The Municipal Corporation of the Town of Fort Erie

Regular Council Meeting Agenda

Monday, January 17, 2022 - 6:00 PM

Council Chambers via Video Teleconference

Due to the COVID-19 Pandemic all Meetings are being held via Video Teleconference.
All 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 "YourTV"

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1. Call to Order

2. Invocation

3. Roll Call

4. Announcements/Addenda

5. Declarations of Pecuniary Interest

6. Notice of Upcoming Public Meetings

(a) 2022 Budget Meeting Schedule

Re: Council-in-Budget Committee Meetings: #3 - Wednesday, February 2, 2022 - Library, Assessment Analysis and General Levy Operating; #4 - Wednesday, February 9, 2022 (if required). All budget meetings begin at 6:00 p.m. Via Video Teleconference. Budget By-laws: Monday, February 28, 2022 - General Levy Budget and General Capital Budget.

7. Regional Councillor Report

8. Presentations and Delegations

9. Consent Agenda Items

9.1 Request to Remove Consent Agenda Items

9.2 Consent Agenda Items for Approval

1. Minutes

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9 - 29 (a) Approve - Council Meeting - December 13, 2021
12.13 - Regular Council

30 - 50 (b) Approve - Council-in-Committee Meeting - January 10, 2022
01.10 - Council-in-Committee

2. Correspondence

51 - 58 (a) Receive - Canadian Union of Postal Workers - CUPW/STTP - Request for Support & Resolution for Delivering Community Power
Comm(a)-Cdn Union of Postal Workers

3. Board/Committee Minutes

59 - 65 (a) Receive - Accessibility Advisory Committee - December 7, 2021
AAC-Dec 7

66 - 67 (b) Receive - Bridgeburg Station Downtown Business Improvement Area Board of Management - Annual General Meeting - December 9, 2021
BBIA-AGM-Dec 9

68 (c) Receive - Ridgeway Business Improvement Area - Board of Management - January 5, 2022
RBIA-Jan5

4. Reports

69 - 94 **CAO-01-2022** Ontario Living Wage Initiative

Resolution:

That: Council receives for information purposes Report No. CAO-01-2022 regarding an Ontario Living Wage Initiative, and further

That: Council considers the financial implications of implementing the Initiative during the 2022 Operating Budget deliberations.

CAO-01-2022 Ontario Living Wage Initiative
CAO-01-2022 Ontario Living Wage Initiative Attachment

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95 - 98	**CS-01-2022**	Ontario Municipal Modernization Intake 2 Program Update Resolution: **That:** Council receives Report No. CS-01-2022, regarding an update on the Ontario Municipal Modernization Intake 2 Program, for information purposes. CS-01-2022 - Ontario MMP Update
99 - 103	**IS-03-2022**	Award of Engineering Services for Waverly Beach Friendship Trail Reconstruction and Shoreline Protection - Contract ISF-21P-WAVT20 Resolution: **That:** Council accepts and approves the proposal from WT Infrastructure Solutions Inc. to provide Engineering Design Services for the Friendship Trail Reconstruction and Shoreline Protection Project (Contract No. ISF-21PWAVT20) to the upset limit of $124,298.87 (including 13% HST), and further **That:** Council substitutes Debenture Issue funding of $2,250,000 for capital project WBTR22 with Municipal Disaster Recovery Assistance (MDRA) funding of $2,205,375 and Parkland Reserve funding of $44,625. IS-03-2022 - Friendship Trail Recon - RFP Award

5. Other Matters

Consent Agenda Resolution

Resolution:

That: Council approves the Consent Agenda Items as recommended.

9.3 Items Removed to be Dealt with Separately

10. Reports

104 - 112 **PDS-106-2021** Land Use Controls and Legal Review of Short-Term Rentals ***(Postponed from December 13, 2021, Council Meeting - Previously Moved by Councillor Dubanow and Seconded by Councillor McDermott as Resolution No. 2 and postponed from the January 10, 2022, Council-in-Committee Meeting)***

Resolution:

That: Council receives for information purposes Report No. PDS-106-2021 regarding a land use control and legal review of Short-Term Rentals, and further

That: Council consider the financial implications of hiring a planning consultant to facilitate and process the Official Plan and Zoning By-law amendment changes needed to impose land use controls on Short-Term Rentals during the 2022 Operating Budget deliberations.

PDS-106-2021 Short Term Rental Land Use Controls and Legal Review

11. New Business/Enquiries

113 (a) Response to Enquiry

Re: Enquiry by Councillor Zanko at the December 13, 2021 Council Meeting on the Rabies Vaccination Requirement for Dog Licensing

ZANKO - Rabies Vaccination Proof

114 - 122 (b) Memorandum - Mackenzie Ceci, Planning Technician and Aaron Butler, MCIP, RPP, Manager, Development Approvals - Bird Friendly City Designation

MEMO - Bird Friendly City Certification Information

(c) Notice of Resignation - Ridgeway Business Improvement Area Board of Management - Sarah Chevalier

Resolution:

That: Council accepts the resignation of Sarah Chevalier 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.

12. Motions

(a) Councillor Dubanow

Re: Molecular Testing to Enter Canada

Resolution:

Whereas the Canada-United States border along the Niagara Frontier forms an integrated binational community bound by social, economic and cultural ties that has been detrimentally impacted by its unprecedented closure during the COVID-19 pandemic that began nearly two years ago, and

Whereas the Omicron Variant is now the dominant COVID-19 variant in Canada, the United States and the rest of the world, and

Whereas border measures continue to act as a barrier to the unification of families and economic recovery in our binational community that will do nothing to stop a virus that is circulating inside Canada just as much as it is outside our borders, and

Whereas Canada and the United States both require eligible individuals to be fully vaccinated to enter their respective countries for discretionary travel, and

Whereas vaccination continues to be our best tool to protect individuals and our community from the impacts of COVID-19, and

Whereas millions of Canadians and Americans took up the call and did what they were asked by becoming vaccinated with the promise of returning to normal life including the reintegration of our binational community, and

Whereas randomized molecular testing for screening purposes is still being performed by Canadian officials upon arrival at the Canadian land border;

Now therefore be it resolved,

That: The Municipal Council of the Town of Fort Erie requests that the Canadian Federal Government discontinue the requirement for pre-arrival testing at land ports of entry along the Canada-US border, and further

That: The Municipal Council of the Town of Fort Erie requests that the Canadian Federal Government provide a transparent plan including timelines and the public health metrics necessary for the normalization and discontinuation of all pandemic-related measures at the Canada-US border including but not necessarily limited to randomized arrival testing and the use of the ArriveCAN app, and further

That: The Municipal Council of the Town of Fort Erie requests that Canadian and American authorities coordinate efforts to ensure that a formal transparent policy agreement exists related to the Canada-US land border in an effort to prevent our binational community from being impacted in the future should such an emergency occur again, and further

That: The Municipal Council of the Town of Fort Erie continues to extend their appreciation to all officials in both Canada and the United States who remain involved in the efforts to reunify our binational community, and further

That: This resolution be circulated to The Right Honourable Justin Trudeau, Prime Minister of Canada, The Honourable Marco Mendicino, Minister of Public Safety, The Honourable Jean-Yves Duclos, Minister of Health (Canada), Tony Baldinelli, Member of Parliament for Niagara Falls, all Members of Parliament representing constituencies located along the Canada-US border, and all Canadian municipalities located along the Canada-US border.

(b) Councillor Butler

Re: Climate Change Actions

(To be Postponed to February 28, 2022)

13. Notice of Motion

14. Consideration of By-laws

123 - 125 **1-2022** To Provide for Interim Taxes for the Year 2022

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		1-2022 2022 Interim Tax Levy
126 - 127	**2-2022**	To Authorize the Mayor or Acting Mayor and the Treasurer or Deputy Treasurer of The Corporation of the Town of Fort Erie to Borrow Certain Sums to Meet Expenses For The Year 2022 2-2022 2022 Borrowing
128 - 138	**3-2022**	To Adopt the 2022 Water and Wastewater Budget, to Adopt Rates and Fees for the Year 2022 3-2022 2022 Water & Wastewater Budget Rates combined
139 - 143	**4-2022**	To Deem Part of a Certain Registered Plan of Subdivision Not to be a Registered Plan of Subdivision 57 Idylewylde Place P. Leigh Whyte – (Agent) David and Charlene Smith – (Owners) 4-2022 Deeming - 57 Idylewylde Place (Final) MEMO - By-law No. 4-2022 - Deeming - 57 Idylewyle Place
144 - 178	**5-2022**	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. 57 - 321 Garrison Road - 1784550 Ontario Inc. (Peter Wangler) – Owner - Rakib Hassan – Applicant - Rob Russell Planning Consultants (Rob Russell) - Agent 5-2022 321Garrison Road OPA (Final)
179 - 180	**6-2022**	To Amend Zoning By-law No. 129-90, as amended 321 Garrison Road 1784550 Ontario Inc. (Peter Wangler) - Owner Rakib Hassan - Applicant Rob Russell Planning Consultants (Rob Russell) - Agent 6-2022 ZBA -321 Garrison Road
181 - 191	**7-2022**	To Amend Fees and Charges By-law No. 40-09, as amended (2022 Review) 7-2022 Fees and Charges (2022 Review)
192 - 193	**8-2022**	To Accept and Declare a Daylighting Triangle as Public Highway at the Southeast Intersection of Rebstock Road and Beechwood Avenue (4165 Rebstock Road) Michael Atkins and Cindy Atkins – Owners 8-2022 Accept and Declare Lands as Public Highway - 4165 Rebstock Road

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194 **9-2022** To Confirm the Actions of Council at its Council-in-Committee Meeting Held on January 10, 2022, and Special Council and Council Meetings Held on January 17, 2022
9-2022 Confirmatory

15. Scheduling of Meetings

16. Adjournment

The Municipal Corporation of the Town of Fort Erie

Regular Council Meeting Minutes

Monday, December 13, 2021

Council Chambers via Video Teleconference

Due to the COVID-19 Pandemic all Meetings are being held via a Hybrid Model. All meetings can be viewed at: Town's Website: https://www.forterie.ca/pages/CouncilAgendasandMinutes
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1. Call to Order

Mayor Redekop called the meeting to order at 6:00 p.m.

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

2. Invocation

The Clerk read the Invocation.

3. Roll Call

Present (In Council Chambers): His Worship Mayor Redekop, Councillors Dubanow, McDermott, and Noyes

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

Also Present (Via Zoom Teleconference): Regional Councillor Insinna

Staff (In Council Chambers): C. Schofield, K. Davis, J. Janzen and T. Kuchyt

Staff (Via Zoom Teleconference): K. Dolch, E. Melanson, J. Stirton, and K. Walsh

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

4. Announcements/Addenda

There were 2 addenda as follows:

- Addition of 2 delegations under Item No. 8. Presentations and Delegations: (a) Doug Swift, Fort Erie Community Preservation Coalition Re: Land Use Controls and Legal Review of Short-Term Rentals (Report No. PDS -106-2021), and (b) David McPherson, 3856 Ryan Avenue Re: Land Use Controls and Legal Review of Short-Term Rentals (Report No. PDS-106-2021); and

- Revision to Item 9. 9. 2.4. Consent Agenda Items for Approval: Report No. PDS-107-2021 to correct the number of residential permits and permit value; and Additions under Item No. 11 New Business/Enquiries: (h) Niagara Peninsula Conservation Authority – Gonder's Flats Restoration Project Resolution, and (i) being a Resolution To Appoint Mary Jane Johnson, to the Community Health Care Services Committee, as a Niagara Health System Representative

Mayor Redekop made the following announcements:

Year End Remarks

This is the last meeting for the year before Christmas for this Council.

We've had an interesting 2 years considering the Pandemic and the odd situation that we have all been living in for elected officials who like to shake hands and pat people on the back and arm. It's been a challenge that we can't get close to people.

I am looking forward to continuing the work with this Council and Staff. There will be some major changes in our Staff in the New Year but I'm sure that we will continue on in the same great fashion that we have for the last 3 years.

Storm the Past Weekend

Once again Mother Nature has reared her head to let us know that there's one controlling factor in life, in nature, and that's Mother Nature.

I want to thank Town Staff, the Fire Department, and Canadian Niagara Power for the work that they did over this weekend, trying to make sure that people were safe, that property to the extent possible was protected, and that people had electricity when they needed it. It was a great challenge. At one time there were 9 areas where trees had fallen on

hydro lines or knocked out poles, and at one point I think almost the whole Town was without electricity when they needed it. This morning there were still pockets of individuals that didn't have electricity but the Canadian Niagara Power crews along with some of their colleagues from outside the area were continuing to work on that. Town Staff worked throughout the night and on the weekend and were quite intrepid in their efforts, and I want to thank them for being on top of this, and of course, the Fire Department did its usual thing, and I would like to thank them as well for their work.

The message is clear, climate change is upon us. Things that we used to do we're going to have to change. Things that we thought were normal are no longer normal, and so later on in the Agenda we will be raising some of those topics and looking at perhaps how we can move forward to better adapt to the climate change that's occurring. We received a report in October of 2020 from Bev Bradnam, Assistant to the CAO, so we will be taking a look at that as well.

5. Declarations of Pecuniary Interest

(a) Mayor Redekop

Mayor Redekop declared a pecuniary interest with respect to Consent Agenda Item No. 9.2.4 Report No. PDS-105-2021 as he lives within one of the areas being considered for priority for secondary plans. He abstained from discussing and voting on the matter.

(b) Mayor Redekop

Mayor Redekop declared a pecuniary interest wit respect to Consent Agenda Item No. 9.2.4 Report No. CAO-28/LC-20-2021 as he represents one of the parties as a lawyer to an issue regarding encroachment onto a municipal road allowance. He abstained from discussing and voting on the matter.

6. Notice of Upcoming Public Meetings

(a) 2022 Budget Meeting Schedule

Re: Council-in-Budget Committee Meetings: #3 - Wednesday, February 2, 2022 - Library, Assessment Analysis and General Levy Operating; #4 - Wednesday, February 9, 2022 (if required). All budget meetings begin at 6:00 p.m. Via Video Teleconference. Budget By-laws: Monday, January 17, 2022 - Water and Wastewater Budget and Rates; Monday, February 28, 2022 - General Levy Budget and General Capital Budget.

7. Regional Councillor Report

RC Insinna gave the following Report:

There are changes to the garbage collection during the holiday season. During the week of December 27 to the 31, residents of Fort Erie that are living in single-family homes and those living in apartments with 6 units or less are now going to be able to put out 4 bags of garbage on their normal collection day.

During the week of January 10th to 14th Niagara Region will be collecting Christmas Trees, please remember to have people to remove their decorations and don't put it in a plastic bag because they will be composting everything.

There has been a lot of discussion and debate with regard to the Regional Official Plan and how it will protect our environment. At a Committee of the Whole Meeting, Regional Council was again at cross-roads regarding the Natural Environment System and the options that were put forward to us regarding 3B and 3C or regarding Natural Heritage Systems. Option 3C was unanimously approved which would give the best chance for the protection of our environment as it would protect the buffer zones in all areas preserving our wetlands and systems. The matter will go before Regional Council this Thursday.

The budget deliberations have come to an end at the Region. The Budget Committee of the Whole has recommended an increase of 2.87% and this will be going to Regional Council on Thursday for ratification. In order to get to this point, Regional Council dipped into the Tax Payer Relief Fund in order to bring down the initial percentage of 4.35 %.

Later in the Agenda, Council will be dealing with the Niagara Transit Consolidation. As Council knows, it's taken a lot of years to get to this point and I would like to express my sincere thanks to Council in moving forward with this.

I would like to take this opportunity to thank all Council and Staff for their support during these unprecedented times, this year has been a challenge for everyone and you are all to be commended on your leadership and guidance during the pandemic. On behalf of my family, I would like to wish you all a Merry Christmas, Happy Holiday and a safe and prosperous New Year.

Councillor Noyes advised she received a call that there was an expansion of the lagoon and asked if RC Insinna had any information on that. RC Insinna suggested that it could be the $4 million work that was slated to happen.

Councillor Noyes advised she understood the $4 million was to remove the sludge, and this gentleman was referring to expansion. RC Insinna responded that he would get back to Councillor Noyes.

Councillor Butler referred to the buffer zones and the preserving of the environment. She asked if the Region has looked at their commitment to address the flooding areas such as Shirley Road. RC Insinna responded that he has brought the area up with Public Works and they did increase the pump sizes. RC Insinna advised he will look into to it to see if the NPCA has done any of the mapping with regards to that area.

Councillor Butler asked RC Insinna to find out if the pump sizes have in fact been replaced, and if they are looking to fix the problem this weekend. RC Insinna advised that he would look into it.

8. Presentations and Delegations

(a) Doug Swift, Fort Erie Community Preservation Coalition

Re: PDS-106-2021 Land Use Controls and Legal Review of Short-Term Rentals

Mr. Swift provided the following commentary:

- The Fort Erie Community Preservation Coalition appreciates the opportunity that Council provided them to sit down with Staff and to share their thoughts on how Short-Term Rentals are to be best addressed from a land use perspective.
- We share Staff's opinion on the benefits of a comprehensive Official Plan Policy and Zoning By-law provisions to guide the use of Short-Term Rentals as a land use.
- We hope that you will accept the recommendations to refer the hiring of a consultant to the deliberation of the 2022 Operating Budget.
- The use of Short-Term Rentals is a very serious issue for the whole Town.
- Most of the Reports and the recommendations that come from staff, have come from the lens of Economic Development.
- We are now seeing a Report from the Planning Department which considers the entire community's expectations.

- We request that you accept the Report as part as the next step in the zoning process.
- This is a very complex and emotional issue, and should be considered at length to get it right the first time in order to avoid any disputes down the road.
- The Fort Erie Community Preservation Coalition has grown to represent nearly 650 people and counting.
- We are working collaboratively to find the right solution in our home town.

(b) David McPherson, 3856 Ryan Avenue

Re: PDS-106-2021 Land Use Controls and Legal Review of Short-Term Rentals

Mr. McPherson delivered a PowerPoint Presentation which is available on the Town's Website and the following commentary:

- The Report comments on the Stakeholder Consultation process, claiming consensus on certain issues.
- The Report lacks transparency as requests to obtain the underlying legal opinion were denied.
- The potential outcome that existing Short Term Rentals (STRs) are granted Legal Non-conforming status in perpetuity (including ownership changes) is unacceptable.
- The Report does not address the negative experience of STRs currently operating in South Coast Village.
- STRs in the final analysis are a commercial business and as such must be subject to a higher level of regulation and zoning.
- Consider Net Economic Growth, after accounting for the impact of full-time residents and discounting the rental income that doesn't stay inside Fort Erie.
- It is critical that the moratorium be left in place while an approach is being worked on.
- Lifting the moratorium would potentially exacerbate the issue of non-conforming properties and operators.
- It would be prudent for the Town to cease issuing licenses in areas where active consideration is given to zoning changes, especially instances where there are restrictive covenants on title.

9. Consent Agenda Items

9.1 Request to Remove Consent Agenda Items

Report Nos. PDS-105-2021 and CAO-28/LC-20-2021 were removed due to Mayor Redekop's declared pecuniary interests.

9.2 Consent Agenda Items for Approval

1. Minutes

(a) Approve - Special Council Meeting - November 22, 2021

(b) Approve - Council Meeting - November 22, 2021

(c) Approve - Council-in-Committee Meeting - December 6, 2021

(d) Approve - Council-in-Budget Committee Meeting No. 2 - December 8, 2021

2. Correspondence

(a) Receive & Support - City of Niagara Falls - Request Federal Government to Remove COVID-19 Testing at Land Border Crossings to Fully Vaccinated Travellers ***(Postponed from November 8, 2021 Special Council Meeting and November 22, 2021 Regular Council Meeting)***

Resolution No. 1A
Moved by: Councillor Dubanow
Seconded by: Councillor McDermott

That: Correspondence Item 2(a) be changed to "Receive" only. **(Carried)**

(b) Receive - City of St. Catharines - National Childcare Program

Resolution No. 1B
Moved by: Councillor Noyes
Seconded by: Councillor Dubanow

That: Correspondence Item 2(b) be changed to "Receive and Support". **(Carried)**

Resolution Nos. 1A and 1B for Correspondence Items 2 (a) and (b) are reflected in the Minutes in the order of when they were dealt with.

(c) Receive - Town of Pelham Resolution - Joint Accessibility Advisory Committee Letter Re: Niagara Region Transit

3. Board/Committee Minutes

(a) Receive - Museum and Cultural Heritage Advisory Committee; Museum Services Standing Committee - November 18, 2021

(b) Receive - Ridgeway Business Improvement Area Board of Management - Annual General Meeting - November 24, 2021

(c) Receive - Community Health Care Services Committee - November 23, 2021

(d) Receive - Community Gaming Development Corporation - September 29, 2021

(e) Receive - Bridgeburg Downtown Business Improvement Area Board of Management - December 2, 2021

4. Reports

PDS-105-2021 Neighbourhood and Secondary Plan Prioritization

That: Council approves the order of priority respecting Secondary Plan completion as follows:

1. Bridgeburg North Urban Expansion Area
2. Walden / Garrison Neighbourhood
3. a. Regional MCR Employment Land Expansion Area

b. Regional MCR Community Expansion Area 1
4. Crescent / Kraft Neighbourhood
5. Regional MCR Community Expansion Area 2
6. Lakeshore Neighbourhood, and further

That: Council directs staff to circulate a copy of Report No. PDS-105-2021 to the Region of Niagara and the Niagara Peninsula Conservation Authority.

PDS-107-2021 Planning and Development Services - Development, Building and By-law Statistical Reporting - Q3 - Third Quarter

That: Council receives Report No. PDS-107-2021 regarding development, building and by-law statistical reporting for information purposes, and further

That: Council directs staff to forward a copy of Report No. PDS-107-2021 to the Regional Planning and Development Services Department, the Fort Erie Economic Development and Tourism Services, the District School Board of Niagara and the Niagara District Catholic School Board.

(Carried)

CAO-28/LC-20-2021 Land Matters: December 2, 2021 Land Committee Meeting Minutes

That: Council receives the December 2, 2021 Land Committee meeting minutes attached as Appendix “1” to Report No. CAO-28/LC-20-2021, and further

That: Council approves the recommendations contained in Appendix “2”.

5. Other Matters

Consent Agenda Resolution

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

That: Council approves the Consent Agenda Items as recommended, save and except Report Nos. PDS-105-2021 and CAO-28/LC-20-2021, and as amended.

(Carried)

9.3 Items Removed to be Dealt with Separately

Mayor Redekop gave the Chair to Councillor Zanko due to his declared pecuniary interests.

PDS-105-2021 Neighbourhood and Secondary Plan Prioritization

Resolution No. 1C
Moved by: Councillor Noyes
Seconded by: Councillor Dubanow

That: Council approves the order of priority respecting Secondary Plan completion as follows:

1. Bridgeburg North Urban Expansion Area
2. Walden / Garrison Neighbourhood
3. a. Regional MCR Employment Land Expansion Area
   b. Regional MCR Community Expansion Area 1
4. Crescent / Kraft Neighbourhood
5. Regional MCR Community Expansion Area 2
6. Lakeshore Neighbourhood, and further

That: Council directs staff to circulate a copy of Report No. PDS-105-2021 to the Region of Niagara and the Niagara Peninsula Conservation Authority. **(Carried)**

CAO-28/ LC-20-2021 Land Matters: December 2, 2021 Land Committee Meeting Minutes

Item 1) 5), being Recommendation No. 2 in Appendix "2" for Council approval was dealt with separately due to Mayor Redekop's declared pecuniary interest.

Resolution No. 1D
Moved by: Councillor Noyes
Seconded by: Councillor Dubanow

That: Council receives the December 2, 2021 Land Committee meeting minutes attached as Appendix "1" to Report No. CAO-28/LC-20-2021, and further

That: Council approves the recommendations contained in Appendix "2", save and except Item 1) 5), being Recommendation No. 2 in Appendix "2". **(Carried)**

Resolution No. 1E
Moved by: Councillor Noyes
Seconded by: Councillor Dubanow

That: Council receives the December 2, 2021 Land Committee meeting minutes attached as Appendix "1" to Report No. CAO-28/LC-20-2021, and further

That: Council approves the recommendation contained in Appendix "2", with respect to Item 1) 5), being Recommendation No. 2 in Appendix "2". **(Carried)**

That: Item 1) 5), being Recommendation No. 2 in Appendix "2" of Report No. CAO-28/LC-20-2021 be postponed to the February 28, 2022 Council meeting. **(Carried)**

Councillor Zanko returned the Chair to Mayor Redekop.

10. Reports

PDS-106-2021 Land Use Controls and Legal Review of Short-Term Rentals

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

That: Council receives for information purposes Report No. PDS-106-2021 regarding a land use control and legal review of Short-Term Rentals, and further

That: Council consider the financial implications of hiring a planning consultant to facilitate and process the Official Plan and Zoning By-law amendment changes needed to impose land use controls on Short-Term Rentals during the 2022 Operating Budget deliberations.

