this year.

The Thompson Road Bridge is now in the engineering phase including studies on bridge replacement options, in partnership with the Canadian National Railway. Bowen Road and Central Avenue have also been noted as being in poor conditions, along with 14 bridges including the bridge in Stevensville which is planned to be addressed in the next year.

Vision Zero Road Safety Program

The Program is continuing to gain momentum with 4 automated speed enforcement devices set to be installed in the Region. Several portable speed enforcement devices are being developed and will be rotated to different areas in the Region. Part of the Program is the review of collision statistics with the majority at intersections. Counter measures are being implemented including the use of Red Light Cameras and enhancements of crosswalk markings. The “Municipal 511 Program” is being initiated for residents to call for updates on road construction issues and events, road restrictions and conditions, and emergency notices.

2022 Budget

The first Budget meeting for 2022 was held last week with workshops for the next year's budget set to start in September, 2021.

Councillor Dubanow enquired about the Region's plan to begin registering out-of-province vaccinations.

RC Insinna responded that he was advised it would be up and running by last Friday. As it has not been addressed as promised, he will be following up with Dr. Hirji and will report back to Council. Councillor Dubanow advised he appreciated it.

Councillor Butler enquired whether there RC Insinna could direct her to the information he provided with respect to the March 23rd count of 665 homeless individuals.

RC Insinna advised that the report was delivered at the Public Health and Social Services Committee meeting last week. He will email the report to all of Council for reference.

Councillor Lubberts referenced RC Insinna mentioning that the Region would need to bring forward 400 rental units per year for the next 20 years to address the housing shortage. He enquired how many is the Region doing per year.

RC Insinna responded that approximately 230 new units were made available in 2020 and 2021.

Councillor Lubberts enquired whether the Region plans to add that equivalent number of units every year, and that he would like to see a strategic plan on solving this issue.

RC Insinna responded that the Region will be reviewing properties already under Niagara Regional Housing and building onto those structures/properties where possible. He will be advocating for short-term solutions, and not just focusing on a long-term strategic plan. The Region is also trying to work through incentives and looking for partnerships, such as CMHC.

Councillor Noyes enquired about the timeline and details for the closure and construction of the Stevensville Bridge on Stevensville Road.

RC Insinna advised that the engineering and planning is set for next year, and subject to finances, and construction will be between 2022-2023.

Council recessed at 8:21 p.m. until 8:30.

9 Presentations and Delegations

None.

10 Consent Agenda Items

10.1 Request to Remove Consent Agenda Items

Report No. PDS-50-2021 was removed due to Councillor Dubanow's pecuniary interest.

10.2 Consent Agenda Items for Approval

1. Minutes

- (a) Approve - Council Meeting - May 31, 2021
- (b) Approve - Special Council Meeting - June 14, 2021
- (c) Approve - Council-in-Committee Meeting - June 14, 2021

2. Correspondence

- (a) Receive & Support - City of St. Catharines - Request the Province to Expand Testing and Improve Treatment - Lyme Disease **(Carried)**
- (b) Proclamation - Niagara Health System | Addiction and Mental Health Services / Hepatitis C Care Clinic - July 28, 2021 as "World Hepatitis Day"

That: Council proclaims July 28, 2021 as "World Hepatitis Day". **(Carried)**

3. Board/Committee Minutes

- (a) Receive - Bridgeburg Station Downtown Business Improvement Area Board of Management - March 9, 2021; May 24, 2021
- (b) Receive - Crystal Beach Business Improvement Area Board of Management - June 1, 2021
- (c) Receive - Ridgeway Business Improvement Area Board of Management - June 2, 2021; June 9, 2021

4. Reports

PDS-48-2021 Sale of Municipal Land: 0 Dickens Crescent - Lot 54, Plan 467, Bertie; Fort Erie, Being all of PIN 64218-0279 (LT) (Frank De Luca)

That: Council determines not to sell 0 Dickens Crescent, being Lot 54, Plan 467, Bertie; Fort Erie, being all of PIN 64218-0279 (LT), in accordance with Sale of Land Policy By-law No. 60-2017.
(Carried)

PDS-49-2021 Extension of Draft Plan Approval - Creekside Estates Subdivision - North Side of Nigh Road, East of Gorham Road - Roll No. 2703 020 024 32400 0000 - 2155725 Ontario Inc. (Vaughn Gibbons) - Owner - Urban & Environmental Management Inc. (Greg Taras) - Agent

That: Council extends draft plan approval for Creekside Estates subdivision located on the north side of Nigh Road, east of Gorham Road until April 11, 2023, and the Owner and Regional Municipality of Niagara Planning and Development Services Department be so advised, and further

That: Council directs that the conditions of approval for the Creekside Estates draft plan of subdivision be amended as detailed in Appendix "6" to Report No. PDS-49-2021, and further

That: Council directs that written notification of the amended conditions is not required due to the minor nature of the changes in accordance with Section 51(47) of the *Planning Act*. **(Carried)**

PDS-50-2021 Award of Contract for Spears Park Construction

That: Council accepts and approves the tender submission from CRL Campbell Construction & Drainage Ltd. for Tender PDS-21T-SPEA20 Spears Park Construction to an upset limit of

\$294,368.10 (including 13% HST), and further

That: Council amends the 2021 Capital Budget to supplement the Spears Park capital project (SPEA20) by \$ 7,500, with \$750 sourced from the Parkland Reserve, and \$6,750 sourced from the Development Charges Reserve for Parks and Recreation (ID 3.4.1).

5. Other Matters

Consent Agenda Resolution

Resolution No. 1

Moved by: Councillor Zanko

Seconded by: Councillor McDermott

That: Council approves the Consent Agenda Items as recommended, save and except Report No. PDS-50-2021. **(Carried)**

10.3 Items Removed to be Dealt with Separately

Resolution No. 1A

Moved by: Councillor Zanko

Seconded by: Councillor McDermott

PDS-50-2021 Award of Contract for Spears Park Construction

That: Council accepts and approves the tender submission from CRL Campbell Construction & Drainage Ltd. for Tender PDS-21T-SPEA20 Spears Park Construction to an upset limit of \$294,368.10 (including 13% HST), and further

That: Council amends the 2021 Capital Budget to supplement the Spears Park capital project (SPEA20) by \$ 7,500, with \$750 sourced from the Parkland Reserve, and \$6,750 sourced from the

Development Charges Reserve for
Parks and Recreation (ID 3.4.1).

(Carried)

11 Reports

PDS-47-2021 Proposed Official Plan Amendment No. 54 (Crystal Beach Secondary Plan) and Proposed Zoning Implementation Information Report

Resolution No. 2

Moved by: Councillor Lubberts

Seconded by: Councillor McDermott

That: Council receives for information purposes Report No. PDS-47-2021 regarding Proposed Official Plan Amendment (OPA) No. 54, being the Crystal Beach Secondary Plan, together with proposed amendments to Zoning By-law No.129-90 to implement OPA No. 54. **(Carried)**

12 New Business/Enquiries

- (a) Notice of Resignation - Ridgeway Business Improvement Area Board of Management - Rob Faragalli

Resolution No. 3

Moved by: Councillor McDermott

Seconded by: Councillor Lubberts

That: Council accepts the resignation of Rob Faragalli from the Ridgeway Business Improvement Area Board of Management, and further

That: Council directs staff to proceed with filling the vacancy in accordance with the Procedural By-law. **(Carried)**

- (b) Councillor Butler

Councillor Butler enquired if there was an update regarding the costing per street light on MacDonald Drive.

Mr. Walsh advised that he has not heard back from Canadian Niagara Power, and will follow up.

(c) Councillor Dubanow

Councillor Dubanow stated that the biggest issue facing the separation of families across the border is that there is no reciprocal agreement between federal governments. He also stated that he is concerned that the federal government has not adopted the recommendations of the COVID Testing and Screening Expert Advisory Panel concerning the protocols and different categories of travelers and what the quarantine is.

Councillor Dubanow further added that the mixed messaging on the effectiveness of vaccinations might be promoting hesitancy. Further, he appreciates the advocacy Mayor Redekop is doing amongst the Border Mayors, and he looks forward to the follow-up from the next Border Mayors' meeting.