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

That: The moratorium be continued until such time as the land use issue has been resolved by Council.

(Carried)

Resolution No. 2B
Moved by: Councillor Butler
Seconded by: Councillor McDermott

That: Report No PDS-106-2021 be postponed to the January 10, 2022 Council-in-Committee Meeting.

(Carried)

11. New Business/Enquiries

(a) Niagara Region - Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission

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

That: The Council of The Corporation of the Town of Fort Erie consents to the passage of By-law No. 2021-96 of The Regional

Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region. **(Carried)**

(b) Notice of Resignation - Community Gaming Development Corporation - Christoffer M. Knutt

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

That: Council accepts the resignation of Christoffer M. Knutt from the Community Gaming Development Corporation, and further

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

(c) Appointment - Community Gaming Development Corporation - Margo Pinder

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

That: Council appoints Margo Pinder to the Community Gaming Development Corporation for the period ending November 14, 2022. **(Carried)**

(d) Notice of Resignation - Community Health Care Services Committee - Heather Paterson, Niagara Health System Representative

Resolution No. 6
Moved by: Councillor McDermott
Seconded by: Councillor Dubanow

That: Council accepts the resignation of Heather Paterson, Niagara Health System Representative, from the Community Health Care Services Committee, and further

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

(e) Appointment - Mayor's Youth Advisory Committee - Tristan S. Jagiello, Enza Rose Wybraniak and Mollee CC Morin

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

That: Council appoints Tristan S. Jagiello, Enza Rose Wybraniak and Mollee CC Morin to the Mayor's Youth Advisory Committee for the period ending November 14, 2022. **(Carried)**

(f) Memorandum - Jonathan Janzen, Director, Corporate Services - Financial Donation from Enbridge to Aid in the Purchase of Firefighter Training Materials through the Safe Community Project Assist Program

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

That: The Town of Fort Erie would like to thank Enbridge for their donation of $5,000 to aid with the purchase of training materials for the Fire Department through their Safe Community Project Assist Program and is grateful for this generous contribution. **(Carried)**

(g) Canada Community Revitalization Fund Contribution – Jarvis Street Improvements

Resolution No. 9
Moved by: Councillor McDermott
Seconded by: Councillor Dubanow

That: The Municipal Council of The Corporation of the Town of Fort Erie accepts the non-repayable contribution to the Town of Fort Erie from the Canada Community Revitalization Fund in an amount up to $750,000.00 upon the terms and conditions of a Contribution Agreement, in support of the Town’s project to improve Jarvis Street; and further

That: Council authorizes the Mayor and Clerk to execute the Contribution Agreement with Her Majesty the Queen in Right of Canada, as represented by the Minister responsible for Federal Economic Development Agency for Southern Ontario, and further

That: A by-law be submitted to Council authorizing the Mayor and Clerk to execute the said Contribution Agreement. **(Carried)**

(h) Niagara Peninsula Conservation Authority – Gonder's Flats Restoration Project

Resolution No. 9A
Moved by: Councillor Noyes
Seconded by: Councillor Dubanow

Whereas the Niagara Peninsula Conservation Authority (NPCA) serves to further the conservation, restoration, development, and management of natural resources in the Niagara Peninsula watersheds, pursuant to the *Conservation Authorities Act*; and

Whereas the NPCA often collaborates with its municipal partners, government and non-government organizations, and the community to deliver on mutual goals and outcomes such as ecosystem restoration; and

Whereas the NPCA and Niagara Parks Commission have partnered to restore "Gonder's Flats" wetland which is owned by the Niagara Parks Commission and situated along the Niagara River in the Town of Fort Erie; and

Whereas the "Gonder's Flats Wetland Restoration Project" has been approved by the Niagara Parks Commission's Properties and Infrastructure Committee; and

Whereas the NPCA has secured funding from several organizations and are pursuing additional funding opportunities to implement the "Gonder's Flats Wetland Restoration Project"; and

Whereas a letter of support from the Municipal Council of the Town of Fort Erie is required from some funding sources such as the Intact Foundation's Municipal Climate Resiliency Grant; and

Whereas a letter of support from the Municipal Council of the Town of Fort Erie does not commit the Town to any funding contributions;

Now therefore be it resolved,

That: The Municipal Council of the Town of Fort Erie supports the "Gonder's Flats Wetland Restoration Project" to be implemented by the Niagara Peninsula Conservation Authority in collaboration with other partners. **(Carried)**

(i) Appointment – Community Health Care Services Committee – Johnson, Mary Jane

Resolution 9B
Moved by: Councillor McDermott
Seconded by: Councillor Dubanow

That: Council appoints Mary Jane Johnson to the Community Health Care Services Committee, as the Niagara Health System Representative for the period ending November 14, 2022.
(Carried)

(j) Councillor Noyes advised she received an email from a resident regarding the recent storm, suggesting on how to improve the system on notifying FORTIS when there are power outages. It was a detailed system with an outage map that would be available on a computer or cell phone.

Councillor Dubanow responded that there are other Hydro Utilities in Niagara which utilize apps and mapping systems which help to plot out where power outages occur. If Canadian Niagara Power does one it would be beneficial to the community and would help with cutting down on the calls.

Councillor Noyes advised that she will send the email to Mr. Kuchyt so he can follow up with FORTIS. Mayor Redekop asked that members of Council be copied as well.

(k) Councillor Butler referred to the storm that took place over the weekend. As recent as 2019, the Mayor made a Motion that was passed by Council unanimously with respect to some changes regarding climate change. With extreme weather patterns, we need to look at more aggressive ways of combatting climate change. She asked that Staff and Council work together and put together an aggressive plan.

Mayor Redekop responded that a Report was received in October of 2020 so there is a basis and foundation for Council to move forward with some actions with respect to how we address more frequent extreme weather events, which in some cases have a devastating impact.

Mayor Redekop advised that he has spoken to Mr. Kuchyt about possibly budgeting from Reserves for a Study as to how to move forward.

(l) Councillor Zanko advised that a member of the public advised that due to the new Animal Control By-law, in order to obtain licences for dogs, you must provide vaccination proof of a Rabies shot. Councillor Zanko advised that she thought Rabies vaccination was required before too, and would like clarification. Ms. Dolch responded that she would look into it.

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

(m) Mayor Redekop questioned the status of 477 Ridge Road. Ms. Dolch responded that staff are working through the direction that Council provided to deal with the repair of the building and the structural engineer.

(n) Mayor Redekop advised that during the storm he noticed there were 9 areas where trees had fallen on hydro lines or knocked over hydro poles in the Town and enquired if that's a reflection of the Town's efforts of removing dead Ash Trees as a result of Emerald Ash Borer.

Mr. Kuchyt responded that the Ash Tree Removal Program first addressed all of the trees within road allowances to make sure that risk was eliminated, and later moved on to parks. It's very unlikely that the trees that took down lines are Ash Trees, and it's likely that it is one of two things – they are not Ash Trees or they are Ash Trees that are not on Town property.

Mayor Redekop asked Mr. Kuchyt if this is something that he can ask FORTIS to see what their comments are. Mr. Kuchyt responded that he would ask them.

(o) Mayor Redekop enquired about prospects of more fuel-efficient less carbon generated source of vehicles for our fleet.

Mr. Walsh responded that the larger fleet are dump trucks and run primarily on diesel fuel, and it's pretty difficult to replace that. Biodiesel is a maturing technology, and could be looked at in the future. With respect to the smaller fleet, being pickup trucks and passenger vehicles, staff are always looking for better technology. There was an experiment with a couple of hybrid vehicles a number of years ago, and the technology wasn't quite mature at the time. Staff are looking at a different fleet

acquisition strategy that would improve mileage throughout the smaller fleet. With respect to electric vehicles, the availability nor the price point is what suits the Town's needs right now, but natural gas is something we could look into. The big cost is converting vehicles, but we are always looking to better the environment in a cost-effective way.

Mayor Redekop advised that he understood Mr. Walsh had contact with an organization that was trying to encourage Municipal fleets with smaller vehicles to switch over to electricity.

Mr. Walsh responded that right now electric vehicles are very hard to source and there aren't many out there. The prices he thinks, in his opinion, are outrageous right now. Over the next few years we will see the price drop and more suitable vehicles become available.

12. Motions

(a) Councillor Dubanow

Re: Molecular Testing to Enter Canada

(Postponed to January 17, 2022)

13. Notice of Motion

(a) Councillor Butler

Councillor Butler gave notice of motion with respect to Climate Change actions.

(Returnable January 17, 2022)

14. Consideration of By-laws

Resolution No. 10
Moved by: Councillor Butler
Seconded by: Councillor Zanko

By-law No. 154-2021 was removed from the By-law Package at the request of Councillor Noyes.

That: the by-law package containing:

148-2021 To Authorize the Execution of an Assumption Agreement for South Coast Village Phase 2 – Block 2 with Marz Homes (Crystal Beach) Inc. (Dan Gabriele)

149-2021 To Adopt the Preliminary Capital Budget for the Town of Fort Erie for the Year 2022

150-2021 To Waive Business Licensing Fees for 2022 (Excluding Short Term Rentals)

151-2021 To Appoint James McCaffery as a Municipal Law Enforcement Officer, and Coordinator, Law Enforcement for The Corporation of the Town of Fort Erie and to Repeal By-law No. 69-2020

152-2021 To Amend Parks and Beaches By-law No. 119-03 (Dogs in Parks)

153-2021 To Amend Animal By-law No. 73-2021 (Dogs in Parks)

155-2021 To Amend Fees and Charges By-law No. 40-09, as amended (Short-Term Rental Licence Fees)

156-2021 To Authorize the Entry into a Contribution Agreement with Her Majesty the Queen in right of Canada as represented by the Minister responsible for Federal Economic Development Agency for Southern Ontario (Jarvis Street Improvements Project)

157-2021 To Amend By-law No. 204-07 (Heritage Tax Rebate Program)

158-2021 To Amend the Fort Erie Senior Citizens Advisory Committee By-law No. 23-10, as amended (Composition)

159-2021 To Exempt Certain Lots in Plan 59M-488 from Part Lot Control, Block 41 (Viking Street) Peace Bridge Village Subdivision Ashton Homes (Western) Limited (Ethan Laman)

160-2021 To Exempt Certain Lots in Plan 59M-488 from Part Lot Control, Block 43 (Viking Street) Peace Bridge Village Subdivision Ashton Homes (Western) Limited (Ethan Laman)

161-2021 To Deem Part of a Certain Registered Plan of Subdivision Not to be a Registered Plan of Subdivision 115 Ridgeway Road Sandy Shore Homes Inc. (Belinda Butler) – Owner

162-2021 To Amend Zoning By-law No. 129-90, as amended Part Lot 196, Lot 197, Plan 511 (Idylewylde Street) PLW Planning &

Environmental Consulting (Leigh Whyte) - Agent David Smith and Charlene Smith - Owners

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

Resolution No. 11
Moved by: Councillor Noyes
Seconded by: Councillor Dubanow

That: By-laws:

148-2021
149-2021
150-2021
151-2021
152-2021
153-2021
155-2021
156-2021
157-2021
158-2021
159-2021
160-2021
161-2021
162-2021

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

Resolution No. 11A
Moved by: Councillor Butler
Seconded by: Councillor Zanko

That: By-law No. 154-2021 To Amend Business Licensing By-law 217-05, as amended (Short-Term Rentals) is given first and second reading. **(Carried)**

Resolution No. 11B
Moved by: Councillor Noyes
Seconded by: Councillor Dubanow

That: Section 4.7 of Schedule “A” to By-law No. 154-2021 be amended by adding the words “(meaning five (5) or less demerit points)”, between the words “rules” and “during” in the last line, so that it reads “…provided the licence holder has complied with all rules (meaning five (5) or less demerit points) during the previous year.” **(Carried)**

Resolution No. 11C
Moved by: Councillor Noyes
Seconded by: Councillor Dubanow

That: By-law No. 154-2021, as amended, is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

Resolution No. 12
Moved by: Councillor Zanko
Seconded by: Councillor Butler

That: By-law No. 163-2021: To Confirm the Actions of Council at its Council-in-Committee Meeting Held on December 6, 2021, Council-in-Budget Committee Meeting No. 2 Held on December 8, 2021, and its Council Meeting Held on December 13, 2021 is given first and second reading. **(Carried)**

Resolution No. 13
Moved by: Councillor Lubberts
Seconded by: Councillor McDermott

That: By-law No. 163-2021 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

15. Scheduling of Meetings

- Fort Erie Public Library Board, Tuesday, December 21, 2021, 4:00 p.m., Centennial Library Branch.
- Fort Erie Not for Profit Housing, Wednesday, December 15, 2021, 12:00 p.m.
- Diversity and Inclusion Coalition, Wednesday, December 15, 2021, 1:00 p.m. via Zoom Teleconference.

16. Adjournment

Resolution No. 14
Moved by: Councillor Dubanow
Seconded by: Councillor McDermott

That: Council adjourns at 7:50 p.m. to reconvene into a Regular Meeting of Council on January 17, 2022. **(Carried)**

_____
Mayor

_____
Clerk

The Municipal Corporation of the Town of Fort Erie

Council-in-Committee Meeting Minutes

Monday, January 10, 2022

Council Chambers via Video Teleconference

Due to the COVID-19 Pandemic all Meetings are being held via Video Teleconference.
All 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 "YourTV"

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. Roll Call

Present (In Council Chambers): His Worship Mayor Redekop, Councillors Dubanow and McDermott

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

Absent: Councillor Butler

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

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

3. Announcements/Addenda

Mayor Redekop made the following announcement:

COVID-19 Pandemic and Temporary Closure of Fort Erie Urgent Care Centre

For months during this COVID-19 pandemic, we've been urging everyone to follow public health guidelines and to get vaccinated in order to protect yourself and those around you, most particularly those upon whom we rely on when we become ill.

We often fail to recognize the extreme jeopardy which our nurses, doctors, emergency responders, and health and hospital workers have been in as they have had to treat those with COVID-19. They're not immune from catching the virus, and in fact, many have become infected in recent weeks with the Omicron strain of the virus running through our society. We owe them a great debt of gratitude and should be doing everything that we can to protect them.

On January 4, 2022, Niagara Health announced the temporary closure of the Urgent Care Centre in Fort Erie at Douglas Memorial, due to the proliferation of new COVID-19 cases in the Region and the devastation caused by the virus among hospital nurses and support staff. While we were given the courtesy of a heads up before the announcement, Fort Erie was not consulted on the dire situation at Niagara Health, or the decision to temporarily close our Urgent Care Centre.

Members of Council and the Town administration have made it clear that we do not accept the decision to close, even on a temporary basis, such an important service to our community. Nor do we accept the lack of consultation. I've had continuous communications with the president of Niagara Health regarding the reopening of the Urgent Care Centre and the outrage, dismay, and distrust of Niagara Health, by our residents. I have also had regular communication with our MPP Wayne Gates, Regional Councillor Tom Insinna, and other members of Regional Council.

The Town administration has been working diligently to ensure that Fort Erie residents are aware of the options available to them to get urgent and emergency healthcare and the transportation necessary to access that care at this time. We will update the community as the situation develops.

We have been advised that Niagara Health undertook a number of steps before concluding that it was necessary to temporarily close our Urgent Care Centre in order to keep its system afloat. It has deferred surgeries requiring in-patient admission, postponed all cataract surgeries, cancelled follow-up patient visits after surgeries, redeployed nurses and clinical staff from other departments to man emergency departments, recruited retired physicians, nurses, and paramedics when possible, and hired new staff.

The decision to close the Urgent Care Centre in Fort Erie, as opposed to Port Colborne, rests on three main factors of which we were advised by Niagara Health: the much larger number of experienced nurses in Fort Erie who can be redeployed to Emergency Departments in Niagara, the typically lower number of Urgent Care Centre visits in Fort Erie, and the inadequate space in staffing in Welland to accommodate Urgent Care patients from Port Colborne. None of this provides any comfort to Fort Erie residents who need health care.

For 25 years, hospital services have been reduced and eliminated from our growing community. The residents of Fort Erie are not second-class citizens. We will insist on the hospital and healthcare services in our community that we need and that we deserve. We will continue, as a Council, to fight for those services until they are restored. This is an all hands-on deck crisis, and we look to every resident of Fort Erie to work with us.

I received late this afternoon, an indication from the president of Niagara Health that although the Urgent Care Centre has been closed, there are still some ambulatory services that remain available at our hospital. Those include the COPD Clinic, the Memory Clinic, and the Methadone Clinic, which continue to operate as well as outpatient diagnostic imaging from Monday to Friday 7 a.m. to 7 p.m. and Saturday to Sunday 8 a.m. to 4 p.m.

Our challenge as a Council, and we accept the challenge, is to make sure that this Urgent Care Centre is reopened as quickly as possible, and we will continue to ensure that Niagara Health is accountable with respect to the data. Unfortunately, the data today is worse than it was on Friday in terms of nurses who are sick, off duty, and the number of beds that are being occupied in the emergency departments and in the hospital, but we will continue on and ensure that every effort is made to make sure that the people who need transportation to Urgent Care in Port Colborne have that available.

I want to thank the members of Council who have been very diligent with respect to this and the Town administration in particular, the CAO, Tom Kuchyt for stepping up when we need it, and Janine Tessmer, who has been providing communications to ensure that the public is updated. She's also been working with Niagara Health's and the Region's communications departments.

4. Declarations of Pecuniary Interest

None.

5. Notice of Upcoming Public Meetings

(a) 2022 Budget Meeting Schedule

Re: Council-in-Budget Committee Meetings: #3 - Wednesday, February 2, 2022 - Library, Assessment Analysis and General Levy Operating; #4 - Wednesday, February 9, 2022 (if required). All budget meetings begin at 6:00 p.m. Via Video Teleconference. Budget By-laws: Monday, January 17, 2022 - Water and Wastewater Budget and Rates; Monday, February 28, 2022 - General Levy Budget and General Capital Budget.

6. Public Meetings

None.

7. Planning and Development Services

Chaired by Councillor Dubanow

7.1 Presentations and Delegations

None.

7.2 Reports

PDS-19-1-2021 Supplemental Information Report Regarding Proposed Zoning By-law Amendment for 0-13365 Pettit Road - D.C. McCloskey Engineering Ltd. - Mark McCloskey (Agent) - KRS Holdings Inc. - Gary Singh (Owner)

Recommendation No.1
Moved by: Mayor Redekop

That: Council receives for information purposes Report No. PDS-19-1-2021 regarding revisions to the Application and additional information for the proposed Zoning By-law Amendment for 0-13365 Pettit Road.

Mayor Redekop called a point of order that Council should have the Traffic Study before proceeding.

Councillor Lubberts called a point of order that he had the floor and wished to continue to ask questions. The Chair decided against the point of order. Councillor Lubberts challenged the Chair, which was put to a vote of Council. The challenge was defeated.

That: Council receives for information purposes Report No. PDS-19-1-2021 regarding revisions to the Application and additional information for the proposed Zoning By-law Amendment for 0-13365 Pettit Road. **(Carried)**

PDS-19-2021 Proposed Zoning By-law Amendment - 0 - 13365 Pettit Road - D.C. McCloskey Engineering Ltd. - Mark McCloskey (Agent) - KRS Holdings Inc. - Gary Singh (Owner) ***(Postponed from March 8, 2021, April 12, 2021, June 14, 2021, and the September 13, 2021, Council-in-Committee Meetings - Previously Moved by Councillor Zanko as Recommendation No. 4)***

That: Council receives for information purposes Report No. PDS-19-2021 regarding a proposed amendment to the Town's Comprehensive Zoning By-law No. 129-90 for 0-13365 Pettit Road.

Recommendation No. 2
Moved by: Mayor Redekop

That: Report No. PDS-19-2021 be postponed until the March 21, 2022 Council-in-Committee Meeting to receive a supplemental report in order for Council to receive the Terms of Reference for the Environmental Impact Study, Traffic Impact

Study, Feasibility Study, and Planning Rationale Report.
(Carried)

PDS-106-2021 Land Use Controls and Legal Review of Short-Term Rentals ***(Postponed from December 13, 2021, Council Meeting - Previously Moved by Councillor Dubanow and Seconded by Councillor McDermott as Resolution No. 2)***

That: Council receives for information purposes Report No. PDS-106-2021 regarding a land use control and legal review of Short-Term Rentals, and further

That: Council consider the financial implications of hiring a planning consultant to facilitate and process the Official Plan and Zoning By-law amendment changes needed to impose land use controls on Short-Term Rentals during the 2022 Operating Budget deliberations.

Recommendation No. 3
Moved by: Mayor Redekop

That: Report No. PDS-106-2021 be postponed to the January 17, 2022 Council Meeting. **(Carried)**

PDS-01-2022 Proposed Combined Official Plan & Zoning By-law Amendment - 321 Garrison Road - Rob Russell Planning Consultants - Rob Russell (Agent) - 1784550 Ontario Inc. - Peter Wangler (Owner) - 2186870 Ontario Inc. - Rakib Hassan (Applicant)

Recommendation No. 4
Moved by: Councillor McDermott

That: Council approves the amendment to the Town's Official Plan as detailed in Appendix "5" of Report No. PDS-01-2022 for the lands known as 321 Garrison Road, and further

That: Council approves the amendment to the Town’s Zoning By-law No. 129-90 as detailed in Appendix "6" of Report No. PDS-01-2022 for the lands known as 321 Garrison Road, and further

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

(Carried)

7.3 New Business/Enquiries

(a) Councillor McDermott

Councillor McDermott referred to complaints about Niagara This Week delivery throwing the newspapers in blue plastic bags in driveways, which is against the by-law. He asked if there have been any steps taken to correct the matter.

Ms. Dolch responded that there have been previous complaints in the winter months, and can follow up again. She advised that Mr. Kuchyt has more information as this has been dealt with previously.

Mr. Kuchyt responded that a few complaints were received recently, and staff reached out to the newspaper company reminding them of the by-law which clearly states that they can be fined $175 per offence. Also, a couple of years ago they were to install boxes including in Crescent Park, where residents can go to pick up their newspaper, and were reminded of that as well. Due to COVID-19 and staffing issues, they advised they would get back to the Town next week to try to resolve this issue. Mr. Kuchyt advised that he would keep Council posted.

Councillor McDermott advised that it is not just a rural issue. It's in the urban areas as well, and with numerous complaints, he wants to make sure they live up to their obligations.

Councillor Dubanow commented that in his urban neighbourhood in Fort Erie, the newspapers are regularly thrown out onto the driveways and a number of residents have had damage caused to snow blowers. It is not just a rural issue. It is something that is also occurring in the urban areas.

Councillor Noyes advised that the by-law refers to the rural areas and boxes, and that the urban areas are to be put on the front porch, in the mailbox, or inside the screen door, but that has not happened. This came up in the Accessibility Committee back in 2005. There is a safety

issue for those with low vision or no vision as they were tripping over these newspapers that didn't quite make it to the driveway and were in the path of the sidewalk. Awhile ago, a member of the accessibility group was having problems with the newspapers and tripping over them. It is not just an inconvenience for snow blowers, but also a public safety issue, including for those with low vision. Councillor Noyes enquired if the contact name and number can be given to members of the public who have problems with the newspapers.

Mr. Kuchyt responded that the number can be shared.

7.4 Business Status Report

No changes.

8. Corporate and Community Services

Chaired by Councillor McDermott

8.1 Presentations and Delegations

None.

8.2 Reports

None.

8.3 New Business/Enquiries

(a) Mayor Redekop advised that he had an opportunity to discuss with the CAO the temporary closure of the Urgent Care Centre, and the long history in Fort Erie of our experience of reduced, eliminated, and altered, health and hospital services.

Mayor Redekop enquired whether we can obtain what the CAO's comments might be with respect to obtaining legal advice relative to what rights the Council may have on behalf of the municipality with respect to ensuring at least a continuation of hospital services. This was looked into 13-14 years ago, but the law may have slightly changed and

our lawyer might be able to advise Council in terms of other options available.

Mr. Kuchyt advised that he is definitely in favour and will take care of it. He will speak with the Town Solicitor to see what legal rights Council has. He noted that over the years we have slowly lost our health services and now the Urgent Care Centre is no longer there. We are told it's only for a short period of time, but that we need to know what legal action we can take regardless. He advised he will get a response to Council as soon as possible.

Mayor Redekop stated that this is very important, and thanked Mr. Kuchyt. The municipality has over the years, done a number of things over the years to ensure that our residents have access to primary care and as many services as possible. Council has funded a variety of initiatives to ensure that primary care is available. Some specialty clinics are available, and we have the diagnostics. There might be some opportunities to expand those. He advised that he looks forward to receiving comments from the Town Solicitor and this Council being able to consider some other alternatives as to how we actually, not only stop this ship, but turn this ship around.