Mayor Redekop responded that we all understand the need for safety, protocols, and cautious reopening; however, the progress between Step 1 and Step 2 is almost unnoticeable. He stated that he appreciates the comments and will keep Council posted on any news from the Border Mayors' meeting.

(d) Councillor McDermott

Councillor McDermott requested an update from Mr. Kuchyt regarding the possibility of reopening the Kinsmen Pool for July and August this year.

Mr. Kuchyt advised that the pool was assessed several years ago and, at that time, it was at the end of its useful life. He added that the life of the pool was extended with the help of the Fort Erie Underwater Recovery Unit to run it; however, the Lease Agreement with the Unit ran out last year. Mr. Kuchyt further advised that there were concerns regarding the cost to keep the pool running, and not know if it could be opened with due to the pandemic. It was not addressed in the 2021 budget in order to keep the levy as low as possible because of the financial implications due to COVID. Mr. Kuchyt stated that the Town was recently approached by a not-for-profit to assist in reopening. The pool was reassessed and major damage was found, in particular to the pumps and filter system. He further advised that based on the \$50,000 quote, the three-week timeline for labour, and the indefinite timeline for acquiring the necessary parts, reopening the pool this summer is not tangible. Mr. Kuchyt advised that staff are reviewing other options for a

water feature for Wards 1 and 2. It may involve utilizing the Town's transit system.

Councillor McDermott stated that other projects may need to be moved in order to accommodate a water feature for Ward 1 and Ward 2, and he does not want to see these Wards go without a water feature for the next few years. Council will need to decide how to make it happen. Councillor McDermott acknowledged and thanked Mr. Kuchyt for his efforts.

Mayor Redekop advised that part of the challenge this year is the Boys and Girls Club is also not able to open the E.J. Freeland Centre because of the provincial rules, and bussing to other parts of Town may be an option for this summer. Mayor Redekop advised he spoke to Mr. Kuchyt about taking another look at the cost and how long could the pool be maintained for 5-6 for a reasonable expenditure. He has also spoken to Ms. Hansen to about the status of the construction of new parks and reconstruction of new parks.

(e) Councillor McDermott

Councillor McDermott enquired whether Mr. Kuchyt can discuss the issues of speeding and reckless driving on Point Abino Road with the Niagara Regional Police. Councillor McDermott stated that he has received many complaints from residents.

Mr. Kuchyt advised that he will reach out to the Staff Sergeant and request assistance, as he has been very cooperative when contacted about issues previously.

Councillor Noyes stated that last year or the year before a stop sign was installed and the speed limit was lowered at the intersection of Point Abino and Bowen Roads to slow down traffic. She further stated that there is a Traffic Co-ordinating Committee meeting this Wednesday where they can revisit the matter.

Mayor Redekop stated that governments may consider making governors in vehicles mandatory at some point in order to enforce safety. Councillor Noyes stated that monitors are already used for insurance purposes if you choose to.

(f) Councillor Noyes

Councillor Noyes enquired about the functional state of the pool at the old Fort Erie Secondary School.

Councillor McDermott advised that the pool is not finished yet; however, they are planning to finish with greater enrollment numbers in the Academy.

Councillor Noyes advised that the Town may be able to coordinate community use of the pool in the summer months if the Kinsmen Pool remains unavailable.

13 Motions

(a) Councillor Noyes

Re: Licensing of Cannabis Operations Which Were Previously Operating Illegally

Resolution No. 4

Moved by: Councillor Noyes

Seconded by: Councillor Lubberts

Whereas there have been a number of illegal cannabis grow operations within the Town of Fort Erie, and

Whereas these illegal cannabis operations take significant municipal and regional manpower to control, and pose a significant threat to nearby communities, and

Whereas monetary fines and penalties do not restrict cannabis growers from future illegal cannabis activities on the lands, and do not appear to be enough of a deterrent, and

Whereas operating an illegal cannabis grow operation does not restrict the owners from applying for a legal licence to Health Canada through another responsible person, and

Whereas the licensed operators for the grow facilities may be producing for owners or owners within a corporation previously convicted of an offence;

Now therefore be it resolved,

That: The Federal Government look at prohibiting the ability to obtain a licence to grow cannabis if any of the owners including those owners within a corporation have ever been convicted of operating an illegal cannabis operation, and further