Councillor McDermott advised that health care has taken up a great deal of his life. Even back in the days of Mayor Martin, and we knew how tough it was then. They are of the ilk that you can move 20,0000 people up and down the highway, but it's not 20,0000 anymore. We're getting closer to 40,000 as we move through the years. Those signs are relatively old. The big problem is that all people here expect to have is some reliable, constant, health care that they can rely on. He asked how do you do that when you're working with a group of people who have very little concern for what we think? We've been through this before with the closure of our hospital. We put in a lot of time with the Ministers and the Premier. They all know how we feel yet they continue to ignore it.

Councillor McDermott continued that the thing that bothers us the most is that they think they can just walk in and close things without even talking with us about it, and then we're supposed to have faith and trust in the Niagara Health System, and he does not think that the Board has

any Fort Erie voices there. It's hard for people to understand that no matter how our efforts have gone over the last number of years to try and save some semblance of health care, we are in a crisis like a pandemic and we're shutting down our big ace in the whole which is our Urgent Care Centre. There's a pandemic here and no matter how they say that "We've looked at everything", he does not think that they have.

Councillor McDermott added that we have our military, but have no wars, and there's really no peacekeeping going on. There has to be people that we can use, and he does not think that has been done. He stated that he doesn't think that there has been a real effort at getting the province to do something. If this is something that has been ongoing, it was a big surprise last Wednesday. It has not been out in the newspapers or on television. It's just starting to get out there now. This is a problem that has grown exponentially and we don't even know that it is a problem. He stated further that he doesn't think with all fairness to the people of our community, that we've been treated with any amount of respect, and Council hasn't been treated with any respect at all by not having conversations with us.

Councillor McDermott advised that he appreciated Mayor Redekop's efforts over the last week or so, and that we are under attack again. We can't take it sitting down, and he is sure that Council's going to support every effort to make it that this place stays open.

Councillor Noyes advised that she agreed with everything that has been said, but what hasn't been said is our UCC has saved lives. She has been approached by a number of people in the last few weeks, and on Facebook, about how someone who had a heart attack or was in dire straights, how they were saved by the UCC, and that they wouldn't be here today if it wasn't for the UCC.

Councillor Noyes stated that what bothers her is that we've been in these unprecedented times like this crisis for over 2 years. She would've thought that there would be a Plan B if they were anticipating the labour shortage. She understands that things are beyond our control, and in some cases beyond the Niagara Health's control, but there

was no opportunity for us as a community and the doctors who serve us, to come up with a Plan B. She advised that that's unfortunate, because she thinks if we worked together, we may have been able to mitigate some of the problems that have arisen. The other thing too is that the day they closed the UCC is the day we had the snowstorm, so if you needed to get out of Fort Erie, it would've been, in parts of Fort Erie, actually impossible and terribly unsafe to try to drive to Niagara Falls, Port Colborne, or St. Catharines.

Mayor Redekop commented that ironically, as Councillor Noyes said, the day that the Urgent Care Centre was temporarily closed, we had a snowstorm. He communicated with President Lynn Guerriero about that. She did respond, and, he thanked our CAO for initiating the discussion with the Region about the potential for funding to assist those who need transportation to get from Fort Erie to Port Colborne. Garrison Road, in a snowstorm, is every bit as treacherous as the Queen Elizabeth Highway. The Regional CAO also indicated that on Friday, during the pandemic update that that's something the Region is looking at. Mayor Redekop advised that he fully expects they will fund that. Also, a couple of Regional Councillors who are outside of Fort Erie did offer support to Fort Erie, in terms of funding, if that was necessary. It is heartwarming to know that there are others in Niagara who recognize that this is not fair to the residents of the Town of Fort Erie.

Mayor Redekop stated that it is a pandemic. He does not envy Lynn Guerriero for the role that she has to play, nor the decisions she has to make. The reality is that the Niagara Health System was born out of debt. At least one of the major hospitals had large debt when the amalgamations were ordered in 1998. They've had to deal with that over the years. It's not been a satisfactory road for the Town of Fort Erie to have to go down because we've been victims of that birth of the Niagara Health System. The provincial government could be putting more money into hospital care. The federal government, which 2 decades ago, was contributing something in the neighborhood of maybe 25 years ago, 35% of the cost or more of health care. It's now down to 23%. He continued that he thinks originally at one point, the Provinces and the

Federal Government were on a 50/50 cost sharing. That hasn't happened. The reality is that, as he has said before, if we want a health care system that meets our needs, we have to be prepared to pay for it. On occasions, resiliency is necessary. You have to have that extra capacity to deal with things of this nature. We are.

Mayor Redekop continued that now we are being told that pandemics of this nature will be a recurring thing. Going back 15 years ago with SARS, there have been a number of health emergencies. If in fact this is what the future will look like, how can we not commit to resiliency? How can our provincial and federal governments not commit to the type of resiliency that we are going to need in our health care system, not just for older people, but also for young families and all people in between, and all of those people who have special health care issues?

Mayor Redekop advised that he wanted to thank Council for being so supportive with respect to this and the others he mentioned earlier. This is a serious matter. When it affects the lives of 33,000 people, it's an issue that needs to be resolved and dealt with.

Councillor Lubberts referred to the conversations that the Mayor had with the President of health care, and advised that he had an opportunity to speak with the Mayor over the last few days, and requested that we get some kind of confirmation from Regional Health that this is definitely a temporary closure. He asked if the Mayor has received that confirmation. I am wondering if the Mayor has got that confirmation. He's been hearing that this is supposed to be just 2 or 3 weeks. He asked the Mayor to get a definite date and what conditions have to be in place for that reopening to happen. He would like to see in writing from Niagara Health, so that we know that we're definitely going to reopen, and when it is going to reopen.

Mayor Redekop advised that he wanted to thank Councillor Lubberts for providing that suggestion when they spoke last week, and that he immediately sent an email to Lynn Guerriero asking for some articulation of what conditions would be for reopening of the Urgent Care Centre. She sent an email to him today addressing that and providing some additional information. He did not receive it until just

about 5:00 p.m. He will pass it on to all members of Council so that they can see what's been indicated, and also the sad news about how this situation has deteriorated a bit since last week. On Friday during the Regional Health Pandemic Update, Ms. Guerriero did confirm on camera that this is a temporary closure and that Niagara Health is working on the parameters and the conditions for reopening. It really boils down to safe staffing levels at the Emergency Departments and the Urgent Care Centre. When that has been established, and we have some indication as the days go forward because she's working on the specifics, we'll share that not only with Council, but with the community. Once those conditions have been met, then the nurses and the doctors will be redeployed back to Fort Erie. That is one of our objectives, to ensure that we've got a date. While this thing is not only not stabilizing, but getting worse, it is hard for anyone to give a specific date. The conditions and parameters those can be provided. That's what we will get from Niagara Health, and that will be made available to Council and the community as soon as we have it.

Councillor Lubberts added that the Mayor mentioned earlier that in some of the conversations and communications that he's had, Niagara Health has said that the Urgent Care Centre in Fort Erie was utilized less than the Urgent Care Centre in Port Colborne. He advised that of we are going to get a legal opinion as to our rights for health care, we should ask Niagara Health to provide us with the data that shows our Urgent Care Centre is not being utilized as much as other Urgent Care Centres. He stated that he finds it hard to believe when we have a larger population than Port Colborne and, unless we're much healthier than they are, but he doesn't think that is the case, and would like to see that data.

Mayor Redekop advised that that was one of the 3 main factors, and he can certainly request that data. He expects that it's public information, and the numbers are their numbers. The other major factor was that there were more experienced, trained, nurses in the Fort Erie Urgent Care than in Port Colborne, and also that Welland couldn't handle an overflow of Urgent Care patients from Port Colborne at this stage, because it's also understaffed and

it doesn't have much space either. He will obtain that information and circulate it to members of Council.

Councillor Dubanow advised that he appreciated all of the comments from members of Council and the Mayor regarding the Urgent Care Centre. He had the opportunity to send some emails back and forth with the President, Lynn Guerriero, and she was very upfront and quick to respond. He appreciated that. We certainly do have some work ahead of us, but he's been very appreciative of the rapport that we've had so far.

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

(b) Councillor Dubanow advised that he wished to remind everyone that today is January 10th and children were to return to school. He has a daughter Penelope who is 7 and a son William, 9, who would normally be in school today, but for the third year, they are not. Councillor Dubanow read a quote:

"*Our children are the rock on which our future will be built, our greatest asset as a nation, they will be the leaders of our country, the creators of our national wealth, those who care for and protect our people. There can be no keener revelation of a society's soul than the way in which they treat it's children."*

- Nelson Mandela -

Councillor Dubanow commented that with all the evidence and science that we have obtained of the necessity of having our children in school, as a parent of 2 young children, he is incredibly frustrated that this province is one of the few locations in the entire world that have saw fit to lock children out of school again. He advised that he knows that there is nothing that Council can do, and he knows that Council is supportive of this issue. As a parent and as someone whose kids might be watching tonight, he's doing everything that he can as a parent to advocate for them to get back into school.

Mayor Redekop advised that he has a lot of sympathy for Councillor Dubanow and his comments. It boils down to

steps having been taken that we're now almost 2 years into this pandemic, and this isn't something new. You can't always anticipate every twist and turn in this type of thing and maybe we couldn't anticipate that there would be a 4th wave that would be as virulent as it is, but the reality is that we've known that there are certain things that could be done. There's been a lot of medical debate about children being in school. It's hard, not only on the children, it's hard on the parents that are trying to manage jobs and supervise their children. For teachers who also have children, it's very difficult. Things like vaccinations, proper masks, air filtration, and ventilation are all the things that the government is aware of that are needed, and for whatever, reason, hasn't taken strident enough steps in that direction. Let's hope that they are starting to pay better attention to this issue, and let's hope that this pandemic starts to wane, and that we don't run into a 5th wave unprepared, because we know what we need to do to prepare.

8.4 Business Status Report

No changes.

9. Infrastructure Services

Chaired by Councillor Lubberts

9.1 Presentations and Delegations

Recommendation No. 5
Moved by: Mayor Redekop

That: The delegation be given 20 minutes to present. **(Carried)**

(a) Carolyn Ryall, Director Transportation Services, and Beth Brens, Associate Director Reporting & Analysis, Niagara Region

Re: Vision Zero Inter-Municipal Agreement

Ms. Ryall provided a PowerPoint presentation and the following commentary:

- Community Safety Zones (CSZs) is part of the Vision Zero Program.
- Speeding is the primary crash factor and distracted driving is the leading road safety problem. Speeding contributes to 1/3 of fatal crashes and serves as an aggravating factor in most crashes.
- Region has used CSZs as one of the tools in the Vision Zero Road Safety Kit to assist with the issue of speeding in school zones.
- Region did an assessment across the Regional road network, identifying all of the schools and based on a number of criteria, there was a prioritization of which community zones to launch as part of the initial program.
- CSZs have been implemented at 13 locations in the Niagara Region since September 2019 and under Bill 26 - An Act to Promote Public Safety.
- The launch of CSZs has been done in partnership with all 12 municipalities, Niagara Regional Police, each of the various school boards, and other stakeholders such as Active Transportation, bus coordination groups.
- Region has been concentrating on schools with the launch of the CSZs with the intent that this will be expanded to other highly vulnerable areas where there's a lot of active transportation, like parks and retirement homes.
- Automated Speed Enforcement (ASE) was launched by the Province in December 2019.
- 4 ASE units will be rotated among the 13 approved Community Safety Zones.
- ASE works in partnership and collaboration with the Niagara Regional Police who have been assisting with the CSZs and the speeding enforcement within those areas.
- Benefits: increase safety, reduce speed, positive change to driver behavior, free up Police resources, and increase driver awareness.
- Revenues collected under any Municipal ASE program are to be used to support local public safety and educational initiatives.
- Red Light Camera (RLCs) were introduced in the Province in 2000 and are proven to reduce right angle collisions by 25% and are an effective means to reduce red light infractions.
- 10 RLCs will be implemented across Niagara Region.

- Region is working closely with municipal partners and is working on a strategy to increase active transportation and other modes of travel on the roadway.
- Region hired a third-party consultant to assess all of the intersections across all of the Region. The criteria is the severity of collisions, speeding and other instances, and is finalizing the top 10 RLC locations.
- If the program is approved, a report will be coming back to Council in Q1 of 2022 identifying the top 10 under the over 400 locations assessed to date.
- Vision Zero initiatives: expanding automated enforcement (ASE & RLC), intersection improvements, geometrics / roads, signage and pavement markings, mid-block crossings, street lighting, complete street, traffic calming, and public outreach / education programs.
- Vision Zero is seeking unanimous support from all 12 local Municipal Councils (LAMS) for the changes to the Niagara Region Courts Inter-Municipal Agreement (IMA).
- The IMA did not contemplate Vision Zero back in 2000. The revisions are now recognizing the Vision Zero Road Safety Initiative.
- Changes: Region will lead implementation, oversight, and ensure legislative compliance of the Vision Zero Initiative as a traffic safety initiative in the Region, allow for funds, net of court program costs, and any revenue above to be split 50/50 among the Region and the local municipalities targeting road safety initiatives.
- Risks: implementation assumed by Region that will include public outreach, education platform, public scrutiny with the launch of the program, stakeholders' engagement
- Opportunities: Region is a current member of the ASE Steering Committee and is able to learn from the other partners to show how the programs are operating, proposing a 3-year window in the IMA on how to expand the program.

Ms. Brens provided the following commentary:

- Costs: total operating costs are estimated $4 million in the first full year of operations which will be fully funded if there is revenue from approximately 32,500 tickets –

$5,000 associated with 10 red light cameras and $27,500 with the 4 ASE cameras.
- The ticket revenue will allow for enough funds to cover operation and implementing costs for the first 1-2 years.
- 32,500 tickets could result in an estimated total gross revenue of $5.4 million.
- The estimated revenue received in the first year would be $5.1 million.
- The $5.1 million would be further reduced to $4 million after victim fee surcharges are considered as this is a mandatory payment to the Provincial Courts.
- The $4 million is then further reduced to $2.3 million after the $1.7 million in estimated court program costs.
- The Region is anticipating $750,000 in cost to get this ready.
- The Region will be paid back expenditures from future years of revenue.
- Risks: revenue from tickets, court trial time capacity and expenditures incurred.
- Opportunities: improving road safety, driver behavior, if more revenue is collected then 50% will go to the Region and 50% to the land.

In closing, Ms. Ryall advised that the next steps are: local municipal Council approvals for amending the IMA (December 2021 – January 2022), Regional Council update on finalized amending IMA (February 2022), Regional Council update on vendor agreements (February / March 2022), go live Q2 2022.

9.2 Reports

IS-01-2022 Vision Zero Road Safety Program

Recommendation No. 6
Moved by: Mayor Redekop

That: Council authorizes and approves the entry into an Amending Agreement to the Niagara Region Courts Inter-Municipal Agreement – Amendment 2 with the Niagara Region for the Vision Zero Road Safety Program, and further

That: Council authorizes and directs that a by-law authorizing same be submitted to Council.

Recommendation No. 7
Moved by: Councillor Noyes

That: Appendix “1” to Report No. IS-01-2022 be amended by adding the word “Estimated” to the title of the Appendix.

Councillor Noyes asked if the Regional presenters would like to comment. Mayor Redekop called a point of order that the Region has already made their presentation and are done. Council is now dealing with the Report that is on the floor.

That: Appendix “1” to Report No. IS-01-2022 be amended by adding the word “Estimated” to the title of the Appendix.
(Carried)

Recommendation No. 8
Moved by: Councillor Noyes

That: Report No. IS-01-2022 be postponed to the February 14, 2022 Council-in-Committee in order to receive information regarding benefits seen by other municipalities utilizing the Vision Zero strategy. **(Carried)**

IS-02-2022 Award of Engineering Services for the East Central Fort Erie Trenchless Rehabilitation Pre-Design Study - Contract No. ISE-21PECFETR

Recommendation No. 9
Moved by: Councillor McDermott

That: Council accepts and approves the proposal from GM BluePlan Engineering Limited for Engineering Services, East Central Fort Erie Trenchless Rehabilitation Pre-Design Study Contract No. ISE-21P-ECFETR, to the upset limit of $260,848.07 (including 13% HST), and further

That: Council accepts $117,500.00 in funding from the 2021 Combined Sewer Overflow (CSO) Control Program grant(s) from the Niagara Region, and further

That: Council substitutes Sewer Rate Stabilization Reserve funding with the CSO Control grant funds to operating project ECFETR in the amount of $117,500.00. **(Carried)**

9.3 New Business/Enquiries

(a) Councillor Dubanow

Councillor Dubanow advised that he wanted to express his appreciation to George Stojanovic and the rest of the snow removal crew with respect to the snowfall on Thursday last week. They did a great job clearing the snow out, and when he had a few residents contact him with concern about something, it was dealt with very, very quickly. He thanked Mr. Walsh for all of the work his team did, and TO keep up the good work.

(b) Councillor McDermott

Councillor McDermott enquired with Mr. Walsh about plowing issues, as over the past number of years, 2 or 3 Infrastructure Services staff have been appointed as By-law Officers for the purposes of snow plowing issues. The only problem that he is having is with the snow on Jarvis Street. We still have to get people organized to get off the roads during those nights. From Jarvis Street down to about 208, there were cars all over the place and it made it very difficult to do a real good job on it. He asked if we're going to do that again this year.

Mr. Walsh responded that this is done annually, and he's not sure if it was done this year because we have new By-law staff, and By-law staff normally go around early in the winter and hand out warnings. Through the pandemic, and with new staff, he's not sure if that was done this year. He received Councillor McDermott's email the other day and has passed it on to those with the opportunity to enforce parking.

(c) Councillor Zanko

Councillor Zanko enquired about snowmobiles on the Friendship Trail. With the first major snowfall, she has received plenty of complaints regarding snowmobiles on the Trail. Last year this was discussed, and Mr. Kuchyt was working with the Staff Sergeant at the Niagara Regional Police Services to have extra patrolling done. There was also discussion about bollards to block some access points.

Mr. Kuchyt responded that boulders or bollards were not an option because it's a safety issue. If somebody was to hit one, they could get severely hurt, plus we would have a loss at our hands. He will look back at his notes.

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

9.4 Business Status Report

No changes.

10. Scheduling of Meetings

- Land Committee Meeting, Thursday January 13, 2022, 9:00 a.m., via Zoom
- EOC Meeting, Thursday January 13, 2022, 10:00 a.m., via Zoom

11. Adjournment

Recommendation No. 8
Moved by: Councillor Dubanow

That: Council-in-Committee adjourns at 9:06 p.m. **(Carried)**

_____
Mayor

_____
Clerk

cupw • sttp

377, rue Bank Street,
Ottawa, Ontario K2P 1Y3
tel./tél. 613 236 7238 fax/téléc. 613 563 7861

RECEIVED
DEC 2 1 2021
CLERK'S OFFICE
TOWN OF FORT ERIE

February 12, 2021

Subject: Request for Support for Delivering Community Power

Dear Municipal Leaders,

In 2016, the Canadian Union of Postal Workers, with a coalition of allies, launched *Delivering Community Power* – a visionary program for Canada Post to confront climate change, promote better access to expanded services, bring financial inclusion to unbanked and underbanked communities, and address other social inequalities – all by making the most of our existing public postal service network.

Today, while progress has been made on many of the initiatives in the vision, the situation has become more urgent. Effects of climate change are deadly and are affecting nearly every part of society all around the world. The COVID-19 pandemic has revealed the need for a more equal, more resilient society that prioritizes the health of our must vulnerable neighbours and loved ones, *before* profit. We are relying more than ever on the internet to connect people and to do our business, but rural residents are getting second-class service.

The continuing decline of letters combined with a dramatic rise in parcels from e-commerce makes it plain to see: the postal service has to adapt to a new reality. This is a great opportunity to address multiple problems at once, with a valued public infrastructure that connects everyone in their own community.

Please consider proposing the attached resolution to have your municipality endorse the campaign for expanded services, financial viability, climate action, and – all through leveraging our public postal system. The time is now!

Thank you for your support!

J Simpson

Jan Simpson
National President
Canadian Union of Postal Workers

//dn cope 225

RECEIVED
JAN 17 2022
BY COUNCIL

SUPPORT DELIVERING COMMUNITY POWER

Whereas there is an urgent need for banking services among the unbanked or underbanked, given that thousands of villages and rural municipalities do not have a bank branch and more than 900 municipalities have expressed their support for postal banking;

Whereas thousands of Canadians do not have access to affordable high-speed Internet, and the federal government has long promised to bridge the rural broadband gap;

Whereas urgent action is needed to establish a robust network of electric vehicle charging stations;

Whereas to achieve carbon-neutral targets by 2050, Canada Post must greatly accelerate the electrification of its fleet;

Whereas the extensive network of post offices in our communities can provide a wide range of services as community hubs;

Whereas Canada Post's letter carriers and RSMCs can check-in on vulnerable residents to help keep us in our homes longer as we age;

Whereas Canada Post must play its part for a more equitable post-pandemic recovery;

Whereas "The Way Forward for Canada Post," the report of the 2016 federal public review of the postal service, recommended that Canada Post expand services and adapt its services to the changing needs of the public;

Whereas the Canadian Union of Postal Workers has advanced *Delivering Community Power*, a vision of the post-carbon digital-age postal service that address the above needs and more;

Be it resolved that endorse *Delivering Community Power*, and write to the Honourable Filomena Tassi, Minister for Public Services and Procurement, with its rationale and a copy of this resolution.

MAILING INFORMATION

Please send your resolution to: Filomena Tassi, Minister of Public Services and Procurement, Rm 18A1, 11 Laurier Street Phase III, Place du Portage, Gatineau, QC, K1A 0S5

Please send copies of your resolution to:

Jan Simpson, President, Canadian Union of Postal Workers, 377 Bank Street, Ottawa, Ontario, K2P 1Y3

Your Member of Parliament. You can get your MP's name, phone number and address by calling 1-800 463-6868 (at no charge) or going to the Parliament of Canada website: https://www.ourcommons.ca/Members/en

Please save this document using the name of your organization or municipality in the document's name.

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While Amazon chases record profits, big banks abandon rural communities, and cell and internet companies charge sky-high fees, postal workers have a plan that leaves no one behind.

Imagine a climate-friendly postal service that helps elders live in their homes longer, delivers local food to your door, and brings high-speed internet to every corner of the country.

Imagine post offices with solar panels on the roofs, electric charging stations outside, and a union-made zero-emissions fleet on the roads.

A truly sustainable model that not only delivers green solutions but pays for itself by providing low-fee banking services to cities, towns and Indigenous communities, no matter how small or remote.

It's win-win-win.

And postal workers have a plan to deliver it.

OUR PLAN

New services to support every community

We're reimagining Canada Post with expanded services for all, including:

- **Postal banking**
- **Elder check-ins**
- **High-speed internet**
- **Affordable food delivery**
- **Electric vehicle charging**
- **Community hubs**

HOW WE'LL FIGHT CLIMATE CHANGE

- **Green the Canada Post fleet** with union-made electric vehicles, creating green jobs in Canada and significantly reducing our carbon output.
- **Retrofit Canada Post buildings** with solar panels for cost savings and to help fight climate change.
- Expand the use of Canada Post as the **consolidated last mile delivery** to ease congestion and pollution in our cities caused in part by too many delivery trucks that aren't full to capacity.

As Canada's largest public infrastructure, Canada Post not only has a large footprint, but it can also have substantial influence and lead the way for other Canadian companies to become more sustainable.

Why Canada Post?

For over 150 years, you've trusted us to deliver a high-quality service through all kinds of weather.

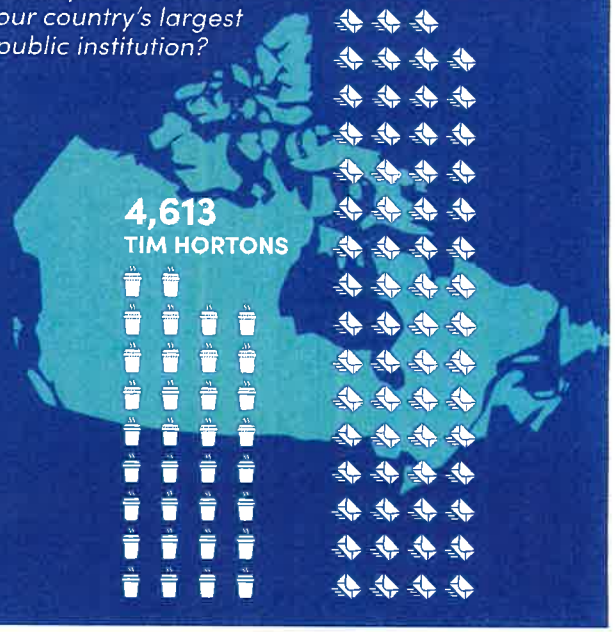
Today we're stepping up with a plan that delivers a better quality of life for everyone, while also bringing solutions to our most complex and urgent needs as a society.

Canada Post isn't just a humble mail service, it's our country's largest logistics, transportation and retail network.

All around the world, postal services are successfully reinventing themselves to better meet the needs of their citizens in the 21st century. The UK, France, Brazil, Germany, Japan, Italy and many others have expanded services to better serve seniors, address social inequalities and provide low-fee financial services.

With an unparalleled presence in communities big and small, postal workers are already set up to serve every corner of the country.

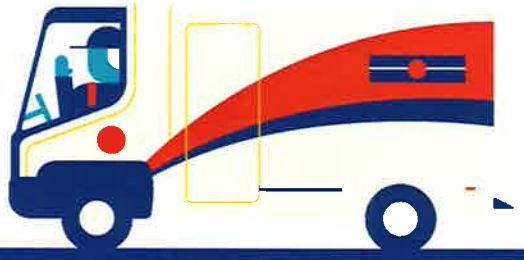
We can harness the vast network of people who serve you every day to deliver more. And why not expect that from our country's largest public institution?



POSTAL WORKERS CAN DELIVER EVEN MORE

"What's beautiful about Delivering Community Power is how it takes on economic, environmental and social issues at the same time."

NAOMI KLEIN



To make a reimagined Canada Post a reality, we need people across the country to let the government know it's time to act.

Here's what you can do:

1. Join us online and stay connected to the campaign
2. Visit www.DeliveringCommunityPower.ca and sign up to keep up with the latest
3. Bring the campaign to your community
4. Write an Op-Ed in your local publication in favour of the Delivering Community Power plan
5. Collect petition signatures & show your MP that it's what voters want
6. Support your postal workers in their negotiations with Canada Post – they've put these proposals on the bargaining table!

DELIVERING COMMUNITY POWER

DELIVERING COMMUNITY POWER

Reimagining Canada Post with services to support every community.

Canadian Union of Postal Workers
377 BANK STREET • OTTAWA, ON • K2P 1Y3
613-236-7238
www.DeliveringCommunityPower.ca

cupw•sttp
Canadian Union of Postal Workers

CUPE-SCFP 1979

www.DeliveringCommunityPower.ca

REGULAR MEETING OF COUNCIL -17 Jan 2022

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We can harness the vast network of people who serve you every day to deliver more. And why not expect that from our country's largest public institution?

MINUTES

Fort Erie Accessibility Advisory Committee

Meeting Date, Time, and Location

Tuesday, December 7, 2021 at 4:00 p.m. at the Town Hall – Committee Room #1

Members	Staff Resources
Dennis Hernandez-Galeano, Chair	Keegan Gennings, Chief Building Official
Bev Ferris, Vice-Chair	Sean Hutton, Facilities Supervisor
Gary Kooistra	Bev Bradnam, Manager, Strategic Initiatives
Adam McLeod	
Barbara McLeod	Guest:
Lori Brant	
Veronica (Faith) Sparling	Tim Marotta, Manager, Engineering (to 5:15 p.m.)
Councillor Ann-Marie Noyes	Kurtis Bottrell, Project Manager (to 5:15 p.m.)
Ashley Greaves, On-Demand Transit Rep.	

1) **Call to Order**

The meeting was called to order by the Vice-Chair at 4:23 p.m.

2) **Approval of Minutes**

Recommendation No. 1:

Moved by: **Adam McLeod**
Seconded by: **Councillor Noyes**

THAT: **The October 26, 2021 Minutes of the Fort Erie Accessibility Advisory Committee meeting be approved as printed.**

(CARRIED)

3) **Jarvis Street Redevelopment**

Tim Marotta, Manager, Engineering, presented an overview of the Jarvis Street Redevelopment Project and sought feedback on the project as it relates to parking and streetscaping. Tim was accompanied by the new Project Manager, Kurtis Bottrell. Tim advised that staff have been working with the Bridgeburg BIA (BBIA) and with Planning and Development Services staff to discuss more extensive improvements to the Jarvis Street business district, similar in nature to those undertaken in downtown Ridgeway.

3) **Jarvis Street Redevelopment, continued**

Desired improvements include changes to parking, signage and gateway features as well as new lighting, paved surfaces, landscaping and crossings, and the burial of utilities and irrigation services. Tim reviewed the details with the AAC including the removal of angled parking and the addition of parallel parking and how it will relate to accessible parking spaces. Paver stones and materials that were stamped and patterned were reviewed as well as the placement of street furniture and plantings. Tim noted that trees in boulevards do not do very well and so they will be utilizing boxes and soil cells that allow trees to thrive in downtown areas. Tim advised that Quartek is the engineering firm undertaking the design and staff are close to going to tender. Tim noted that the AODA legislates the number of accessible parking spaces required for municipal lots; however, for on-street parking the legislation requires a municipality to "talk to the Accessibility Advisory Committee". Tim reviewed the current on-street accessible parking spaces (6 in total) between the Niagara Parkway and just past Central Avenue. Tim noted that the municipal parking lots south of Jarvis Street have no designated accessible parking spaces at this time but the lots are being repaved and the required number of spots will be designated. Tim advised that the new Jarvis Street concept will have three accessible parking spaces on the north side of the street and 2 along the south. The design shows a 2.4 m width stall and a ramp off of that to the sidewalk. All spaces will be self-contained and allow extra space in the back and front for rear-loading vans. Dennis and Lori noted the difficulties with a side load van and any type of ramped pavement that would not allow for the ramp to fully come down. It was suggested that in some instances access directly on to the sidewalk is preferable. Tim asked that any best practices or pictures be forwarded to the engineering staff and they will also undertake a review of best practices. Tim noted that the design provided is from those used in St. Catharines.

Tim described the two pedestrian crossings that will be constructed mid block and noted that they are also working with the Region of Niagara as they own Central Avenue. The cross walk will be a serpentine crossing with a raised platform and provide traffic calming. Discussion took place regarding the incline of the cross walk and the concerns of any type of pattern or stamped concrete that would cause a walker or cane to have difficulty crossing or any type of pattern that would be difficult for those with mobilities challenges to cross safely. Dennis also noted that wheelchairs with small castors can get caught as well and recommended leaving the crossing flat and if it is stamped with different contrasts to leave it flush and smooth. Faith asked if the surface could be painted and Tim advised that different colours of concrete could be used.

Tim noted that they are trying to create a more pedestrian feel that is common to business districts, with wider sidewalks and archways over top and noted that the BBIA branding is of a railway. Improved lighting will also be a safety feature for the area. Councillor Noyes stated that, with respect to the location of accessible parking spaces, the public visits the Post Office, banks and Doctor's office the most frequently that would require an accessible parking space. Councillor Noyes also noted that west of Central Avenue, the AAC did receive a request to consider the placement of an accessible parking space in front of the Dentist office on the south side of Jarvis, rather than at the north location that used to be for the MDS lab that is no longer located there. *(Following the meeting Kurtis advised that there will be an additional space added near the dentist office).* Sean suggested that accessible spaces be as close to the cross walk as possible.

3) **Jarvis Street Redevelopment, continued**

Adam was asked about any concerns related to street furniture and trees and noted that the area by Mark's Work Wearhouse is a good example of proper placement for someone with low vision as the furniture is to the side and it provides a clear space to travel along the sidewalk. Tim noted that conceptually the design is similar. Dennis noted that the placement of trees or furniture should not impede someone from getting out of their vehicle.

Further details can be found at:

https://letstalk.forterie.ca/jarvis-street-road-reconstruction-streetscape

Tim was also asked to provide a report on the Ridge Road and Erie Road accessible parking spaces that were approved in Council's Multi-Year Accessibility Plan. Tim advised that both projects have been included in the 2022 Budget.

Tim and Kurtis were thanked for their time and both encouraged the AAC to provide any further details to them, to reach out for clarification or visit the above Let's Talk Fort Erie page.

Tim and Kurtis left the meeting at 5:15 p.m.

4) **Outstanding Matters**

1) Regional Accessibility Advisory Committee

- Accessible Bus Demo (deferred until Transit Governance Study completed). AAC members have provided comments during the Transit Governance public consultation regarding the previous bus demo that showed individuals with disabilities being loaded into the lower part of the bus.

- Faith advised that she was unable to attend the meeting that took place a couple of weeks ago.

2) Parking Concerns

Councillor Noyes was asked by a resident to consider an accessible parking space in front of the dentist office at 223 Jarvis Street. This discussion took place as part of the Jarvis Street Redevelopment discussions.

The accessible parking spaces to be constructed in Ridgeway and Crystal Beach were also discussed under item 3 above.

3) Fort Erie Active Transportation Committee (FEAT)

Dennis advised that FEAT hasn't met in 2-3 months.

4) **Outstanding Matters, continued**

4) Pool Lift – E.J. Freeland Centre

Bev advised that AAC members had met with the Boys and Girls Club regarding the potential for having a pool lift installed at the E.J. Freeland Centre. The Boys and Girls Club moved forward with obtaining quotes, which came in at almost $11,300. Sean has confirmed that he has an accessibility budget line item and the AAC could provide some of their funding so that the Town could cover $5,000 - $6,000 of the cost.

Lori had been speaking with the Ridgeway Lions Club regarding the possibility of fundraising for the lift. Lori confirmed that in speaking with Brian Hodge from the Lions Club he had suggested that she send two letters, one to the Fort Erie Lions Club and one to the Ridgeway Lions Club. In following up with Brian she was told that “wheels are turning”.

Dennis advised that he and Bev were on a call with Stephen Passero, who is a member of the Fort Erie Lions Club and they had asked him to follow-up as the request was not on Town letterhead so he wanted to confirm the details. Stephen was taking the request to the Club’s meeting that evening. Remain on outstanding.

5) Bernard Beach - Accessibility

Bev advised that she did a site visit with Signe Hansen, Manager, Community Planning, and beach mats will be purchased to get from the parking lot to the boardwalk.

Dennis asked if there was any thought on paving the parking lot and Sean advised that it was not budgeted for this year but confirmed that the beach mats were. Remove from outstanding.

5) **Site Plans**

1) Peace Bridge Elementary School

Keegan provided the site plan details for a 10 classroom, single storey addition that will be constructed at the back of the school and will tie in with the existing school. Councillor Noyes asked if there will be any bathrooms added and Keegan advised that there are none on the drawing but he will look at the requirement at the building permit stage. The school has experienced parking issues and Keegan advised that 20 new spaces will be constructed off of Champlain Avenue, possibly for staff so that the current parking lot could be used for parents.

6) **Multi-Year Accessibility Plan 2019-2023**

A list of the public comments received during the MYAP consultation were deferred until the January meeting due to time constraints.

7) **Other Matters**

1) Transition To Employment – DSBN

Bev described a presentation at the recent Fort Erie Service Providers Network quarterly meeting by “Transition to Employment”, which operates under the arm of the District School Board of Niagara. Bev explained that the organization works with persons with disabilities to find jobs and includes a review of their goals, abilities and working with the individual to secure a job and follow-up during the first 12 months of employment. The AAC asked that Bev invite Patrick Carew to the January AAC meeting. A hand-out was provided to the AAC and is attached as Appendix "7.1" to the Minutes.

Gary suggested that some of the big box chains should also have some of their human resource staff available so we could discuss employment opportunities with them. Committee members noted that big box stores have head offices in the larger cities but this can also be discussed with Patrick to see what contacts they have.

2) History Happened HERE – Sign Proposal

Councillor Noyes asked that this matter be discussed as she had concerns about the signage that is being proposed and felt that the AAC should have some input with respect to functionality. Signe Hansen, Manager, Community Planning and Jane Davies, Manager, Cultural Services will be asked to attend the January AAC meeting.

3) Niagara Parks Commission (NPC) Annual Accessibility Report

Dennis and Bev both participated in the Niagara Parks Commission’s presentation of their Annual Accessibility Report. Bev noted that the presentation included details on the new Power Generation Station and advised that the plaza has been named after the Niagara Parks Commission Chair, Sandie Bellow, who recently passed away. The presentation is included as Appendix “7.3” to the Minutes. Bev thanked the NPC for working with the Town’s AAC to improve accessibility in our community.

4) Support of Regional Transit Initiative

Dennis confirmed that he provided a letter of support on behalf of the AAC to the Town Council, who deliberated on the Regional Transit report on December 6, 2021.

No other additional new matters were raised.

8) **Date for Next Meeting**

The 2022 AAC meeting dates are as follows:

- Tuesday, January 25, 2022 at 4:00 p.m. (the meeting may begin at 3:30 p.m. as the room has been booked for another meeting that starts at 5:00 p.m.)
- Tuesday, February 22, 2022 at 4:00 p.m.
- Tuesday, March 29, 2022 at 4:00 p.m.
- Tuesday, April 26, 2022 at 4:00 p.m.
- Tuesday, May 31, 2022 at 4:00 p.m.
- Tuesday, June 28, 2022 at 4:00 p.m.
- Tuesday, September 27, 2022 at 4:00 p.m.
- Tuesday, October 25, 2022 at 4:00 p.m.
- Tuesday, November 29, 2022 or Tuesday, December 6, 2022 at 4:00 p.m.

All meetings will take place at Town Hall in Conference Room #1, unless otherwise advised.

9) **Adjournment**

Recommendation No. 2:

Moved by: **Barb McLeod**
Seconded by: **Gary Kooistra**

THAT: The December 7, 2021 meeting of the Fort Erie Accessibility Advisory Committee does now hereby adjourn at 6:46 p.m.

Minutes recorded and prepared by:

Bev Bradnam, DPA, CMM III
Manager, Strategic Initiatives

Minutes approved by:

Bev Ferris
Vice-Chair

Transition to Employment

LifetimeLearning.Ca

DSBN DISTRICT SCHOOL BOARD OF NIAGARA

Transition to Employment is a **free** employment service for persons from all backgrounds. Our team works with people to find and keep a job they want by building skills as well as working with employers to get applicants in the door and supporting them in maintaining employment; for individuals 16+ anywhere in the Niagara Region.

The Standard READERS' CHOICE 2021 DIAMOND WINNER

- Choose from online or in-person services -

Our Services

- ⇨ Resume & Cover Letter Writing
- ⇨ Job Search Support
- ⇨ Application Assistance
- ⇨ Interview Preparation
- ⇨ Employment Coaching
- ⇨ Job Placement/ Retention
- ⇨ Pre-Employment Counselling
- ⇨ Employment Courses

Our Locations

STOKES SEEDS COMMUNITY CENTRE
36 Page St., St. Catharines, ON

EASTDALE SECONDARY SCHOOL
174 Wellington St., Welland, ON

WESTLANE SECONDARY SCHOOL
5960 Pitton Rd. Niagara Falls, ON

PORT COLBORNE SECONDARY SCHOOL
211 Elgin St., Port Colborne, ON

GATE ALLIANCE
6009 Valley Way, Niagara Falls, ON

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Bridgeburg Station Downtown
Business Improvement Area

2021 Annual General Meeting

Thurs. Dec. 9th 2021

Zoom 6:00 pm

Minutes

1 Call to order - 6:00 pm
2 Board of Directors Roll Call- Gail Spear, Katie Miller, Vince Salvatore, Dawn Kendrick, Julie Brady, Nick Brady, George McDermott
Absent- JP Beauvais, Morgan Boenke
3 Welcome and introductions – Chair Gail Spear
4 Adoption of Agenda
Motion: That the 2021 AGM BBIA Agenda dated Thurs. Dec.9th, 2021 be approved as presented – George McDermott Makes Motion. Vince Salvatore Second. All in Favour – Passed.
5 Disclosures of Conflict or Pecuniary Interest. None .
6 Adoption of the 2020 AGM Minutes
Motion: That the minutes of the 2020 BBIA AGM be adopted, as printed. Katie Miller makes Motion. Vince Salvatore Second. All in Favour – Passed.
7 Audited Financial Report – Treasurer Dawn Kendrick
Presentation of the Audited Financial Statement 2020
Motion: That the 2020 Audited Financial Statement be received and filed – Dawn Kendrick makes Motion. Katie Miller Second. All in Favour – Passed.
8 Presentation of proposed 2022 budget
Motion: That the 2022 Proposed Budget in the amount of $40,700 for the Bridgeburg Station Downtown Business Improvement Area be approved and submitted to the Town of Fort Erie. Julie Brady makes Motion. Vince Salvatore Second. All In Favour – Passed.
9 Close of meeting
Motion to adjourn. Katie Miller makes Motion. Nick Brady Second. All in Favour. 6:25pm

Attendance:

Board Members Present: Christine Trombley, Dale Baer, Don Irvine, John Arbour, Karen Arbour, Patty Mountain, Sarah Chevalier, Tyler Chevalier, Councillor Marina Butler
Regrets:

1) ***Call to Order:*** Meeting was called to order at 5:36 pm

2) ***Roll Call:***
Christine Trombley, Dale Baer, Don Irvine, John Arbour, Karen Arbour, Patty Mountain, Sarah Chevalier, Tyler Chevalier, Councillor Marina Butler

3) ***Welcome, Announcements & Addenda:***
The Chair welcomed everyone back.

4) ***Acceptance of the Agenda:***
Motion to accept the agenda issued for Jan 5, 2022: *Motion: Tyler Chevalier, 2nd: Karen Arbour, carried*

5) ***Acceptance of the Previous Minutes:***
Motion to accept the minutes of the Regular Board Meeting Nov 3, 2021: *Motion: Tyler Burke, 2nd: Karen Arbour, carried*

6) ***Correspondence:*** Katie Miller has withdrawn her application to the board

7) **Reports:**
Treasurer: Don reported all invoices have been sent to town and donations were being sent on January 6, 2022.
Events: Numerous good comments were reported about Christmas on the Ridge. Ornaments didn't do well but we will save them for next year and adjust the price. Need to make sure all vendors and shop owners know who the contact person is during any event for any challenges. There was a contest for window display, Christine Trombley was the winner. If we do trees again next year (which were a great success) we need to make sure we place them strategically along the street encompassing the whole district. Three Ferrises sold the most ornaments by offering an additional 5% discount on top of their Christmas discount for anyone that purchased an ornament, great marketing!
Fundraising: the board is looking for someone to handle selling the Ridgeway T shirts when we order them.
Maintenance: Sarah will call about the welding of the pole R's.
Town Councillor: Councillor Butler reported on the closing of the Urgent Care by the NHS. She has also spoken to finance about creating a slush fund to add to each year to help finance the street scaping.

8) ***Action Items:*** Marina will send over the address for the NHS so anyone wanting to send a letter in support of the Urgent Care can do so.

9) ***Adjournment and Next Meeting:*** Meeting was adjourned at 6:19 pm. The next RBIA general meeting is tentatively scheduled for Wednesday February 2, 2022
Motion: Patty Mountain, 2nd: Marina Butler, Carried

Minutes prepared by:

Patty Mountain Secretary

Minutes approved by:

Sarah Chevalier, Acting Chair

Office of the CAO

Prepared for	Council	**Report No.**	CAO-01-2022
Agenda Date	January 17, 2022	**File No.**	210101

Subject

ONTARIO LIVING WAGE INITIATIVE

Recommendations

THAT Council receives for information purposes Report No. CAO-01-2022 regarding an Ontario Living Wage Initiative, and further

THAT Council considers the financial implications of implementing the Initiative during the 2022 Operating Budget deliberations.

Relation to Council's 2018-2022 Corporate Strategic Plan

N/A

List of Stakeholders

- Employees
- CUPE Local #714
- Fort Erie Public Library
- External Service Providers

Submitted by:	Approved by:
ORIGINAL SIGNED	***ORIGINAL SIGNED***
Tammy Morden, CMM III Manager, Employment Services	Tom Kuchyt, CET Chief Administrative Officer

Purpose of Report

On September 20, 2021 a motion was moved by Councillor Noyes and seconded by Councillor McDermott THAT: The Motion to Request that the Town of Fort Erie Seek a Base Supporter Level Living Wage Employee Certification be referred to the 2022 Budget Deliberations in order for staff to prepare a report.

Background

The Ontario Living Wage initiative is a network of employers, employees, non-for-profit organizations, community groups and proponents of decent work and living standards for all Ontario workers. The purpose of the Ontario Living Wage Network (OLWN) is to strengthen and support local community efforts and provincial initiatives to encourage employers across Ontario to provide decent work that pays a living wage for all of their employees.

The Ontario Living Wage Network has three core actions:

1. Oversee the calculation and peer-review of local living wage calculations.
2. Certify living wage employers and make sure they are celebrated publicly via online and real-world channels.
3. Communicate the value of paying a living wage to the wider public.

On February 22, 2021, the City of St. Catharines put forward a motion that it would make an application to the Ontario Living Wage Network to become a ‘certified living wage” employer becoming one of the few municipalities in Ontario to do so. This commitment has a target date of December 31, 2024 which includes meeting the level three designation as “Champion”. This motion has been circulated to all local area municipalities including the Town of Fort Erie.

The Ontario Living Wage Network conducts its activities as a project of Living Wage Canada, a federally incorporated non-profit organization. All revenue from employer certification fees are used to cover activities exclusively in Ontario.

The living wage for the Niagara Region is calculated by the Niagara Poverty Reduction Network (NPRN) using the National Living Wage Framework developed by the Canadian Centre for Policy Alternatives. The Niagara Poverty Reduction Network is led by committee coordinators from various community member organizations in the Niagara Region. NPRN is committed to a poverty free Niagara and work diligently with residents, business and organizations to improve the quality of life for all. NRPN focuses on priority poverty-related issues that directly affect the people of Niagara.

A living wage is the broad consensus on the hourly wage a worker needs to earn to cover their basic expenses (food, shelter, clothing, transportation, communication, private health insurance) and participate in their community. It is not the same as the minimum wage, which is the provincially legislated minimum wage all employers must pay.

Rather, a living wage sets a higher test and reflects what earners in a household need to be paid on an hourly basis based on the actual costs of living and being included in a specific community. The living wage is calculated as an evidence-based hourly rate at which a household can meet its basic needs, once government transfers have been added to the household's income and deductions have been subtracted.

To become a certified Living Wage Employer, there are three phased (3) levels of certification that must be achieved within an approved period of time:

Supporter: All permanent, full-time employees are paid a living wage. Employers are committed to begin raising the pay of all part-time employees to the living wage.

Leader: All permanent full-time and part-time employees are paid a living wage. Employers are also committed to including living wage in service contracts for externally contracted (third party) employees that provide service on a regular basis.

Champion: All permanent full-time and part-time employees are paid a living wage, and all externally (third party) contracted staff that provide service on a regular basis are also paid a living wage or will be when the contract renews.

Should the Town of Fort Erie be interested in becoming a Living Wage employer it must commit to achieving all levels above within a period of time which means, it must commit that the contracted employees who provide services to the Town on a regular on-going basis (at least 120 hours per year) are paid at least the Niagara living wage (ie. janitorial cleaners, security, window cleaners, and landscapers, etc). However, ad hoc contract work is exempt.

Bidders and contracted services are not required to disclose the rates of pay of their employees. Without this information, estimating the potential cost of becoming a Living Wage Employer is difficult. Current contracts do not have language to enable the Town to request this disclosure of information from private businesses.

As part of the Living Wage certification, Employers are not required to renegotiate existing contracts before they come up for renewal. However, all future agreements or contracts would contain a living wage clause and requirement.

It is difficult to determine the impact of an open, fair and competitive bidding process should external contractors be required to pay the living wage. One might assume if companies are required to pay the living wage, there may be less bids or higher bids for Town services. Due to economies of scale, larger companies may be better positioned to bid on tenders potentially limiting the opportunity for smaller or local companies.

With regard to the current bidding process, qualified tenders are based on low bid which will require new legal language to the Town's requests for proposals. Also, the living wage may be adjusted annually so costs may change from year to year depending upon the rates of inflation.

Benefits	Challenge
Improved attraction and retention	Higher cost of wage and benefits for crossing guards, PT arena staff, contract staff and students, etc.
Positive community branding as a socially responsible Employer	Higher cost of tenders/external services and impact on competitive bidding process
Assists in addressing poverty in community	Salary compression for some positions and indirect associated costs
More consumer spending power in the community	No control over "living wage" annual increases (determined by Ontario Living Wage Network)
Less absenteeism, improved employee engagement	Increase costs for Town budgets, customers and external contractors

Analysis

At present, The Ontario Living Wage Network has determined the living wage in the Niagara Region to be $18.90 per hour, which is calculated to be the hourly wage rate necessary to cover basic living expenses such as food, rent, clothing, transportation and childcare within the community.

The living wage is reviewed and calculated annually with adjustments made in November of each year. An assumption can be made that the hourly rate will continue to increase over time.

The following chart indicates the municipality/region and the established corresponding living wage per hour. In November 2020 the living wage in Niagara was $18.12 per hour. In November 2021 this rate was reviewed and recalculated at $18.90 per hour which is over a 4% increase.