That: The Federal Government look at restricting lands previously operated for illegal cannabis use from obtaining a licence for a period of 5 years from the date of the offence, and further

That: The Federal Government require that before submitting an application to the Minister for a licence for cultivation, a licence for processing or a licence for sale that authorizes the possession of cannabis, the person that intends to submit the application must first obtain a letter of compliance from the following authorities in the area in which the site referred to in the application is located:

- (a) the local government;
- (b) the local fire authority; and
- (c) the local police force or the Royal Canadian Mounted Police detachment that is responsible for providing policing services to that area, and further

That: A copy of this resolution be circulated to The Right Honourable Justin Trudeau, The Minister of Health Patty Hajdu, All members of Parliament, All municipalities, Niagara Regional Police and Royal Canadian Mounted Police for their support.

Mayor Redekop requested a friendly amendment to insert “and the Federation of Canadian Municipalities” after “Royal Canadian Mounted Police”, which was accepted by the Mover and Seconder.

Resolution No. 4 was voted on as amended, as follows:

Whereas there have been a number of illegal cannabis grow operations within the Town of Fort Erie, and

Whereas these illegal cannabis operations take significant municipal and regional manpower to control, and pose a significant threat to nearby communities, and

Whereas monetary fines and penalties do not restrict cannabis growers from future illegal cannabis activities on the lands, and do not appear to be enough of a deterrent, and

Whereas operating an illegal cannabis grow operation does not restrict the owners from applying for a legal licence to Health Canada through another responsible person, and

Whereas the licensed operators for the grow facilities may be producing for owners or owners within a corporation previously convicted of an offence;

Now therefore be it resolved,

That: The Federal Government look at prohibiting the ability to obtain a licence to grow cannabis if any of the owners including those owners within a corporation have ever been convicted of operating an illegal cannabis operation, and further

That: The Federal Government look at restricting lands previously operated for illegal cannabis use from obtaining a licence for a period of 5 years from the date of the offence, and further

That: The Federal Government require that before submitting an application to the Minister for a licence for cultivation, a licence for processing or a licence for sale that authorizes the possession of cannabis, the person that intends to submit the application must first obtain a letter of compliance from the following authorities in the area in which the site referred to in the application is located:

- (a) the local government;
- (b) the local fire authority; and
- (c) the local police force or the Royal Canadian Mounted Police detachment that is responsible for providing policing services to that area, and further

That: A copy of this resolution be circulated to The Right Honourable Justin Trudeau, The Minister of Health Patty Hajdu, All members of Parliament, All municipalities, Niagara Regional Police, Royal Canadian Mounted Police, and the Canadian Federation of Municipalities, for their support. **(Carried)**

(b) Councillor Noyes

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

(Postponed to July 19, 2021)

(c) Councillor Noyes

Re: Reinstate the Back Stop at A. C. Douglas Park and Amend the Current Budget

Resolution No. 5

Moved by: Councillor Noyes

Seconded by: Councillor Lubberts

Whereas the back stop at A.C. Douglas Park was removed due to its deterioration resulting in safety issues, and

Whereas the removal of the back stop was not anticipated and therefore not budgeted for in the 2021 budget, and

Whereas the Black Creek and Douglastown residents used the back stop on a regular basis;

Now therefore be it resolved,

That: The design work and construction documentation for the back stop be funded through the 2021 budget and completed by the end of 2021 in order to undertake the tendering and replacement installation in the spring of 2022, and further

That: Council amends the 2021 Capital Budget to include the design and construction of the AC Douglas 1 Backstop (ACDB21) for \$25,000 with funding from the Parkland Reserve.