Municipality	**Living Wage per hour (as of November 2021)**
Sault Ste. Marie	$16.20
Thunder Bay	$16.30
London & Middlesex	$16.55
Sudbury	$16.98

Region of Waterloo	$17.20
Hamilton	$17.20
Haldimand Norfolk	$17.35
Renfrew	$17.40
Kingston	$17.75
Region of Durham	$17.80
Hastings & Prince Edward	$17.95
Perth & Huron	$17.95
City of Guelph	$18.10
Leeds, Grenville & Lanark	$18.25
Peterborough	$18.35
District of Muskoka	$18.55
Ottawa	$18.60
Northumberland	$18.80
Niagara Region	**$18.90**
Simcoe County	$19.05
Peel Region	$19.80
Region of Halton	$20.75
City of Toronto	$22.08

In 2018, the minimum wage in Ontario increased by 20.69% from $11.60 to $14.00 per hour. This increase affected primarily the same positions that would be impacted by the living wage initiative.

The minimum wage for the province of Ontario was adjusted on January 1, 2022 to $15.00 per hour and $14.10 per hour for students under the age of 18 who work 28 hours a week or less. Since 2018, minimum wage has increased by 29.31% from $11.60 to $15.00 per hour.

With the most recent change to minimum wage the difference between the minimum wage ($15.00) and the current living wage in Niagara ($18.90) is 26.0%.

According to the Ontario Living Wage Directory there are four municipalities that are a certified living wage employer, the City of Cambridge, City of Kingston, County of Huron and the Municipality of North Perth.

Financial/Staffing Implications

To become an Ontario Living Wage employer it involves a commitment to reach each identified level, Supporter, Leader and Champion within an established period of time.

At the supporter and leader levels this will cost the Town an approximate tax levy addition of $134,000 annually in today's dollars. This would mean all permanent full-time

and part-time staff would be paid at least the hourly Niagara living wage rate of $18.90 per hour. This total above includes the cost of students who may be deemed excluded or a phased-in implementation in accordance with the end of the current Collective Agreement being December 31, 2024.

In addition, as a funded organization of the Town, the Fort Erie Public Library would also need to adjust their hourly rates at an anticipated additional cost of $4,000 per annum.

In reviewing the hourly wages for permanent full-time and part-time staff we have identified compression concerns that would need to be addressed for an additional cost of $13,000.

This brings the total costs of "Level 1 and 2" to approximately $151,000 for 2022. If the living wage program is implemented for the 2022 budget, this would represent a 0.5% increase to the tax levy without any offset of other expenditure costs.

Given the limited information available, it is not possible to estimate the cost to external contractors or cost implications on future tendering to comply with the Champion level. Assuming some of the Town's regular service contractors pay an hourly rate equal to the minimum wage, an increase to the living wage would be an increase of 26.0% plus benefits to their current payroll per employee for those currently earning minimum wage. To be able to estimate the total financial impact to the Town, we would need to know the total increase in labour costs that vendors would pass onto the Town in future tenders or contracts through the competitive bidding process.

The increase in labour costs to the vendor may also exclude some vendors from bidding on tenders in the future with the Town of Fort Erie. As a result, it is very difficult to determine the financial impact.

The Town would be required to sign a licensing agreement for certification and pay an annual fee of $400 per year to the Ontario Living Wage Network.

Concerns for taxpayer and ratepayer affordability during a time in which they are dealing with a pandemic and unemployment rates it is unknown how taxpayers will respond to the Town becoming a Living Wage Employer. Certification requires an ongoing financial commitment that the Town may have a difficult time removing itself from if circumstances change in the future.

Additional concerns include:

Loss of control over wages
The Living wage calculation is done by the Niagara Poverty Network each November. Certification requires employers to pay the updated living wage within six months of a new rate announcement.

This presents two challenges:
1. The timing could result in inaccurate budget forecasting

2. The Town would be obligated to pay wages dictated by an external agency (not a government body) without the ability to question or challenge the calculation.

Removing the Town's ability to control how much it pays its staff, regardless of other external pressures could put the Town in a position of having to choose between adhering to the living wage requirements or being removed from the program.

Wage compression
When lower-paid positions increase but higher-paid positions remain the same the difference in pay decreases which causes wage compression. This results in inequity between the pay scales which can lead to employee disengagement, retention issues, especially for positions directly senior to the positions receiving the wage increase.

Implementation of the living wage would result in a situation where employees who have additional responsibilities and qualifications are being paid only slightly more or the same as the most junior employees.

Inequality with non-union compensation
Considering Niagara's living wage is one of the highest in the province and the highest among the Town's identified comparators, becoming a living wage employer would result in a situation where part-time employees are paid more than the market, while many full-time employees are not.

Increases in the cost of contracted services
At the Champion Level, employers are required to make their best effort to ensure that contracted service providers are paying their employees the living wage and include a living wage clause when existing contracts expire. Achieving this level would require revision to the Town's Procurement Policy to include a living wage clause in all future service contracts.

Communicating the Town's desire to support the living wage to existing third-party contractors will require a later consideration as significant changes would be required before contracts can be renewed.

Currently, bidders do not provide rates of pay for their staff. Without this information, estimating the potential cost of becoming a Living Wage Employer is not possible, and represents significant financial risk to the Town. Moving forward with the living wage initiative without certification would allow the Town to mitigate the risk and determine evaluation criteria based on needs.

Policies Affecting Proposal

- Collective Agreement between the Corporation of the Town of Fort Erie and The Canadian Union of Public Employees Local #714.
- Procurement Policy

Comments from Relevant Departments/Community and Corporate Partners

Comments from relevant departments are incorporated into this report.

Communicating Results

If approved a policy directive will be implemented outlining the responsibility and requirement of becoming a Living Wage Employer. This decision will be communicated directly to the employees affected. The procurement policy will be revised and communicated through the procurement process.

Alternatives

Ensuring low-wage workers are paid enough to live in their community, especially when considering the impacts of the pandemic on this group of individuals, is admirable.

However, becoming a Living Wage Employer will place obligations on the Town which it may not be able to meet in the future. Should that day come, it may create a negative public perception.

As an alternative to certification, staff believe Council should consider proceeding with increasing the salaries to the living wage and addressing the compression concerns, without seeking certification from the OLWN. Proceeding this way, would allow the Town to embrace the spirit of the living wage, without exposing the Corporation to the risks outlined in this report.

In 2020, the City of Hamilton moved forward in this way, choosing to pay all non-student employees the living wage without seeking certification. The living wage in Hamilton is currently $17.20.

By choosing to increase wages of part-time workers without certification, the Corporation would retain control over employee salaries, and its purchasing processes and requirements.

As a non-certified employer who pays a living wage, the Corporation is not committed to actions in the future that may not be feasible. Instead it can advance the living wage goals on a schedule and with the level of resource investment that works for the Town.

Conclusion

Proceeding with certification as a Living Wage Employer at this time, would create a situation where some of the Town's part-time non-union employees are paid more than the market, while many full-time non-union employees are not.

In addition, the costs associated with increasing part-time salaries to the living wage represents a significant financial commitment, which would make it extremely difficult for staff to address the larger compensation problem in the immediate future.

As a result, staff recommend the Town not seek Living Wage Certification, and instead as part of the 2022 budget deliberations increase the part-time non-union hourly rate to be equal to the current Living Wage rate of $18.90 per hour in 2022.

Should Council decide to seek certification, staff recommend a phased approach of obtaining Supporter and Leader Level in 2022 and Champion in 2025 (or later if approved by OLWA).

Attachments

A Guide to becoming a Living Wage Employer

ONTARIOLIVINGWAGE.CA

A Guide to Becoming a **Living Wage Employer**

ONTARIOLIVINGWAGE.CA

ONTARIO LIVING WAGE NETWORK

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WHY BECOME A LIVING WAGE EMPLOYER?

Living Wage Employers are responsible employers who care about their employees and the community. They recognize that paying a living wage constitutes a critical investment in the long–term prosperity of the economy by fostering a dedicated, skilled and healthy workforce. **The Living Wage Employer Program** recognizes and celebrates employers that pay their direct and indirect employees a living wage.

BENEFITS OF BECOMING A LIVING WAGE EMPLOYER

- Employees who earn a living wage experience increased mental and physical health, and economic well-being.
- Living Wage Employers receive public recognition for demonstrating a commitment to socially responsible practices, making them more attractive to potential employees and customers.
- Employers paying a living wage experience a decrease in employee turnover and absenteeism, increased retention and productivity, and savings on rehiring and retraining.
- Employers can use the living wage as a tool within their recruitment strategy for lower paying occupations.

WHAT IS THE LIVING WAGE?

A living wage is **the hourly wage a worker needs to earn to cover their basic expenses within their community.** It is re-calculated on an annual basis to ensure that it accurately reflects changing living expenses. Living wage rates are based on the National Living Wage Framework.

WHY IS IT NECESSARY?

More and more people are working for low wages. They are facing impossible choices — buy food or heat the house, feed the children or pay the rent. The result can be spiralling debt, constant anxiety, and long-term health problems. In many cases it means that the adults in a family are working long hours, often at two or three jobs, just to pay for basic necessities.

CURRENT LIVING WAGE RATES

Current living wage rates for employees not receiving any non-mandatory benefits can be found by visiting:

LIVING WAGE BY REGION

If an organization provides any benefits such as health, dental and prescription drug coverage please contact the Living Wage program for a personalized calculation for the organization.

CONDITIONS FOR BECOMING A LIVING WAGE EMPLOYER

- Employers agree to ensure that all direct full time, part-time and contract employees are paid the living wage rate for their area. If employees are paid relevant non-mandatory benefits, the living wage hourly rate that must be paid will take account of this.

- Employers agree to insert a living wage clause (stipulating that contracted workers and subcontracted workers are to be paid a living wage) in all future contracts where staff who are not direct employees are contracted to provide services to their organization on a regular, ongoing basis.

PHASED IMPLEMENTATION

The Living Wage Employer Program currently provides phased implementation with three levels of certification for organizations:

SUPPORTER: All direct full-time employees are paid a living wage. Committed to begin raising the pay of all direct part-time employees to the living wage rate.

LEADER: All direct full-time and part-time employees are paid a living wage. Committed to including living wage in service contracts for externally contracted (third party) employees that provide service on a regular basis are paid a living wage.

CHAMPION: All direct full-time and part-time employees are paid a living wage, and all externally (third party) contracted staff that provide service on a regular basis are paid a living wage or the employer has signalled intent to re-contract at the living wage rate when the contract renews.

APPLYING TO BECOME A LIVING WAGE EMPLOYER

Employers prepare and submit a draft Living Wage Employer Implementation Plan that should include the following details:

1. Employer details

- Employer name and addresses of all offices/worksites/premises
- Basic description of company, nature of the workplace
- Contact person's details in relation to this application

2. Direct employees

- Approximate number of direct staff that will be affected by Living Wage Employer status
- For organizations that have collective agreements in place, it is expected that they will inform the relevant union(s) of their intention to apply for living wage status.
  Confirmation of this should be included in the plan
- Initial timeline for bringing all direct employees to a living wage rate
- Mechanism that will be used internally to ensure that all staff are maintained at a living wage rate on an annual basis as per conditions

3. Contracted service staff

- Brief description of your current service contracting process
- Estimated number and type of service contracts that will be affected by your certification as a Living Wage Employer
- Mechanism that will be used internally to ensure that all relevant service contracts will include a relevant living wage clause at time of renewal or initial awarding

4. Overseeing the plan

- How this plan will be overseen
- Who has responsibility for overseeing the plan

License Agreement and Annual Employer Certification Fee

Once the certification level has been confirmed both the employer and the Ontario Living Wage Network will sign the license agreement. An annual employer fee will be paid at the time of certification and will be due each subsequent year on that anniversary.

The licence agreement is a legal document that outlines the obligations to and responsibilities the Ontario Living Wage Network has to the certified living wage employers, and what those employers agree to do in order to maintain certification.

Employer fees are based on the size of your business, and help to support the ongoing calculation of living wages in the province, and so that we may continue to ensure that employers are recognized and promoted for their commitment to pay a living wage in Ontario.

Organization type	Size of organization	Annual charge
Private Sector	Greater than 501	$1,000
	251 – 500	$800
	51 – 250	$400
	11 – 50	$200
	10 or less	$100
Non-Profit and Public Sector	Greater than 251	$400
	51 – 250	$200
	11 – 50	$100
	10 or less	$50

A receipt will be issued for the fee payment, and HST will not be collected as per CRA rules regarding non-profit corporations. Please note we do not have charitable status, so this payment is not tax-deductible.

SUPPORT

Ontario Living Wage Network will provide advice and support to employers implementing the Living Wage including best practice guides, case studies from leading employers, a business case, presentations, and model procurement frameworks.

UPDATING OF THE LIVING WAGE

Local Living Wage rates are updated annually or bi-annually to take into account living expense changes and changes to government transfers and deductions. Living Wage Employers will be notified of changes to the Living Wage rate. Employers agree to align their current living wage rates to the new calculation within six months.

EMPLOYER PAID BENEFITS AND THE LIVING WAGE

To calculate the living wage rate for an employer we take into account their employees' total compensation package (wages + benefits). If employees receive non-mandatory benefits, the living wage rate is adjusted to take this into account.

TRAINEES, INTERNS, CO-OP AND PRACTICUM PLACEMENTS

Employers are allowed to have a small amount of trainees, students in practicum or co-op placements or interns that are paid below the living wage as long as they don't represent a core part of the total staff makeup (no more than 10% for most employers; in the case of small not-for-profits where the total staff complement is five workers, no more than 20%). Staff that are on probation are not counted as part of the living wage determination process but once their probation period is over, they must receive a living wage.

Notwithstanding the 10% exemption for trainees, interns, co-op and practicum positions, living wage employers are encouraged to pay a living wage to these employees if they are able or as close to the living wage as possible.

UNPAID INTERNS AND THE LIVING WAGE

Under Ontario's Employment Standards Act, unpaid internships are only permitted if the internship falls under one of the three narrow exceptions:

1. Internships that are part of a program approved by a secondary school board, college, or university; or
2. Internships that provide training for certain professions (e.g. architecture, law, public accounting, veterinary science, dentistry, optometry); or
3. Internships that meet all six conditions required for the intern to be considered a "trainee":
    1. The training is similar to that which is given in a vocational school
    2. The training is for the benefit of the individual
    3. The person providing the training derives little, if any, benefit from the activity of the individual while he or she is being trained
    4. The individual does not displace employees of the person providing the training
    5. The individual is not accorded a right to become an employee of the person providing the training
    6. The individual is advised that he or she will receive no remuneration for the time that he or she spends in training.

Ontario Living Wage Network expects enrolled employers to comply with the Employment Standards Act in their use of unpaid interns.

EXTERNALLY CONTRACTED (THIRD-PARTY) STAFF AND THE LIVING WAGE

Externally contracted staff refers to staff that many businesses use to provide services such as janitorial, security, or catering. This clause covers external (third-party) contracts that provide services for the organization on a regular ongoing basis, that

is, for at least 120 hours of labour per year. Ad hoc contract work (for repairs or maintenance, for example) is exempted from this clause.

Living Wage Employers are encouraged to inform contractors about the Living Wage Program and how it may affect the terms of their agreements. A Living Wage clause should be included in all future agreements and renegotiated agreements with hired contractors. Organizations do not need to renegotiate existing contracts before they come up for renewal in order to be compliant. All future agreements, whether new or being renewed, must incorporate the Living Wage standards. Living Wage Champions need to undertake the following:

A. If the staff are directly contracted by the organization. When the contract comes up for renewal the organization should include a living wage clause as part of its Request for Proposals (RFP). It is expected that, after selecting a suitable contractor, a living wage clause will be inserted in the contract as per the RFP.

B. If the staff are not directly contracted by the organization, but do provide services - for example, as part of a tenancy agreement. The organization should advocate for a living wage clause to be included in the agreement/contract when it comes up for renewal.

BEST EFFORT CLAUSE

If an organization can clearly show that it made its best efforts to fulfil this clause it will be allowed to keep its Living Wage Champion status. (For example if an organization received no responses to a RFP that included a Living Wage Clause.)

COLLECTIVE AGREEMENTS

It is expected that Organizations that have collective agreements in place will inform the relevant union(s) of their intention to apply for living wage status. Collective agreements will be treated as contracts, as per above.

MONITORING

If an employer is found to have not fulfilled the criteria within their Living Wage Declaration, the Living Wage Program will work with the employer to identify whether continued involvement in the program is possible.

LIVING WAGE EMPLOYER CERTIFICATION

Once the employer has been certified as a Living Wage employer, it becomes entitled to:

- Living Wage Employer window decals for store front display where appropriate,
- A Living Wage Employer electronic logo for use on websites and print materials,
- Recognition on our website and any of our periodic publications.

We encourage new Living Wage Employers to celebrate their certification as a Living Wage Employer with staff and board members, as well as announcing their status in local media and trade publications.

ABOUT THE ONTARIO LIVING WAGE NETWORK

The Ontario Living Wage Network is a collaborative of employers, entrepreneurs, organizers and communicators that share a belief in one central conceit: **"If you work full-time, you should be able to make ends meet and participate in community."**. Together our purpose is to strengthen and support local community efforts and provincial initiatives that encourage employers across Ontario to provide decent work that pays a living wage for all of their employees.

We have three core actions:

1. Oversee the calculation and peer-review of local living wage calculations.
2. Certify living wage employers and make sure they are celebrated publicly via our online and real-world channels.
3. Communicate the value of paying a living wage to the wider public.

The Ontario Living Wage Network conducts its activities as a project of Living Wage Canada, a federally incorporated non-profit organization. All revenue from employer certification fees are used to cover activities exclusively in Ontario.

DEFINITIONS

- Direct employees. Direct employees include permanent employees and contract staff who are on the payroll of the employer.
- Indirect employees. Indirect or externally contracted staff refers to staff that many businesses use to provide services such as janitorial, security, or catering. It includes contractors working on their own account, such as an independent cleaner or bookkeeper, and staff of a business contracted to do regular work for the organization on site.
- Full-time. For the purposes of the living wage employer program, full-time staff refers to employees working 35 or more hours a week.
- Part-time. For the purposes of the living wage employer program, part-time staff refers to employees working fewer than 35 hours a week.

APPENDIX 1:

LIVING WAGE EMPLOYER IMPLEMENTATION PLAN FOR COMPANY X

1. Introduction

Company X is proud of its record as a responsible employer. To date, it has won numerous awards recognizing this commitment. Company X provides a wide range of eye care solutions. It was founded in 1970 and we currently have 7 retail outlets throughout Ontario. We currently employ 85 staff, 50 full-time and 35 part-time.

2. Direct Employees

Based on an analysis undertaken by our HR Manger, we currently have 5 full-time and 10 part-time staff that are below the current living wage rate. These positions are all retail assistant positions. The five full time staff receive full Health benefits and when this is taken into account, we need to increase their base hourly wage by $0.75/hr to reach the living wage rate. The 10 part-time positions are not paid benefits and thus, their base hourly wage needs to be increased by $2.10/hr to reach the living wage rate. This provides us with an equity challenge as it would mean that similar positions would be paid quite different base hourly wage rates. To address this, we have decided to provide benefits to all part time staff and increase their base hourly wage by $1.00 to bring them up to a living wage rate.

The company's HR manager will be responsible for making these changes within 3 months of being declared a Living Wage employer. In June of every year, the HR manager undertakes a comprehensive wage review for all staff members and our Living Wage Employer commitments will be included as part of this review.

Our staff is non-unionized so we have no collective agreements.

3. Contracted Service Staff

We currently lease all our premises and security services are provided as part of these leasing arrangements. Our leases vary from 1 to 10 years. As we don't directly contract security services we can't guarantee that we will be able to ensure a living wage clause, but we will endeavour to follow the criteria +in the 'best effort clause' set out in the Living Wage Employer conditions.

We have 3 service contracts that fall under Living Wage criteria.

- Computer System Maintenance and support. This contract is an annual contract renewed at the start of every year. We commit to include an appropriate living wage clause when it is next renewed. However we estimate that no workers will be affected by this.
- Eye Equipment Maintenance. We have a three-year contract which is due for renewal in Oct. 2017. We commit to include an appropriate living wage clause in the new contract at this date. Again, we estimate that no workers will be affected by this as it is highly specialized work.
- Janitorial/Cleaning. This contract covers all our premises and is due for renewal in Nov. 2017. We commit to include an appropriate living wage clause in the new contract at this date. We estimate that this will affect 15-20 workers.

4. Implementation

This plan was developed by the HR Manager and has been approved by the CEO and Board of the Company. The HR Manager will be responsible for its implementation. A section on our Living Wage Employer commitments will be included in the annual HR report to the Board.

Signed _____

Date _____

APPENDIX 2:

EXAMPLE OF INTERNAL LIVING WAGE POLICY

Purpose

At [Name of Employer], it is important to us to be aware of, and maintain, corporate social responsibility.

We strive to make decisions and take actions that have a positive impact on our community, our staff, and the people we serve. As a responsible employer, we believe that our employees need to earn a wage that sustains a lifestyle that meets the needs of daily living and provide some discretionary income. We recognize that paying a living wages constitutes a critical investment in the long-term prosperity of our organization by fostering a dedicated, skilled and healthy workforce.

Definition

The living wage is the hourly rate of pay that enables wage earners living in a household to:

- Feed, clothe and provide shelter for their family
- Promote healthy child development
- Participate in activities that are an ordinary element of life in the community
- Avoid the chronic stress of living in poverty

This hourly rate is calculated every two years by the Ontario Living Wage Network, based on the living expenses of a family of four with two children aged 3 and 8, with both parents working full-time. Local living expenses are calculated for Food, Clothing and Footwear, Shelter, Transportation, Child Care, Non-OHIP Health Care, Parents' education, Contingency Fund and Other (such as personal care, furniture, household supplies). The cost of government deductions (provincial and federal taxes, Employment Insurance and Canada Pension contributions) and the value of government transfers like the Canada Child Tax Benefit are also factored into the calculation.

Application (Dependent on level of recognition)

The policy applies to all employees employed by [Name of Employer], as well as all employees employed by a contractor or sub-contractor who perform services directly or indirectly for [Name of Employer] on a regular ongoing basis.

Direct Staff

- Staff earning only a salary or wage will earn at least a Living Wage. When the living wage is recalculated, any increases in the living wage will be passed onto staff within 6 months of the new calculation.

Contracted Staff

- Where services are contracted, e.g. food service, cleaning, etc., we choose vendors/ service providers that pay a living wage to their staff. This clause covers external contracts that provide services for our company on a regular, ongoing basis; that is, for at least 120 hours of labour per year.
- Living Wage clauses are included in all agreements and renegotiated agreements with contractors we hire.

Benefits in Consideration

- In instances where non-mandatory benefits are provided to staff, the basic hourly wage due to staff may be adjusted to reflect the positive impact these benefits have on the employee's ability to meet basic needs and have some discretionary income.
- These benefits include health, dental, vision and prescription coverage for staff covered by this policy.

Benefits may be provided on a cost shared basis; however, the premiums paid by the employee cannot reduce the wage to below an acceptable level with respect to a Living Wage.

Accountability

[Name of Company] maintains its participation in this policy through the Living Wage Employer Program. We are accountable for upholding and keeping current with this policy. [Name of Company] will ensure that a relevant process is in place for employees to raise any issues relating to the Living Wage Policy in a safe and confidential manner.

APPENDIX 3:

EXAMPLE OF LIVING WAGE CLAUSE FOR SERVICE PROVIDER CONTRACTS

The following is an example of a Living Wage contract clause for insertion into contracts with service providers to guarantee Living Wage provision. These contract clauses are offered as starting points in order to assist drafting of appropriate provisions. These contract clauses are not recommended clauses, nor do they substitute the requirement to seek legal advice.

The Ontario Living Wage Network is not responsible for the use or operation of any or all of these clauses and accepts no liability arising out of such use or operation.

General

1.1 It is a condition of this Agreement that, for the duration of this Agreement:

(a) the Contractor pays all employees who are employed by the Contractor to perform services pursuant to this agreement not less than the Living Wage, as set by the Ontario Living Wage Network; and

(b) notwithstanding 1.1 (a), the contractor has up to 6 months from the date on which any increase in the Living Wage is adjusted by Ontario Living Wage Network, to increase any or all wages such that the Contracted Employees continue to be paid not less than the Living Wage.

Sub Contracting

1.2 If the Contractor sub-contracts all or part of the provision of the Services to a sub-contractor pursuant to clause [1.1], the Contractor shall ensure that any sub-contractor adheres to clause 1.1 as though it were the contractor.

Termination of Contract

A breach by the Contractor of its obligations pursuant to clauses 1.1 and 1.2 shall constitute a material breach by the Contractor of this Agreement which shall entitle the client to terminate this Agreement.

CONTACT US

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Corporate Services

Prepared for	Regular Council	**Report No.**	CS-01-2022
Agenda Date	January 17, 2022	**File No. 230404**	

Subject

ONTARIO MUNICIPAL MODERNIZATION INTAKE 2 PROGRAM UPDATE

Recommendations

THAT Council receives Report No. CS-01-2022, regarding an update on the Ontario Municipal Modernization Intake 2 Program, for information purposes.

Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: Sustainable infrastructure for the future
Goal: Advocate for funding & infrastructure investments from other levels of government, public and private sector.
Initiative: Develop & maintain capital project list of shovel-ready projects that align with potential government funding initiatives & priorities.