Resolution No. 5A

Moved by: Councillor Noyes

Seconded by: Councillor Lubberts

That: The consideration of the funding and completion of the AC Douglas Park Backstop be postponed to the 2022 budget deliberations. **(Carried)**

(d) Councillor Lubberts

Re: By-law to Regulate, Control and Register Animal Rescue Groups

Resolution No. 6

Moved by: Councillor Lubberts

Seconded by: Councillor Noyes

Whereas Subsection 11 (3) 9 of the *Municipal Act*, 2001, S.O. 2001, C. 25 allows lower-tier municipalities to pass by-laws respecting animals, and

Whereas the Town of Fort Erie does not have a by-law for the regulation, control and registration of animal rescue groups, and

Whereas it is desirable for the Town of Fort Erie to ensure that rescued animals are being provided proper shelter and medical care while waiting to be adopted into their forever homes;

Now therefore be it resolved,

That: Council of the Town of Fort Erie directs staff to consult with the Fort Erie SPCA, local rescue groups and foster home volunteers, and further

That: Following the consultation process, staff bring forward a report to Council with recommendations regarding the development of a By-law to Regulate, Control and Register Animal Rescue Groups.

Councillor Noyes requested a friendly amendment to include in the first substantive clause that staff consult with other municipalities, which was accepted by the Mover and Seconder.

Resolution No. 6 was voted on as amended, as follows:

Whereas Subsection 11 (3) 9 of the *Municipal Act*, 2001, S.O. 2001, C. 25 allows lower-tier municipalities to pass by-laws respecting animals, and

Whereas the Town of Fort Erie does not have a by-law for the regulation, control and registration of animal rescue groups, and

Whereas it is desirable for the Town of Fort Erie to ensure that rescued animals are being provided proper shelter and medical care while waiting to be adopted into their forever homes;

Now therefore be it resolved,

That: Council of the Town of Fort Erie directs staff to consult with the Fort Erie SPCA, local rescue groups, foster home volunteers, and other municipalities, and further

That: Following the consultation process, staff bring forward a report to Council with recommendations regarding the development of a By-law to Regulate, Control and Register Animal Rescue Groups. **(Carried)**

Resolution No. 6A

Moved by: Councillor Dubanow

Seconded by: Councillor McDermott

That: The hour of adjournment be extended at 10:02 p.m. for 15 minutes.

(e) Councillor Butler

Re: Amendment to Animal Control By-law No. 73-2021 with respect to "Agricultural"

(Postponed to July 19, 2021)

14 Notice of Motion

(a) Councillor Dubanow

Councillor Dubanow gave notice of motion regarding the federal government to expand the categories for essential travellers permitted to enter Canada.

(Returnable July 19, 2021)

(b) Councillor Dubanow

Councillor Dubanow gave notice of motion regarding the federal government to adopt the recommendations of the COVID-19 testing and screening expert advisory panel recommendations for land and air border measures.

(Returnable July 19, 2021)

15 Consideration of By-laws

Resolution No. 7

Moved by: Councillor McDermott

Seconded by: Councillor Noyes

That: The by-law package containing:

79-2021 To Amend By-law No. 222-2001 to Adopt Policies and Procedures for the Processing of Planning Applications (Waiving Development Fees for Non-Profit Organizations for the Creation of Affordable Housing)

80-2021 To Amend Traffic By-law No. 2000-89 (Schooley Road Parking)

81-2021 To Appoint Chanse Proulx as a Municipal Law Enforcement Officer for The Corporation of the Town of Fort Erie and to Repeal By-law No. 43-2021

82-2021 To Appoint Jordan Hamilton as Building Inspector for The Corporation of the Town of Fort Erie

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

Resolution No. 8

Moved by: Councillor Zanko

Seconded by: Councillor Noyes

That: By-laws:

76-2019

79-2021

80-2021

81-2021

82-2021

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

Resolution No. 9

Moved by: Councillor Dubanow

Seconded by: Councillor Zanko

That: By-law No. 83-2021: To Confirm the Actions of Council at its Council-in-Committee Meeting held on June 14, 2021 and its Council Meeting held on June 21, 2021 is given first and second reading.

(Carried)

Resolution No. 10

Moved by: Councillor Zanko

Seconded by: Councillor Dubanow

That: By-law No. 83-2021 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

16 Scheduling of Meetings

Traffic Coordinating Committee, June 23rd, 2021, 12:00 pm, via Zoom Teleconference.

17 Adjournment

Resolution No. 11

Moved by: Councillor Dubanow

Seconded by: Councillor Zanko

That: Council adjourns at 10:07 p.m. to reconvene into a Regular Meeting of Council on July 19 , 2021.

(Carried)

Mayor

Clerk