List of Stakeholders

Mayor & Council
Fort Erie Ratepayers
Province of Ontario
GM BluePlan Engineering Limited

Prepared by:	Submitted by:	Approved by:
Original signed	*Original signed*	*Original signed*
Karlee Griffin, CPA, CA Manager, Accounting Services	Jonathan Janzen, CPA, CA Director, Corporate Services	Tom Kuchyt, CET Chief Administrative Officer

Purpose of Report

The Town of Fort Erie ("the Town") applied for the second intake of the Municipal Modernization Program ("MMP") in March of 2021 under the third-party review stream. The Town was informed that the application was approved at the end of June of 2021 and officially signed a transfer payment agreement in September of 2021 for an amount up to $75,000.

The transfer payment agreement requires the Town to submit an Independent Third-Party Reviewer's Report to the Province and publish the report on the Town's publicly accessible website by January 31, 2022. The purpose of this report is to inform Mayor and Council as well as members of the public that the report will be available for review on the Town's Let's Talk website by January 31st.

Background

The Ontario government announced the second intake of the MMP in January 2021. The program helps small and rural municipalities modernize service delivery and identify new ways to be more efficient and effective. The program allows municipalities to benefit from Provincial funding to conduct third-party reviews to increase efficiency and effectiveness and lower costs in the longer term.

The Town submitted an application in March 2021, following the completion of the Perry Group Consulting Limited ("Perry Group") project in conjunction with Intake 1. The Perry Group identified a number of recommendations following their review, which included implementing modernized solutions for an integrated Finance Enterprise Resource Planning system ("ERP"). A key observation was that the Town has multiple disjointed systems. The objective of this recommendation was to increase efficiencies in the finance related business processes and reduce manual reconciliations, data duplication and paper use in order to improve internal and external customer experience through self-service options. Finance is a function that has touch points in all departments and all business systems should have tight integration with the finance ERP system. Per Perry Group, integration not only reduces data duplication and provides for a consistent source of accurate information, but it enables analysis of the different business trends and provides for good reporting with meaningful information.

The Town applied for Intake 2 with the intention of doing a deeper dive on financial processes such as Accounts Payable, Accounts Receivable, Asset Management, Billing, Taxation, Accounting, Payroll, and Budgeting in order to better understand and document current-state processes and develop future-state processes to position the Town to issue an RFP for an ERP.

At the end of June 2021, the Town was approved to receive funding for up to $75,000 for the project "Town of Fort Erie Municipal Financial Systems Review" to review the Town's financial processes to identify potential cost savings opportunities and ways to improve efficiency and to develop an implementation plan for realizing these potential savings. Report No. CS-07-2021 was approved by Council July 12, 2021 to approve the project and amend the 2021 General Levy Operating Budget.

Expected outcomes of the project, from the MMP perspective are as follows:

- Identify cost savings/impacts.
- Detailed process reviews and optimization.
- Develop functional requirements for an RFP to procure and implement an ERP.
- Develop an implementation plan and roadmap.
- Identify resourcing requirements.

These outcomes will prepare the Town to implement an ERP that will facilitate system changes to provide better customer service, reduced internal staff time, improved efficiency of financial processes, improved quality of financial data, improved decision-making capabilities, improved internal staff user experiences, and increased financial reporting capabilities.

Report No. IS-47-2021 approved a proposal from GM BluePlan Engineering Limited ("GMBP") to provide consulting services for the design facilitation of financial ERP system(s). GMBP has included the following key milestones in the workplan and related tasks are underway:

1. User Needs Assessment
2. Business Process Mapping Review
3. Functional Specification Requirements Development
4. Communication, Implementation, and Resourcing Plan
5. Financial ERP Report for MMP
6. RFP for ERP Software

Analysis

GMBP held a project kick-off meeting in November with key staff and since this meeting have completed tasks such as preparing a user needs survey and summarizing/interpreting results, as well as facilitating two high-level user needs workshops. GMBP is currently focused on drafting the report for the MMP requirement. The report will be shared on the Town's Let's Talk website by January 31st.

Following the completion of the MMP report, GMBP will revisit user needs in more depth and complete the bulk of the business process mapping work along with remaining tasks. Outcomes will be presented to Council at the completion of the project.

Financial/Staffing and Accessibility (AODA) Implications

There are no immediate implications related to this report, however, at the conclusion of the GMBP project, outcomes will be communicated to Council. Implementation of an ERP will have significant resourcing and financial impacts, however, it is also expected to bring significant long-term efficiencies and enhancements.

Some initial impacts were anticipated and approved in the 2022 Capital Budget, including 2023 forecasted capital job FSOF22 and staffing resource needs

communicated in CBC-01-2022 through an initial estimated 18-month temporary assignment to the project. These will be revisited and refined following receipt of the Implementation Plan and Roadmap from GMBP.

Policies Affecting Proposal

By-law No. 124-2019 adopted Council's 2018-2022 Corporate Strategic Plan.

By-law No. 127-09, as amended, adopted the Budget Policy.

Comments from Relevant Departments/Community and Corporate Partners

This report has been prepared in consultation with relevant departments. The Town received comments from the Ministry of Municipal Affairs and Housing (MMAH) in clarifying MMP guidelines.

Note that the Town received approval for two other MMP Intake 2 projects as noted below and the projects will be subject of future communications.

- Under the third-party review stream, up to $50,000 towards: Corporate Business Continuity and Business Disaster Recovery Strategy
- Under the implementation stream, up to $252,850 towards: Permits, Planning, and Business Processes Integration

Communicating Results

As noted above, the MMP report will be published on the Town's publicly accessible website by January 31, 2022 at the following location: Let's Talk.

Alternatives

N/a

Conclusion

Staff recommends members of Council review the MMP report once published to the website and reach out to staff for follow-up and questions and consideration in future budget deliberations.

Attachments

N/a

Infrastructure Services

Prepared for	Regular Council	**Report No.**	IS-03-2022
Agenda Date	January 17, 2022	**File No.**	230803

Subject

AWARD OF ENGINEERING SERVICES FOR WAVERLY BEACH FRIENDSHIP TRAIL RECONSTRUCTION AND SHORELINE PROTECTION - CONTRACT ISF-21P-WAVT20

Recommendations

THAT Council accepts and approves the proposal from WT Infrastructure Solutions Inc. to provide Engineering Design Services for the Friendship Trail Reconstruction and Shoreline Protection Project (Contract No. ISF-21P-WAVT20) to the upset limit of $124,298.87 (including 13% HST), and further

THAT Council substitutes Debenture Issue funding of $2,250,000 for capital project WBTR22 with Municipal Disaster Recovery Assistance (MDRA) funding of $2,205,375 and Parkland Reserve funding of $44,625.

Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: **2: Effective, Sustainable Infrastructure for the Future**

Strategic Objective: Maintaining and Investing in sustainable infrastructure that services the entire community and builds a strong, vibrant and attractive community

List of Stakeholders

1) Mayor and Council of the Town of Fort Erie
2) Residents of the Town of Fort Erie
3) WT Infrastructure Solutions Inc.

Prepared by:	Submitted by:	Approved by:
Original Signed:	*Original Signed:*	*Original Signed:*
Sean Hutton Manager, Parks and Facilities	Kelly M. Walsh, P.Eng. Director, Infrastructure Services	Tom Kuchyt, C.E.T. Chief Administrative Officer
Original Signed:		
Tim Marotta, P.Eng. Manager, Engineering		

Purpose of Report

The purpose of this report is to advise Council of the proposal call process for engineering services for the Waverly Beach Friendship Trail Road Reconstruction and Shoreline Protection, Contract ISE-21P-WAVT20, and to request Council's authorization to appoint a single source award to WT Infrastructure Solutions Inc. (WTI) of Guelph, Ontario to provide engineering design and tendering services for the project at a total upset limit of $124,298.87 (including 13% HST).

Analysis

Background

With Council's adoption of the 2022 capital budget, Town staff were authorized to proceed with the preparation of the Request for Proposal (RFP) in order to engage an engineering firm to prepare detailed design drawings and tender documents for the reconstruction of the Friendship Trail east of Waverly Beach.

The Town of Fort Erie was hit by a major storm on October 31, 2019, extending until November 1, 2019. The storm, combined with the high-water levels in Lake Erie, resulted in significant storm damage to municipal infrastructure. The Friendship Trail between Waverly Beach and Lakeshore Road was hit particularly hard and was damaged to the point where it needs to be reconstructed. The adjacent shoreline protection was also damaged to the point where it needs major repairs and likely upgraded protection from similar storms. The Town has applied for and was granted Municipal Disaster Recovery Assistance (MDRA) with the Provincial government, recently announced, that will cover the reconstruction of the trail. Upgrades to shoreline protection will be at the cost of the Town.

The intent of the project is to have detailed engineering design drawings completed in mid 2022 with reconstruction to occur asap thereafter.

The proposal provided for predesign investigations of existing conditions and storms, conceptual shoreline protection, location/siting of the new walkway and complete detailed engineering design drawings for the Trail reconstruction and shore protection construction, including acquisition of all government approvals and tender package preparation for the project. The successful firm will administer the tendering process.

As part of the RFP, firms were also requested to present credentials and a cost for providing contract administration and site inspection services during construction as a provisional item. Near the end of the design process and once construction timing has been determined; the successful firm may be requested to provide these services, which will be identified for Council through the award of the construction tender administrative report.

Proposal Call

The proposal call was initiated on November 16, 2021. The Request for Proposal for Contract ISF-21P-WAVT20 was published on Biddingo.com and on the Town website, pursuant to the Town of Fort Erie Purchasing By-law No. 2-10, as amended. Proposals were open for acceptance until 2:00 p.m. local time, December 7, 2021 through Biddingo.com. At the time of closing, no submissions were received. Following discussions with the CAO, Director of Corporate Services and the Manager of Procurement and Finance, Infrastructure Services reached out to a number of firms to gauge interest and qualifications. Although several vendors were contacted, WTI was the only vendor to provide a proposal response.

A submission was requested from WTI due to their experience, qualifications and familiarity with the project. WTI aided the Town in the documentation of damage from the 2019 storm.

At the time of the original proposal call, WTI could not commit to the timeframes the Town was seeking. However, due to a change in business conditions and availability, WTI identified that they have the available resources to meet the Town's requirements.

The proposal received from WTI is complete, well thought out and technically sound. The firm and their subcontractors have successfully provided consulting engineering services for several municipalities within the Niagara Region.

In addition, the recent December 5, 2021 wind storm damaged the Lake Erie shoreline along Lakeshore Road. The scope of work also includes an investigation and pre-design of restored protection for this area of Fort Erie.

Financial/Staffing Implications and Accessibility (AODA) Implications

WBTR22 Waverly Beach Trail Reconstruction is the funding source for this project.

Funding for design of the project is $200,000 from a total project budget of $3,000,000.

Existing funding sources and the cost required to complete the design of the project are noted below in Tables 1 & 2.

Table 1: Engineering Design Service Fees

Waverly Beach Trail Reconstruction (ISF-21P-WAVT20)		
Engineering Firm	**Bid Price (including 13% HST)**	**Bid Price** (net of non-rebatable taxes)
WT Infrastructure Solutions Inc.	$124,298.87	$111,934.98

Table 2: Estimated Engineering Costs

Engineering Components	Cost
Engineering Design Service	$111,934.98
Estimated Staff Administration for Design	$15,000.00
Estimated Archeological Investigation	$10,000.00
Estimated Geotechnical Investigation	$20,000.00
Total Estimated Engineering Cost	**$156,934.98**

All amounts include non-rebated HST

Table 3 below shows existing, approved available funding sources. The application to MDRA requested $2,205,375 for this project. Following formal approval of the grant, any funds received through MDRA will offset the amount required through debenture and this is reflected in the recommended 2022 Capital Budget amendment. This will remove future debt interest and principal costs summarized in the capital project worksheet that were scheduled to begin in 2023 and 2024 respectively.

Funding through MDRA only covers reconstruction to the pre-existing state. The remaining $44,625 will be amended to be funded with Parkland Reserves. The Town is adding enhanced shoreline protection that has not been accounted for in any asset management plan and is therefore unbudgeted but is included in the project.

Table 3: Available Funding Sources

Total Project Funds	Amount
Canada Community Building Fund	$750,000
Debenture	$2,250,000
Total Project Funds	**$3,000,000**

All amounts include non-rebated HST

As shown in Table 4, the total approved design budget of $200,000 is sufficient to complete the engineering component of the project based on proposal submission from WTI for a cost of $111,934.98 (including non-rebated HST) along with internal staff costs and geotechnical costs.

Funds not expended during design will be returned to the respective reserve when construction is complete.

Table 4: Variance Projection (design portion)

Estimated Engineering Costs	Total Funding	Variance
$156,934.98	**$200,00.00**	**$43,065.02**

All amounts include non-rebated HST

Staff have considered accessibility impacts and expect that no new barriers will be created due to the proposed works. Through the design, considerations will be made to minimize or reduce any existing barriers.

Policies Affecting Proposal

By-law No. 124-2019 adopted Council's 2018-2022 Corporate Strategic Plan.

Effective and sustainable infrastructure is a priority in the plan. The award and completion of this project supports the ongoing Infrastructure Priority in addressing the initiatives.

The provisions of the Town of Fort Erie Purchasing Policy By-law No. 2010-002 were adhered to during the tender process for this project.

Comments from Relevant Departments/Community and Corporate Partners

The Town of Fort Erie's Corporate Services Department were consulted throughout the Request for Proposal development and evaluation process.

Communicating Results

Individual projects information is published on the Town website, in local media or become the subject of public information meetings as the project proceeds.

Following conceptual design, the project will be posted on our Let's Talk Fort Erie website for information on the project.

Alternatives

Council has the option of not authorizing the award of this engineering services contract and cancelling the project. This alternative is not recommended by staff as the project funds have already been approved and the infrastructure improvements will address the need to restore the Friendship Trail.

Conclusion

Council's authorization of WT Infrastructure Solutions Inc. based on their proposal and experience with similar work to provide engineering services for the Waverly Beach Friendship Trail Reconstruction and Shoreline Protection Project (WBTR22) project will support the Town's effective, sustainable infrastructure objective. It is expected that this project can commence immediately upon award.

Attachments

N/A

Planning and Development Services

Prepared for	Council	**Report No.**	PDS-106-2021
Agenda Date	December 13, 2021	**File No.**	310201

Subject

LAND USE CONTROLS AND LEGAL REVIEW OF SHORT-TERM RENTALS

Resolutions

THAT Council receives for information purposes Report No. PDS-106-2021 regarding a land use control and legal review of short-terms rentals, and further

THAT

Council consider the financial implications of hiring a planning consultant to facilitate and process the Official Plan and Zoning By-law amendment changes need to impose land use controls on Short Term Rentals during the 2022 Operating Budget deliberations.

Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: Managed Growth through Responsibility, Stewardship and Preservation

Promoting Business, Economic Growth and Employment Opportunities

List of Stakeholders

The Corporation of the Town of Fort Erie
Residents of the Town of Fort Erie
Short-Term Rental Operators
Neighbours of Short-Term Rentals
Local Business and Service Providers
Business Improvement Areas (BIA's)

Prepared by:	Submitted by:	Approved by:
ORIGINAL SIGNED	***ORIGINAL SIGNED***	***ORIGINAL SIGNED***
Aaron Butler, MCIP, RPP Manager, Development Approvals	Kira Dolch, MCIP, RPP, CNU-A Director, Planning and Development Services	Tom Kuchyt, CET Chief Administrative Officer

Purpose of Report

The purpose of this report is to provide Council with a legal review regarding initiating land use controls and restrictions in subdivision agreements for Short-Terms Rentals (STRs), and to summarize the various factors involved with regulating STRs through land use planning tools. Staff have conducted initial meetings to discuss land use controls with those who spoke at the October 4, 2021 Council in Committee meeting as directed by Council. The findings from these meetings are summarized in this report.

Background

At its October 4, 2021 meeting, Council passed the following resolution with regard to land use controls:

> **THAT**: Council directs staff to obtain a legal opinion regarding initiating land use controls for Short-Term Rentals in core mixed-use, commercial, and specific historic residential areas, such other zones as staff might consider, and any incidental issues regarding zoning, and further

As part of Report No. EDTS-04-2021, staff recommended anumber of land use control options. Staff also advised Council that a legal opinion should be sought on whether:

• A zoning by-law that restricts the location of STR properties ultra vires the Town;

• The Town has the authority to restrict the location of STR properties in its zoning bylaw, and if the scope of this authority is affected by the pre-existing licensing system for STRs;

• STR that was licensed prior to the zoning by-law amendments that will restrict the location of STR properties will be classified as legal non-conforming use; and

• A STR that was licensed prior to zoning by-law amendments that will restrict the location of STR properties, is entitled to renew its licence despite the zoning by-law amendments or if the annual licence renewal requirement subject the property to the new zoning requirements

In addition, at the meeting of October 4, 2021, Council requested that staff meet with those who spoke at the meeting regarding land use controls and also to obtain a legal opinion on whether or not restrictions on short term rentals can be placed in subdivision agreements for new development.

This report is a direct response to the above resolution and Council direction.

Analysis

Legal Review on Land Use Controls

Planning and Development Services Staff have received a legal opinion from the Town Solicitor regarding initiating land use controls for STRs. The following summarizes the key points of the review:

- The Town has the authority to regulate STRs through the Zoning By-law, including restricting their locations, where there are proper planning grounds to do so. Through the Zoning By-law, the Town chooses the types of uses it will permit on land under its jurisdiction. The Town has the authority to make these choices as long as there are proper planning grounds or standards to warrant distinctions between permitted and non-permitted land uses.

- STRs are required to comply with Town by-laws to receive a licence, which means that existing STRs that have received a licence are effectively deemed to comply with the current Zoning By-law.

- Licensed STRs that currently exist and operate in zones where new zoning restrictions will be imposed will be protected as legal non-conforming uses under the Planning Act.

- Existing STRs that are protected as legal non-confirming uses will be entitled to renew their licences despite new zoning restrictions.

- The annual licence renewal requirement for STRs will not subject existing STRs to the new zoning regulations.

Initial Stakeholder Consultation

Following the October 4, 2021 Council meeting, Planning Staff met individually with all five members of the public who made a delegation on Report No. EDTS-04-2021. The purpose of the meetings was to obtain initial feedback regarding the locational criteria noted in Council's October 4, 2021 resolution; specifically, their opinion on what constitutes the following locations:

- Core Mixed-Use areas
- Commercial areas
- Specific historic residential areas (where STRs have historically existed)
- Such other zones as staff might consider

Other incidental issues regarding zoning STRs were also discussed, per Council's direction.

Mixed-Use Areas & Commercial Areas

General consensus was received that STRs should be permitted in Mixed-Use and Commercial Areas. Accommodation is needed for tourists and should be located near points of interest. Downtown and other commercial areas offer restaurants, shops and other attractions where tourists like to visit. These areas

are easily identified using the Town's existing zoning categories for Core-Mixed Use and Commercial Zones.

Suggestions were also made that STRs should be permitted in residential areas within close proximity to the Downtowns and other commercial areas, to provide a choice within walking distance of these amenities. The precise location of these areas would need to be assessed for each individual downtown core.

The issue of parking availability in commercial areas was also discussed, and the permission of overnight parking in municipal lots to accommodate STR users.

The Fort Erie Race Track and its surrounding area were also noted as being appropriate for STRs. The Town's Official Plan and Zoning By-law designate/zone this area as Urban Entertainment Centre.

Specific Residential Areas where STRs have Historically Existed

Crystal Beach

There was general agreement that the Crystal Beach neighbourhood has historically contained cottages rented to tourists, and that the STR use should continue to be permitted in this area. Bay Beach is a major attraction to tourists and therefore STRs should be located in this area, according to participants. The exact geographic area would need to be determined if Council chose to permit STRs only in specific locations.

Waterfront Areas

Discussion took place regarding other waterfront areas, along Lake Erie and the Niagara River. These areas are points of interest for those visiting the Town for recreational activities. Participants pointed out that many waterfront streets have historically contained cottage rentals. It was discussed that some waterfront streets contain many cottages while some are strictly permanent residences. If Council chose to restrict STRs in only some waterfront areas, valid planning grounds would be needed to differentiate one area from another. One clear distinction discussed is the Urban Boundary.

Differing opinions were received as to whether only properties physically on the water should be permitted to operate STRs, or if properties on the opposite side of the street should also be permitted.

A point was made that the majority of the public cannot afford to own property in a waterfront area, and that STRs provide an opportunity for the public to enjoy this experience.

Other Areas

As stated previously, participants generally agreed that accommodation is needed for tourists and should be located near points of interest. Besides

Commercial and Core-Mixed Use areas, this could also include areas close to recreational activities such as beaches, water, trails, hiking, cycling, fishing and bird-watching. Discussion took place regarding permitting STRs in rural and agricultural areas to cater to tourists visiting Fort Erie for its nature and recreational activities.

Some participants suggested that STRs should not be permitted in newly developed residential areas, making the point that properties are being purchased for the sole purpose of operating a STR as a business. Many properties such as this site are vacant in the off-season. It was noted that the municipality should be aiming to preserve new residential developments for permanent residents. The argument was made that permanent residents contribute greater to the local economy than STR users.

Some participants also suggested that STRs should not be permitted in established residential areas, such as the Crescent Park, for the same reasons noted above. It was also noted that residential areas near schools should not permit STRs in order to maintain the housing supply in those areas for families.

Other Zoning Considerations

STRs with More than Three Bedrooms

With Council restricting the number of bedrooms in a STR to a maximum of three through the licensing system, discussion took place as to whether or not STRs with greater than three bedrooms to meet site-specific zoning (i.e., a privately-initiated Zoning By-law Amendment process). Some participants believed that the Zoning By-law should permit STRs with more than three bedrooms “as of right”, without needing a Zoning By-law Amendment. In that case, criteria could still apply which would have to be met in order to be permitted (e.g., location criterial, lot area, parking requirements, waste, noise, number of occupants, availability of sanitary sewers). Others noted that a privately-initiated Zoning By-law Amendment process would be appropriate, to be considered by Council on a site-by-site basis. Others had concern with permitting larger STRs at all, especially in residential areas.

Discussion also took place regarding multiple categories of STRs, based on number of bedrooms, with different zoning regulations for each (e.g., three or less bedrooms, four to six bedrooms, seven to ten bedrooms).

Principal Residence

Discussion took place regarding a requirement for a dwelling to be the principal residence of the owner in order to qualify for a STR license. In the opinion of some participants, this should be a requirement in order to curb the purchase of dwellings for strictly commercial purposes. There was no consensus on this matter. Those against the idea believed the STR industry is needed to provide options for tourist accommodation and can be operated strictly as a business. Others noted that families have historically rented their cottages as STRs, which

are not their principal residence. In those cases, it was argued that there is a difference between cottages being rented occasionally by their owner and dwellings operated as full-time STRs. Those in support of the idea pointed to the degradation of residential areas and the social fabric of the community when dwellings are used only for commercial purposes.

Parking

Parking was a common issue for participants, who noted that STRs often do not have adequate on-site parking for all renters. The spillover of vehicles onto the street and on areas of the lot not dedicated for parking is a nuisance.

The Zoning By-law can regulate the number of parking spaces required on site based on the number of bedrooms. The Zoning By-law can also dictate where parking must be located on site, and whether parking spaces can be permitted in tandem.

Waste

Participants noted that waste storage can be a nuisance to neighbours. A STR operator may place their garbage at the curb days ahead of their collection day. Some may not have dedicated areas on site for waste storage. The Zoning By-law can regulate outside storage of waste on site, for example, by requiring that waste be stored in a certain area (e.g., not in a front yard or side yard), or be stored within an enclosure. Some participants noted that STRs that are run properly have a dedicated waste storage area and an operational plan for dealing with waste.

The Town's Lot Maintenance By-law does regulate garbage and debris on properties. The Zoning By-law could regulate waste more specifically for STRs.

Noise

Noise was commonly noted as a nuisance by stakeholders. The Town's Public Nuisance and Noise By-law does regulate noise within the Town. In the opinion of Staff, the Zoning By-law would not be used to further control noise.

Natural Heritage

Some participants noted that the Town also needs to strike a balance with the natural environment when considering the permission of STRs. STRs should not take away from the natural environment.

Diversity and Inclusion

A comment was received that the Town must also be cognizant of diversity and inclusion when regulating STRs. Some members of the population may wish to travel and stay in larger groups and will need larger STR accommodations.

Land Use Controls

The Town has the ability to use its Official Plan and Zoning By-law to regulate STRs beyond the licensing system. The above factors noted through recent stakeholder consultation, among others, need to be considered carefully if a land use control system is initiated by Council. Staff previously offered some options to Council to regulate the use within Report No. EDTS-04-2021.

The introduction of land use controls would be subject to public consultation (e.g., Open Houses, Public Meetings) through an Official Plan and Zoning By-law Amendment process under the Planning Act. A working group of stakeholders would also provide valuable input into the process to offer different perspectives.

Should Council choose to regulate the use beyond the current licensing system, the necessary approval processes under the Planning Act would be initiated such as Official Plan and Zoning By-law Amendment processes. Further public consultation would take place through these formal Planning Act processes.

Control of Short Term Rentals -Subdivision Agreements

Planning and Development Services staff received a legal opinion from the Town Solicitor on whether or not Council can restrict short-term rental units in the Town of Fort Erie through subdivision agreements. The following summarizes key points of the legal opinion:

- The Town may impose conditions on a draft plan of subdivision to restrict or prohibit STRs provided that the conditions are reasonable, relevant, necessary and equitable and may negotiate the incorporation of such conditions into a subdivision agreement.

- There is a case law example in which the Local Planning Appeal Tribunal (which is now the Ontario Land Tribunal) approved a condition of draft plan approval that placed restrictive covenants on the lots within the draft plan that prohibited short term rental use.

- However, the case law also indicates that the Ontario Land Tribunal does not have authority to interpret or enforce restrictive covenants in the event of a breach.

- Subsection 51(26) of the *Planning Act* gives a municipality the right to enforce subdivision agreements against subsequent owners but this is only a right to litigate. In this regard, the Town would be required to litigate in order to enforce ubdivision agreements that restrict STRs.

Restriction on Issuing further licences

On October 4, 2021 Council passed the following recommendation:

"That No further Short-Term Rental licences be issued beyond the current issued licences and applications currently being processed, pending receipt of the further report from staff regarding land use controls."

This report addresses the above noted recommendation.

Financial/Staffing and Accessibility (AODA) Implications

The creation of a land use control system for STRs is a significant undertaking and a consultant would be needed to lead the Official Plan and Zoning By-law Amendment processes if this is an immediate priority of Council. The cost for a consultant to facilitate and process the amendments would be at a minimum $75,000.

No impediments to the AODA legislation are expected to be developed through the amendments proposed.

Polices Affecting the Proposal

Policy creation and land use controls are regulated through Section 17 and 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended.

Comments from Relevant Departments/Community and Corporate Partners

The Town's Solicitor was consulted regarding the legal opinion detailed in this report.

Communicating Results

No communication is required at this time.

Alternatives

None.

Conclusion

This report summarizes the legal review requested by Council regarding the use of land use planning controls and subdivision agreements to regulate Short-Term Rentals (STRs). The Town has the authority to regulate STRs through a subdivision agreement but any dispute would be litigated. In addition, the Town has the authority through a Zoning By-law to restrict the locations where STR's may be permitted, so long as there are proper planning grounds or standards to do so. However, a legally existing STR is afforded legal non-conforming use protections of the Planning Act and would be entitled to renew its license despite new zoning restrictions.

Staff have undertaken initial consultation with stakeholders to further understand the various consideration of regulating STRs using the Town's Official Plan and Zoning By-

law. Further consultation would be required prior to formally processing amendments on this matter.

This report is recommended to be received for information.

Attachments

None.

RESPONSE TO COUNCIL ENQUIRIES

Date of Response: January 17, 2022

Responsible Department: CAO ☐ COS ☐ PDS ☒ FES ☐ IS ☐ CS ☐

Date of Enquiry:

☒ Council Meeting Date: December 13, 2021
☐ Council-in-Committee Meeting Date: _____

Enquiry by: Councillor Zanko

Nature of Enquiry: Councillor Zanko advised that a member of the public advised that due to the new Animal Control By-law, in order to obtain licences for dogs, you must provide vaccination proof of a Rabies shot. Councillor Zanko advised that she thought Rabies vaccination was required before too, and would like clarification.

Response:

The current Town of Fort Erie By Law - *No. 73-2021, Being an Animal Welfare, Governing the Care, Licensing, and Regulating of Dogs, Cats and other Animals,* Part 2 section 5(6) specific to Licensing of Cats and Dogs states:

"The license application shall include the following, as applicable:

d) veterinary proof of a current rabies vaccination."

A review of the Town of Fort Erie By Law No. 119-97, which precedes the current By Law, does not include this amongst dog licensing requirements.

Status:

☒ Completed ☐ Ongoing ☐ Other (explain) _____

Prepared By: *ORGINAL SIGNED*
Signature

Jim McCaffery,
Coordinator, Municipal Law Enforcement
Name/Title

Read and Recorded into Minutes:_____
(Date)

Interoffice Memorandum

January 17, 2022

To: Mayor and Council
From: M. Ceci, Planning Technician; A. Butler, Manager, Development Approvals
Subject: **BIRD FRIENDLY CITY CERTIFICATION INFORMATION**

At the November 22nd, 2021 Regular Council meeting, Council approved the following resolution:

Resolution No. 13
Moved by: Councillor Butler
Seconded by: Councillor Zanko

***Whereas** a presentation made to Council regarding a Bird Friendly City Initiative by Lynda Goodridge and Deb Sherk - members of the Bert Miller Nature Club, on October 25, 2021, requested the Municipality of the Town of Fort Erie to consider initiatives that would enhance the Initiative;*

***Now therefore be it resolved**;*

***That:** The Municipal Council of the Town of Fort Erie directs staff to provide a memorandum offering suggestions on how staff can investigate and provide recommendations on becoming a Bird Friendly Municipality.*
(Carried)

Planning Staff have prepared this memorandum in response to the resolution put forth by Council.

Background

The Bird Friendly City certification standard was developed by Nature Canada to recognize the contributions that municipalities have made towards saving the lives of birds. The standard provides for independent assessments at the municipal level, and establishes benchmarks for comparison across other municipalities. Nature Canada developed a scoring and evaluation rubric to guide the completion of these assessments (**Appendix "1"**).

The standard consists of several criteria and actions that are weighted by score (**Appendix "1"**), and are categorized according to the three primary elements of a Bird Friendly City: reducing human-related threats to birds, habitat protection, restorations and climate resiliency, and community outreach and education.

To initiate the certification process, completion of a questionnaire is required, followed by a phone meeting with Nature Canada. If Nature Canada determines that the Town has what it takes to pursue the certification, a one-hour Bird Friendly City webinar will have to be attended. Following this, the formal application process and assessment would occur, wherein the Town would provide evidence and information to Nature Canada relative to the criteria and actions set out in the scoring and evaluation rubric (**Appendix "1"**).

Municipalities have the opportunity to achieve one of three statuses: Entry, Intermediate and High. There are five mandatory criteria that a municipality must satisfy, and a formal status is awarded based on the number of points achieved for the various criteria and actions summarized below:

1. **Reducing human-related threats to birds, including:**

    - Cats roaming at large
    - Window collisions
    - Light pollution
    - Non-essential pesticide use
    - Plastic waste
    - Bird collisions with vehicles
    - Human and pet disturbances

2. **Habitat protection, restoration, and climate resiliency:**

    - Commitment to increase the amount of natural areas within the municipality
    - Having a biological diversity strategy
    - Having a climate change adaptation strategy
    - Having a habitat management strategy
    - Having an Important Bird and Biodiversity Area
    - Promoting the planting of native local flora
    - Widespread community participation in initiatives
    - Stewardship implementation by Bird Friendly City partner groups

3. **Community outreach/education:**

    - Hold and proclaim a World Migratory Bird Day event
    - Have educational programs and opportunities for students
    - Installation of educational demonstrations or public displays
    - Adoption of bird friendly practices by College and University campuses
    - Have at least one birding location (for observation and appreciation)
    - Provision of public access to resources
    - Periodic publication of a "Bird Checklist" by a Bird Team partner
    - Promotion of bird friendly practices by businesses
    - Determine a "City Bird" species through a public engagement process
    - Have an active citizen science program to monitor birds

The “Entry Status” is awarded when approximately 50% of the available points within each of the three categories detailed above are attained. The “Intermediate Status” is achieved when 65% to 80% of available points are attained, followed by “High Status” requiring greater than 80%.

Nature Canada notes the following benefits of certification:

- It’s a source of community pride;
- It provides a standard to measure impact and progress, and helps to guide future efforts;
- It provides access to a network of other certified cities;
- It encourages ecotourism; and
- It provides access to products, discounts, and small grants

Discussion

Staff has had some discussion with Ms. Goodridge prior to finalizing this memorandum. It is Staff’s understanding that the committee formed by residents to pursue the certification intends on completing as much of the baseline survey as they are able to. The committee has already been in contact with Nature Canada and is eager for the Town’s assistance in collecting baseline data.

Upon review of the Bird Friendly City certification process and criteria, it is anticipated that a substantial amount of Staff time will be required to collaborate with the committee on the application to nature Canada. Staff time would be initially required to consolidate the necessary evidence and information to support the Town’s application, in collaboration with the committee. It is also possible that the Town may not currently meet the requirements to achieve the “Entry Status”, at which point, further Staff time would be required to implement changes in order to meet additional criteria, if directed to do so by Council. Such work could include revising policies, developing strategies, and engaging with community stakeholders. This work would likely involve other departments beyond Planning and Development Services.

If Council chooses, a plausible first step towards exploring certification is to collaborate with Ms. Goodridge, Ms. Sherk, and their committee, to complete the baseline assessment. As noted, this would take up Staff resources within Planning and Development Services which are currently dedicated to other priorities within the department. Beyond the baseline survey, a considerable amount of Staff resources would be needed to develop policies and strategies to achieve certification.

All of which is respectfully submitted,

Original Signed	***Original Signed***
Mackenzie Ceci, Planning Technician	Aaron Butler, MCIP, RPP Manager, Development Approvals

Attach: Appendix “1” - Nature Canada Scoring and Evaluation Rubric

CRITERIA	DESCRIPTION	INDICATORS/EVIDENCE	SCORING
MANDATORY	Establish a Bird Team (standing committee) to drive the project forward. Try to ensure that your team represents different perspectives and has a liaison with the municipality.	Provide a list of the Bird Team members, affiliations and contact information.	
MANDATORY	Provide evidence you have determined in which indigenous traditional territory (ies) your municipality occurs and that you are encouraging the participation and perspective of the local Indigenous community in the initiative.	Provide the name of the relevant Indigenous Nation (s) and report on the outcome of an invitation to participate in the initiative.	
MANDATORY	Pass a council resolution nominating or supporting your municipality's efforts to be a Bird Friendly City OR a letter of support from a high-ranking city official.	Willingness to pass council resolution within the first year of certification OR a letter of support for the certification program from a high-ranking city official (mayor, CEO, etc).	
MANDATORY	Once your municipality has been accorded Bird Friendly City status, the Bird Team must provide an annual report card on activities related to your Bird Friendly City status.	Provide Annual Report card by (calendar year) by February 1.	
MANDATORY	Include information about Bird Friendly City on the City website somewhere it can be easily found.	Provide link and proof of posting.	
		Generally, all of the points are awarded contingent on evidence in support of the action. However, points can be rewarded even if the action has not been completed, as long as there is strong evidence that a process to implement or complete the action is underway.	
1.1 THREAT REDUCTION	Regulatory and educational measures taken to help control and reduce populations of cats roaming at large: **a.** Coordinated efforts directed at cat owners to reduce the number of owned cats outside such as educational campaigns, licensing and no-roam bylaws. (2) **b.** Within the municipality there is an active strategy to reduce populations of unowned (feral) cats and mitigate their threat to birds (e.g. removing feral colonies from areas of high bird importance). (2) **c.** The Bird Team and/ municipality either has, or is a partner in programs/ projects to estimate the number and/or distribution of cats outdoors so that progress on reducing the populations of outdoor cats can be tracked over time. (2)	Proof of each action required. Two points per action. Generally if you can demonstrate some level of progress for each action, you will be awarded one point. Two points will be limited to comprehensive efforts to address that one issue. For example, for a. To get 2 points, you need to have a no-roam bylaw AND demonstrate both enforcement of the bylaw and an educational campaign to make cat owners aware of the bylaw. For b, evidence of an active program to humanely reduce the number of unowned outdoor cats. 2 points will be awarded for broad, municipal-wide strategies and actions that can demonstrate progress on the goal. For c. proof of implementation of a cat counting/ estimating protocol to establish baseline numbers or to compare with baseline numbers will be awarded 2 points. Proof of intent to implement such a protocol gets one point.	**6 points**

1.2 THREAT REDUCTION	Demonstrate that your municipality is taking measures to reduce window collisions by: **a)** Developing and implementing bird friendly design standards/CSA Bird Friendly Building Design standard for new construction (2) **b)** Assessing and mitigating risk to birds from existing and proposed municipal buildings (1) **c)** Informing and educating property owners and tenants of existing buildings (including home owners) of measures they can take to mitigate bird collision risk (1) **d)** Establishing a baseline and maintaining a database of the number of residences or buildings with treated windows in the city to demonstrate progress over time. (1)	Proof of each action required. Two points for a and one for b,c and d. **a)** Refers to the municipality developing or adopting bird friendly or bird safe standards for new construction. One point is awarded if the standard is a guideline, two points if the standard is a requirement. **b)** One point if individuals or a group monitors window collisions, and/or assess risk by using BirdSafe, or a similar program. **c)** One point is awarded with evidence of educational campaigns focused on the broad public or specific neighbourhoods. **d)** Evidence of the database is provided.	**5 points**
1.3 THREAT REDUCTION	**a)** Municipality has a light pollution reduction strategy and supports actions to reduce light pollution, particularly during migratory seasons. **b)** Light pollution mitigation standards for all new developments and/or retrofit program to replace street lamps with energy-efficient shielded fixtures **c)** Outreach campaign for residents and businesses to promote responsible light control practices within the municipality.	**a)** One point is given upon evidence of a strategy to reduce light pollution. **b)** One point given for either proof of mitigation standards (e.g. bylaw or guidance), and/ or proof of a retrofit program (e.g. retrofitting standard street lights with downward directional street lighting). To attain “high level” certification, there must be evidence of both standards for new development and a retrofit program. **c)** One point for educational and outreach campaigns to reduce light attraction during migration periods such as the “lights out Toronto” campaigns of the past.	**3 points**
1.4 THREAT REDUCTION	Municipality has a policy to reduce or eliminate non-essential pesticide use that directly or indirectly harms birds, on public and private land that is implemented through local bylaws. This policy should include restrictions on pesticides used to control nuisance insects such as mosquitos (such as Bti) unless there is a demonstrated health risk (such as proof of West Nile in larvae).	Proof of the policy is provided. Examples of such policies would include a ban on cosmetic use of pesticides or the use of rodenticides when harm to bird populations has been demonstrated. The use of BTI to control mosquitoes and blackflies is controversial, in that it is increasingly used by municipalities to kill mosquitoes and fly larva in wetlands in response to neighbourhood pressure. There is strong evidence that this reduces the available food for aerial insectivores like swallows and has a negative impact on their populations.	**1 point**
1.5 THREAT REDUCTION	Municipality takes regulatory measures and encourages voluntary measures to reduce the amount of plastic waste generated (e.g. banning of single use plastics).	Provide proof of regulatory (e.g. a municipal bylaw) and voluntary measures (e.g. a local business) such as a ban on single use plastics, shopping bags, plastic straws, etc.	**1 point**
1.6 THREAT REDUCTION	Measures in place to reduce bird collisions with vehicles such as lower speed limits when passing through important bird habitat, and measures to reduce the number of vehicles on the roads (such as a good public transit system and cycling infrastructure).	Provide proof of measures to protect birds from vehicle collisions. For example, at locations where a busy road cuts through a wildlife corridor, evidence of mitigation would include lower speed limits, signage about wildlife crossing, or proof of engineered solutions such as wildlife underpasses or overpasses.	**1 point**

1.7 THREAT REDUCTION	Municipality has policy and practices to prohibit or mitigate disturbance of birds from humans or their pets at natural areas or important bird habitat (e.g., leash bylaw, no-go zones certain times of year).	Provide proof of policy and examples of implementation such as signage at important bird habitat (e.g. a natural area, wetland or known migratory stopover site) or evidence of a bylaw in place. Provide evidence that important bird habitats/ biodiversity hotspots are recognized within an official policy document.	**1 point**
SCORING		Entry – 9 points from at least 3 categories Intermediate – 12 points from at least 5 categories including at least 1 category worth 2 or more. High – 14 points or more. Must include at least 2 points in categories 1 and 2.	**18 points**
2.1 HABITAT PROTECTION, RESTORATION, AND CLIMATE RESILIENCY	Natural areas within the municipal boundaries are protected within the Municipal Plan and there is a commitment to increase this area. Plan distinguishes between natural areas and other types of municipal space such as recreational parks.	Provide proof of the policy. To maintain this criterion, the city must document the size of the area protected, and demonstrate a commitment to increase in this area over time. Any municipal plan that includes protection of natural area spaces will receive one point. Additional points are based on the evidence of implementation and whether there are ambitious targets to increase the number and size of the protected areas.	**3 points**
2.2 HABITAT PROTECTION, RESTORATION, AND CLIMATE RESILIENCY	Municipality has an official strategy to protect the biological diversity in its parks and natural areas. The strategy includes measures such as promoting connectivity between natural areas, buffering core biodiversity hotspots from harmful human activities, increasing the number of protected areas, and periodically monitoring birds on some city parks to assess the success of the strategy.	Provide proof of the strategy and its implementation. The strategy to protect biological diversity can be part of the protected areas plan, or *vice versa*, but must specifically identify protection of biological diversity as a goal. One point is awarded for having an official strategy (adopted by Council). Two points if the strategy has targets and metrics for success and there is evidence of implementation. Three points for cities that meet the previous two tests as well as using monitoring to track changes to biodiversity and use results for adaptive management (e.g. bird monitoring in city owned natural areas).	**3 points**
2,3 HABITAT PROTECTION, RESTORATION, AND CLIMATE RESILIENCY	Municipality has a climate change adaptation strategy that includes specific measures including nature-based climate solutions. Examples of this include wetland creation to absorb and retain flood water, or planting trees to create shade and lower the surface air temperature.	Provide proof of the strategy and its implementation. One point if the City has an official strategy. Additional points are awarded based evidence of ongoing measures and actions.	**3 points**

2.4 HABITAT PROTECTION, RESTORATION, AND CLIMATE RESILIENCY	Municipality has a habitat management strategy based on ecological and climate considerations. These include: **a)** increasing the number of trees and area of the urban forest canopy; **b)** leaving snags standing in cases where public safety is not jeopardized; **c)** protecting trees on private and public lands; and **d)** prohibiting active vegetation management during breeding season on municipal lands, including forests, storm-water management facilities, and easements.	Provide proof of implementation of the strategy and each action. One point per action. Evidence for **a.** includes inventories of trees and plans for increasing the numbers. For **b.** One point is based on evidence such as policy statements or evidence within management plans for natural areas. **C.** refers to a tree bylaw that protects trees as a public value from private landowners cutting them down without permits. For **d.** a point is accorded if a city can demonstrate that its employees involved in active habitat management do not harm breeding birds or their habitat.	**4 points**
2.5 HABITAT PROTECTION, RESTORATION, AND CLIMATE RESILIENCY	Municipality has an Important Bird and Biodiversity Area (IBA) within or adjacent to its boundaries. A local partnership promotes the protection and stewardship of this area.	One point if there is one or more nearby IBAs and the Bird Team can provide the names of the IBAs and at least one IBA caretaker group or individual.	**1 point**
2.6 HABITAT PROTECTION, RESTORATION, AND CLIMATE RESILIENCY	Municipality promotes the importance of planting native local flora on municipal lands, especially where new development is occurring through development and landscaping guidelines and standards in areas near natural features. Subdivision permits should include conditions protecting existing natural habitat and promote use of native vegetation and include measures to discourage illegal disposal of yard waste (a source of invasive exotic plants) in natural areas.	One point for evidence that the municipality promotes the use of site-appropriate native flora in landscaping for its own properties and for development landscaping standards for subdivision permits.	**1 point**
2.7 HABITAT PROTECTION, RESTORATION, AND CLIMATE RESILIENCY	Demonstrate widespread community participation in initiatives to encourage native plant habitat that supports native birds and pollinators on private property, to increase the urban tree canopy on private land, and to support other “green infrastructure” initiatives to address climate change.	One point if you provide evidence supporting “widespread community participation” in at least one national or international initiative or local program that encourages increasing wildlife habitat on private land. This could include membership in a program like Bee City for example.	**1 point**
2.8 HABITAT PROTECTION, RESTORATION, AND CLIMATE RESILIENCY	Bird Friendly City partner groups implement stewardship to increase or improve breeding or stopover habitat for bird conservation priority species from your Bird Conservation Region Plan. Example species include Species at Risk (e.g. Chimney Swift) and other aerial insectivores, Eastern Meadowlark and other grassland birds and shorebirds. Example actions including providing housing (e.g., maintained Purple Martin condos), and maintaining bird-friendly hay production.	A point is awarded to cities in which there are active stewardship recovery projects such as those suggested in the criterion description.	**1 point**

SCORING		Entry - 8 points from at least 3 categories Intermediate - 11 points from at least 4 categories High - 14 points from at least 6 categories including at least 1 point from categories 2.1, 2.2, 2.3 and 2.4.	**17 points**
3.1 COMMUNITY OUTREACH/ EDUCATION	Hold (and officially proclaim) a World Migratory Bird Day event annually to celebrate birds in your municipality.	This is a mandatory action for this program. Cities must hold a Bird Day event to apply. To receive all 4 points, you must provide proof of the event and Mayor's or Council proclamation in support of Bird Day.	**4 points**
3.2 COMMUNITY OUTREACH/ EDUCATION	A significant percentage of local schools and other educational organizations (e.g. Scouts Canada, Earth Rangers, 4-H) provide students with opportunities to connect with nature, enjoy birds and learn how to help them. Local school boards, conservation authority, or municipality, has facilities/staffing to support outdoor/environmental education, including opportunities to observe birds. At least one school does a specific bird-related program such as Christmas bird count for kids or curriculum from Keep cats safe and save bird lives. Educational programs must include specific elements designed to engage members of the public who could be considered underprivileged families and groups, racialized youth and recent arrivals to Canada.	Provide evidence in support of this level of outreach and engagement of children, youth and other target audiences One point is awarded if there are local education facilities and institutions that include activities for children to observe and appreciate birds both in school and outside through an educational organization that offers nature programing to the public. Two points if there are specific bird-related nature programs for recent arrivals to Canada, underprivileged or racialized families. Three points if there is at least one school or organization that offers programming from the *Keep cats safe and save bird* lives curriculum.	**3 points**
3.3 COMMUNITY OUTREACH/ EDUCATION	College and University campuses have adopted practices that actively reduce threats to birds or establish habitat that benefits birds. Implementation of practices should include or be driven by student committees or groups.	One point is awarded based on evidence that institutions that have policies and practices to benefit birds including names of institutions, the programs that they participate in (e.g BirdSafe, Bee City), as well as an example of a recent action and evidence of student involvement.	**1 point**
3.4 COMMUNITY OUTREACH/ EDUCATION	Bird Team partners (including Municipality) provide public access to resources (web links, brochures etc.) that encourage and inform the public of the benefit to birds from native plant gardening or establishment of natural habitat patches on their property in support of birds and/or pollinators (e.g. backyard habitat program).	One point if you can provide evidence of the digital or paper resources, as well as evidence of public interest and knowledge of them (e.g. social media activity).	**1 point**
3.5 COMMUNITY OUTREACH/ EDUCATION	Municipality and Bird Friendly City partners install demonstrations or displays in public areas that educate citizens on the benefits of bird friendly actions and encourage engagement (benefits of dark sky lighting, window modifications etc.)	One point based on proof of installations (e.g. photographic evidence, or news stories.)	**1 point**
3.6 COMMUNITY OUTREACH/ EDUCATION	There is at least one birding location within your city or town that has infrastructure to facilitate the observation and appreciation of birds (e.g. signs, panels, observation tower, and trails). This facility is publicly accessible for people without a car (serviced by public transit and/or bicycle and pedestrian trails. Digital information on birding areas should be easily available.	One point based on evidence of a local birding area that is publicly accessible, a brief description of the infrastructures (e.g. trails, observation tower), and how the area can be accessed by someone without a car.	**1 point**

3.7 COMMUNITY OUTREACH/ EDUCATION	A Bird Team partner periodically publishes a "Bird checklist" for your city or town. This checklist should be easily available in digital form on the Internet. Alternatively, there are eBird hotspots in your City.	One point based on proof that a local bird checklist exists in a published form or there are eBird hotspots in your city.	**1 point**
3.8 COMMUNITY OUTREACH/ EDUCATION	Businesses in your area promote bird friendly practices (e.g. sell or offer bird friendly coffee, no single use plastics, treat their windows with feather-friendly markers, etc.). These businesses should be recognized on partner websites.	To receive a point, you must provide proof that at least two businesses in your area have bird friendly practices. You must name the businesses and describe what bird-friendly practices they have.	**1 point**
3.9 COMMUNITY OUTREACH/ EDUCATION	You have a "City Bird" species that was selected through a public engagement process.	To receive a point for this criterion, you must provide the name of the "City Bird" species, proof of its status, and evidence of the process to select it.	**1 point**
3.10 COMMUNITY OUTREACH/ EDUCATION	There are active citizen science programs to monitor birds in your municipality including Christmas Bird Count, Swift Night Out, and Marsh Monitoring, and Global Bird Rescue, which monitor birds on areas that include public land. Public participation in these programs is promoted on local media. Demonstrate efforts to engage members of the public could be considered underprivileged, racialized or recent arrivals to Canada.	To receive one point, provide a list of bird-related citizen science programs in your city and describe the level of public interest and engagement of target audiences.	**1 point.**
SCORING		All levels must do 3.1 Entry - 7 points from at least 3 categories Intermediate - 9 points from at least 5 categories. High – 12 points from at least 7 categories.	**15 points**
GRAND TOTAL		Minimum scores to attain different levels Entry 24 (48%) Intermediate 32 (64%) High 40 (80%)	**Total possible points = 50**

The Municipal Corporation of the Town of Fort Erie

By-law No. 1-2022

Being a By-law to Provide For Interim Taxes For The Year 2022

Whereas Section 317 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, (the "*Act*") provides that the council of a local municipality, before the adoption of estimates for the year, may pass a by-law levying amounts on the assessment of property in the local municipality rateable for local municipality purposes; and

Whereas it is deemed appropriate to provide for such interim levy on the assessment of property in the Town of Fort Erie;

Now Therefore the Municipal Council of The Corporation of the Town of Fort Erie hereby enacts as follows:

1. **That** in this by-law the following words shall be defined as:

"Minister" shall mean the Minister of Finance;
"MPAC" shall mean the Municipal Property Assessment Corporation;

2. **That** the amounts levied for 2022 shall be as follows:

2.1 For the Residential, Pipeline, Farmland and Managed Forest property classes there shall be imposed and collected an interim levy of:

i. The percentage prescribed by the Minister under Section 317(3) of the *Act* ; or,

ii. 50%, if no percentage is prescribed, of the total taxes for municipal and school purposes levied on in the year 2021.

2.2 For the Multi-Residential, Commercial and Industrial property classes there shall be imposed and collected an interim levy of:

i. The percentage prescribed by the Minister under Section 317(3) of the *Act*; or,

ii. 50%, if no percentage is prescribed, of the total taxes for municipal and school purposes levied on in the year 2021.

3. **That** for the purposes of calculating the total amount of taxes for the year 2021 under Section 2, if any taxes for municipal and school purposes were levied on a property for only part of 2021 because assessment was added to the collector's roll during 2021, an amount shall be added equal to the additional taxes that would have been levied on the property if taxes for municipal and school purposes had been levied for the entire year.

4. **That** the provisions of this by-law apply in the event that assessment is added for the year 2021 to the collector's roll after the date this by-law is passed and an interim levy shall be imposed and collected.

5. **That** all taxes levied under this by-law shall be payable to the office of the Treasurer, or any financial institution within the Town of Fort Erie, in accordance with the provisions of this by-law.

6. **That** a penalty of one and one-quarter percent (1.25%) of the amount of each installment shall be imposed on the first day of default and an interest charge of one and one-quarter percent (1.25%) imposed on the first day of each calendar month thereof in which default continues until the taxes are paid as prescribed by Section 345 of the *Act*.

7. **That** the interim tax levy imposed by this by-law shall be paid in two installments due on the following dates:

i. One-half (1/2) thereof on the 28th day of February of 2022; and

ii. One-half (1/2) thereof on the 29th day of April of 2022.

Non-payment of the amount on the dates stated above shall constitute default and any subsequent installments shall forthwith become payable.

8. **That** the Treasurer may mail or cause to be mailed to the address of the residence or place of business of each person taxed under this by-law, a notice specifying the amount of taxes payable, or such other address as the taxpayer directs.

9. **That** the notice to be mailed under this by-law shall contain the particulars provided for in this by-law and the information required to be entered in the collector's roll under Section 343 of the *Act*.

10. **That** the final levy for the year 2022 to be made under the *Act,* shall be reduced by the amount to be raised by the levy imposed by this by-law.

11. **That** the provisions of Section 317 of the *Act*, as amended, apply to this by-law.

12. **That** the Treasurer shall be authorized to accept part payment from time to time on account of any taxes due, and to give a receipt of such part payment. No part payment shall be accepted on account of taxes in respect of which a tax arrears certificate is registered under the *Act*, except under an extension agreement entered into under Section 378 of the *Act*.

13. **That** nothing in this by-law shall prevent the Treasurer from proceeding at any time with the collection of any tax, or any part thereof, in accordance with the provisions of the statutes and by-laws governing the collection of taxes.

14. **That** in the event of any conflict between the provisions of this by-law and any other by-law, the provisions of this by-law shall prevail.

15. **That** this by-law shall come into force and take effect on the day of the final passing thereof.

16. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 17th day of January, 2022.

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 1-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 2022

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The Municipal Corporation of the Town of Fort Erie

By-law No. 2-2022

Being a By-law to Authorize the Mayor or Acting Mayor and the Treasurer or Deputy Treasurer of The Corporation of the Town of Fort Erie to Borrow Certain Sums to Meet Expenses For The Year 2022

Whereas pursuant to Section 407(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, (the "*Act"*) provides that at any time during a fiscal year, a municipality may authorize temporary borrowing, until the taxes are collected and other revenues are received, of the amounts council considers necessary to meet the expenses of the municipality for the year; and

Whereas a Demand Operating Facility Agreement is in place with The Toronto-Dominion Bank to permit the Town to borrow from time to time to an upset limit of $2.5 million dollars; and

Whereas it is deemed necessary to authorize the borrowing of monies to meet the expenses of The Corporation of the Town of Fort Erie for the year 2022 pending the collection of current revenues in accordance with the provisions of the Demand Operating Facility Agreement;

Now therefore the Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the Mayor or Acting Mayor and the Treasurer or Deputy Treasurer of the Corporation are authorized to borrow from time to time from the Toronto-Dominion Bank in accordance with the Demand Operating Facility Agreement.

2. **That** the Mayor or Acting Mayor and the Treasurer or Deputy Treasurer are authorized to execute on behalf of the Corporation a promissory note or notes in accordance with the Demand Operating Facility Agreement.

3. **That** a promissory note or notes, signed by the Mayor or Acting Mayor, and the Treasurer or Deputy Treasurer, and affixed with the Corporate Seal, for the amount from time to time borrowed under the authority hereof and interest thereon may be given to the Toronto-Dominion Bank or its representative from time to time as security for such loans.

4. **That** the Treasurer or Deputy Treasurer are authorized and directed to apply in payment of the money borrowed as aforesaid, together with interest thereon, all the monies now or hereafter collected or received on account or realized in respect of taxes levied for the current year and previous years and all of the monies collected or received from other sources excluding the sale of debentures, which may be lawfully applied for such purpose.

5. **That** all of the taxes levied or to be levied for the current year and previous years, and all other revenues of the Corporation which may be lawfully charged for such purposes are charged with repaying the same so borrowed.

6. **That** the Mayor or Acting Mayor and the Treasurer or Deputy Treasurer of the Corporation are authorized and directed to execute any documentation necessary to complete the intent of this by-law.

7. **That** this by-law shall come into force and take effect on the day of the final passing thereof.

8. **That** the Clerk of the Town is authorized to effect any minor modifications, errors, omissions or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 17th day of January, 2022.

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 2-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 2022

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The Municipal Corporation of the Town of Fort Erie

By-law No. 3-2022

Being a By-law to Adopt the 2022 Water and Wastewater Budget, to Adopt Rates and Fees For The Year 2022

Whereas By-law No. 4-2021 adopted rates and fees for the year 2021 and continues in effect until superseded by the passage of this by-law; and

Whereas Report No. CBC-02-2022 was considered and approved at the Council-in-Budget Committee meeting held on December 8, 2021, as follows:

THAT: Council approves the 2022 Water and Wastewater Operating Budget attached as Appendix "1" to Report No. CBC-02-2022, and further

THAT: Council sets the 2022 Water and Wastewater rates, subject to Regional Council approval of treatment rates, effective with billing for January 2022 as follows:

- 2022 water base rate per month: $25.25
- 2022 water rate per cubic metre: $1.465
- 2022 wastewater base rate per month: $42.30
- 2022 wastewater rate per cubic metre: $2.261

and further,

THAT: Council excludes the capital asset amortization of $1.8 million from the 2022 Water and Wastewater Operating Budgets, and further

THAT: Council directs staff to submit the 2022 Water and Wastewater Operating Budget and Rates By-law for Council approval on January 17, 2022; and

Whereas in accordance with Public Notice Policy By-law No. 206-07 public notice of the budget meeting schedule and by-law adoption was published in the Post on November 11th, 2021, posted on the Town of Fort Erie website and included in the Council-in-Committee Agendas;

Now Therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the 2022 Water and Wastewater Budget for the Town of Fort Erie as set out in Schedule "A" attached and forming part of this by-law is approved and adopted.

2. **That** the Water and Wastewater Rates for 2022 and Fees and Charges as set out in Schedule "B" attached and forming part of this by-law are established approved and adopted.

3. **That** the rates and fees and charges established herein shall remain in effect until repealed or superceded by another by-law.

4. **That** where any by-laws or amendments have been repealed or superseded with respect to the payment of rates and fees and charges, same are recognized to be in force and effect at that time and to continue in effect for collection purposes.

5. **That** the Clerk of the Town is authorized to effect any minor modifications corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 17th day of January, 2022.

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 3-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 2022

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Schedule "A" to By-law No. 3-2022

Run Date: 06/01/22 12:11 PM

CORPORATION OF THE TOWN OF FORT ERIE

2022 BUDGET REPORT

	2021 YTD Actuals	2021 Approved Budget	2022 Budget	2023 Forecast	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast
Revenue								
Water/wastewater billings	(17,965,355)	(19,496,501)	(20,352,134)	(21,278,501)	(22,056,864)	(22,904,930)	(23,691,813)	(24,444,270)
Local Improvement Charges	(120,872)	(120,901)	(120,901)	(43,555)	(43,555)	(22,397)	(22,397)	0
Grants	0	(18,000)	(18,000)	(18,000)	(18,000)	(18,000)	(18,000)	(18,000)
Interest & Penalties	(42,691)	(46,000)	(46,000)	(46,000)	(46,000)	(46,000)	(46,000)	(20,000)
User Fees	(126,051)	(83,000)	(103,000)	(103,000)	(103,000)	(103,000)	(103,000)	(103,000)
Total Revenue	(18,254,969)	(19,764,402)	(20,640,035)	(21,489,056)	(22,267,419)	(23,094,327)	(23,881,210)	(24,585,270)
Expenses								
Wages & Benefits	2,085,919	2,176,821	2,253,092	2,281,125	2,321,040	2,365,146	2,412,453	2,460,695
Materials & Services	467,097	832,397	964,100	1,239,050	864,150	927,300	885,600	691,750
Debt Interest Charges	70,685	92,263	82,683	72,838	63,211	53,375	45,123	37,856
Regional Treatment Costs	10,265,341	11,352,451	12,319,094	12,875,429	13,568,977	14,300,977	15,073,616	15,889,208
Total Expenses	12,889,042	14,453,932	15,618,969	16,468,442	16,817,378	17,646,798	18,416,792	19,079,509
NET BEFORE FINANCING AND TRANSFERS	5,365,927	5,310,470	5,021,066	5,020,614	5,450,041	5,447,529	5,464,418	5,505,761
FINANCING & TRANSFERS								
Interdepartmental Transfers								
Fleet Related Charges	232,541	355,027	365,343	364,814	372,237	382,368	375,316	379,710
Program Support Charges	888,562	888,562	969,670	995,137	1,021,581	1,049,171	1,077,936	1,107,618
Total Interdepartmental Transfers	1,121,103	1,243,589	1,335,013	1,359,951	1,393,818	1,431,539	1,453,252	1,487,328
Debt Principal Charges								
Repayment of Debt	264,880	264,880	267,075	269,361	271,741	274,220	212,000	212,000
Total Debt Principal Charges	264,880	264,880	267,075	269,361	271,741	274,220	212,000	212,000
Reserve Transfers								

Water & Wastewater

Run Date: 06/01/22 12:11 PM

CORPORATION OF THE TOWN OF FORT ERIE
2022 BUDGET REPORT

	2021 YTD Actuals	2021 Approved Budget	2022 Budget	2023 Forecast	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast
Transfers from Reserves	(70,716)	(150,000)	(450,828)	(150,000)	(100,000)	(150,000)	(100,000)	(100,000)
Transfers to Reserves	4,251,951	4,245,809	4,156,289	4,156,289	4,156,289	4,156,289	4,156,289	4,156,289
Transfers from Development Charges Reserve	(131,889)	(293,808)	(286,483)	(614,987)	(271,807)	(264,519)	(257,123)	(249,856)
Total Reserve Transfers	4,049,346	3,802,001	3,418,978	3,391,302	3,784,482	3,741,770	3,799,166	3,806,433
NET FINANCING & TRANSFERS	5,435,329	5,310,470	5,021,066	5,020,614	5,450,041	5,447,529	5,464,418	5,505,761
(SURPLUS)/DEFICIT CARRYFORWARD	0	0	0	0	0	0	0	0
DEPARTMENT NET REVENUE /(EXPENDITURE)	(69,402)	0	0	0	0	0	0	0
Reconciliation to Accrual Basis								
Reserve Transfers								
Transfers from Reserves	(70,716)	(150,000)	(450,828)	(150,000)	(100,000)	(150,000)	(100,000)	(100,000)
Transfers to Reserves	4,251,951	4,245,809	4,156,289	4,156,289	4,156,289	4,156,289	4,156,289	4,156,289
Transfers from Development Charges Reserve	(131,889)	(293,808)	(286,483)	(614,987)	(271,807)	(264,519)	(257,123)	(249,856)
Total Reserve Transfers	4,049,346	3,802,001	3,418,978	3,391,302	3,784,482	3,741,770	3,799,166	3,806,433
Debt Principal Charges								
Repayment of Debt	264,880	264,880	267,075	269,361	271,741	274,220	212,000	212,000
Total Debt Principal Charges	264,880	264,880	267,075	269,361	271,741	274,220	212,000	212,000
Accrual Entries								
Amortization	(891,635)	(1,590,900)	(1,783,300)	(1,783,300)	(1,783,300)	(1,783,300)	(1,783,300)	(1,783,300)
Total Accrual Entries	(891,635)	(1,590,900)	(1,783,300)	(1,783,300)	(1,783,300)	(1,783,300)	(1,783,300)	(1,783,300)
ACCRUAL BASIS SURPLUS/(DEFICIT)	3,353,189	2,475,981	1,902,753	1,877,363	2,272,923	2,232,690	2,227,866	2,235,133

Water & Wastewater

SCHEDULE "B" TO BY-LAW NO. 3-2022

1. WATER AND WASTEWATER RATES FOR 2022

1.1 RATES SCHEDULE

The following rates shall apply to all water and wastewater bills issued after February 1st, 2022.

Metered Consumption Rate			
Per Cubic Metre			**($)**
(I Cubic Metre equals 1000 liters)			
Water			1.465
Wastewater			2.261
Total			3.726
Water Only Commercial Users			1.515
Per 1000 Gallons			
(1 Cubic Metre equals 220 gallons)			
Water			6.659
Wastewater			10.277
Total			16.936

Flat Rates Per Month			
(Base Rate plus Consumption Rate Estimate for a less than 25 mm meter)			
Water			48.69
Wastewater			78.48
Total			127.17
Wastewater Only			78.48

Monthly Base Rates Per Meter Size

Meter Size		**Meter**	**Water**	**Wastewater**	**Combined**
(mm)	**(Inches)**	**Size Factor**	**($)**	**($)**	**($)**
Base Meter Rate			25.25	42.30	67.55
Less than 25mm		1	25.25	42.30	67.55
25	1	1.4	35.35	59.22	94.57
38	1.5	1.8	45.45	76.14	121.59
50	2	2.9	73.23	122.67	195.90
75	3	11	277.75	465.30	743.05
100	4	14	353.50	592.20	945.70
150	6	21	530.25	888.30	1,418.55
200	8	29	732.25	1,226.70	1,958.95
250	10	40	1,010.00	1,692.00	2,702.00

(For clarification; the first bill utilizing the 2022 rates will be mailed February 15th, 2022 and will include the January 2022 consumption and base period. The due date of the bill will be March 3rd, 2022.)

1.2 The base rate set out in Section (1.1) above, applies to all buildings in a serviced area provided with a water service connection, or a wastewater service connection, or both.

1.3 The monthly water and wastewater flat rates for 25 mm or greater meter sizes shall be calculated on the basis of the applicable meter rate plus the estimated monthly usage established by engineering study.

1.4 A monthly rate shall be applied in accordance with Section (1.1) herein, and collected from customers connected to the wastewater collection system but not connected to the water system.

1.5 The monthly wastewater flat rate for customers provided with wastewater services only shall include the minimum base rate for wastewater as set out in Section (1.1) herein.

1.6 The minimum monthly billing for water or wastewater or both shall be the base rate according to meter size.

1.7 Notwithstanding any other provisions of this by-law, where a single meter is installed for the servicing of a multi-unit complex, the monthly water and wastewater base rate shall be the base rate for a meter size less than 25 mm multiplied by the number of units in the complex or such other base rate established in any development agreement entered into between the Town and the property owner.

2. CONSTRUCTION, RENOVATION, COMMERCIAL OR OTHER USE OF UNMETERED WATER

2.1 Except as approved by separate agreement, where water is obtained from the Corporation for building construction or renovation purposes, prior to water meter installation, the charges shall be calculated as follows:

A one-time initial flat rate fee of:	$220.00	Up to 3,000 square feet of gross floor area
	$331.00	3,000 to 6,000 square feet gross floor area
	$442.00	6,000 square feet and over

to be paid upon the issuance of the building permit or a conditional building permit. This fee covers the cost of water used and an estimate of contributions to the sanitary system through direct inflow during new construction or renovation for a maximum period of 90 days after which time a monthly flat rate fee for water and wastewater as established by the Engineer, or his designate, shall apply until the meter is installed. The 90-day period may be extended with cause, in writing, by the Engineer or designate on the payment of a pro-rated fee based on the initial flat rate fee.

2.2 Other Unmetered Usage

Except as approved by separate agreement, where unmetered water is obtained from the Corporation for commercial or social usages and where such water is provided unmetered, the Engineer or his designate shall approve the manner in which the water is obtained and discharged and shall calculate the appropriate fees, both base rates and consumption rates, to be applied, based on estimated water usage, and estimated return of water to the wastewater collection system, the applicable water and wastewater rates and the duration of time services will be supplied. The calculated fees shall be paid upon the issuance of permission to obtain water.

2.3 Water Returned to the Wastewater Collection System

Except as authorized by the Engineer or designate, only water originating from the water works system may be returned to the wastewater collection system. Storm, surface and ground waters shall be directed to the appropriate storm water drainage system.

3. WASTEWATER SERVICE RATES

3.1 Metered Non-Domestic Wastewater Users

Metered non-domestic wastewater users shall be charged a usage rate and a monthly base rate and as set out below in sub-paragraphs a) and b) respectively:

a) Usage Rate

A usage rate per metered volume of wastewater discharged to the wastewater collection system as per sub-section 1.1

b) Base Rates

(i) Water and Wastewater Non-domestic Customers
Non-domestic customers receiving both metered water and metered wastewater services shall pay a monthly single wastewater base rate based on the water meter size as set out in sub-section 1.1

(ii) Non-domestic Wastewater Only Customers
Non-domestic customers receiving metered wastewater services only shall pay a monthly wastewater base rate calculated, by the Engineer or his designate, based on the equivalent water meter size for the peak rate of wastewater discharge.

4. PENALTY

4.1 The water and wastewater rates set out in Section (1.1) and not paid in full on or before the due date will be charged a penalty of one and one half percent (1.5%). If a water and/or wastewater account is partially paid, payment of the penalty is required on the unpaid portion.

4.2 Senior citizens upon proof of age of sixty-five will not be charged a penalty on the water and wastewater rates for their primary residence.

5. METER BILLING CALCULATION – FIRST TIME CUSTOMER

5.1 Where a customer paying for water and wastewater services on a meter rate basis is first added to the municipal metered billing system, the first metered bill shall be issued on the next regularly scheduled billing date following the date of installation to the date on which the meter was read.

6. NON SUFFICIENT FUND (NSF) CHARGES

6.1 NSF payments shall result in a fee of $30.00 exclusive of any applicable taxes. Two NSF payments made within a one (1) year period shall result in the suspension of cheque writing privileges to the Town of Fort Erie for a period of one year from the date of the last NSF payment.

7. MISCELLANEOUS SERVICE FEES

All fees and charges are exclusive of any taxes

7.1	Issue of a duplicate/second copy of a bill for an account	$ 6.33
7.2	Reminder or Final/Disconnect Notice for overdue account	$ 6.33
7.3	Hard copy of water account history for property owner	$ 12.61
7.4	New account/transfer account	$ 50.25
7.5	Bulk Water Hauler Activation	$ 50.25
7.6	Additional/replacement of water key tags	$ 28.50
7.7	Water Service turn on during normal business hours - after business hours *(Water Service turn on fees do not apply to first time connections)*	$ 102.20 $ 181.00
7.8	Water Service turn off during normal business hours - after business hours	$ 102.20 $ 181.00
7.9	Water Service turn off resulting from an illegal turn on	$ 205.15
7.10	Analog water meter read – monthly charge	$ 18.75

7.11	Request confirmation of meter read Note: A one-time meter read at no charge will be permitted per customer. If a meter read has already occurred in response to an estimate, it will act as the one-time exemption.	$ 60.40
7.12	Missed appointment with meter technician	$ 60.40
7.13	Installation by a private contractor	
	New Water Service Connection Inspection and Permit Issue	$ 287.10
	New Wastewater Service Connection Inspection and Permit Issue	$ 287.10
	New Storm Water Service Connection Inspection and Permit Issue	$ 287.10
7.14	Owner requested meter test *(Refundable if meter determined to be faulty)*	$ 496.20
7.15	Water Meter including Ground Strap & Remote Reader:	
	5/8" x 3/4" T-10 R-900i E-coder	$ 451.33
	3/4" T10 R-900i E-coder	$ 580.31
	1" T10 R-900i E-coder	$ 708.76
	1 1/2" Mach10 R-900i E-coder	$1,486.59
	2" production T-10 R-900i E-coder	$1,346.02
	2” compound meter R900 E-coder	$3,465.84
	3" or larger	cost + overhead
	Frost Plate	$ 36.77
	Frost Plate Replacement	$ 204.82
	Other Water Meter Parts Replacement	cost + overhead
	Meter Pit for 5/8" x 3/4" T-10 R-900i E-coder-supply	$1,558.27
	Note: Supply costs for pits for other sizes will be provided as required	
	Note: “Supply only” rate is subject to the approval by the Manager, Water and Wastewater Services	
	Meter Pit - install	$ 990.15
		$2,548.42
7.16	Private fire hydrant annual inspection	$ 156.30
7.17	Fire hydrant flow inspection	$ 138.76
7.18	New service tap	$ 186.10

7.19 Non-Municipal Year Round Residential Systems
(fee quoted is annual cost)

Type	Frequency	
Microbiological Sampling	Weekly	$8,246.11
Free Chlorine Sampling	Weekly	$4,803.14
pH/Alkalinity Sampling	Quarterly	$436.64
THM Sampling	Quarterly	$741.24
HAA Sampling	Quarterly	$1,461.68
Lead Sampling	Bi-annually	$320.97
Backflow Device Testing each	Annually	$894.07
Annual Reporting	Annually	$87.30
Maintenance if required	**Frequency**	
Hydrant Inspection/Testing each	Annually	$277.30
Leak Detection	Annually	$239.16
Additional Fees	**Frequency**	
Adverse Response/Reporting	As required	$482.57
Time & Materials	As required	cost

8. INDEXING OF SERVICE FEES

8.1 The service fees set out in Section 7 hereto shall be adjusted without amendment to this By-law annually for all billings issued after February 1st in each year, based on the 12 months to September 30th Statistics Canada *Consumer Price Index (CPI)*.

9. FAILURE TO RECEIVE BILL

9.1 Failure to receive a bill for services rendered does not preclude payment.

10. WATER/WASTEWATER RATE STRUCTURE

10.1 Water and wastewater rates established herein shall be adjusted without by-law amendment to this schedule, to reflect changes in rates charged by the Regional Municipality of Niagara for water and wastewater treatment as charges become effective.

10.2 Water and wastewater rates shall be adjusted annually to reflect Council approved water and wastewater budgets.

10.3 Water rates shall include a consumption rate that recovers the costs of Regional water supply, as well as a portion of the water and wastewater utility operating costs.

10.4 Water rates shall include a base rate that recovers all other costs related to water not recovered through the consumption rate and other miscellaneous water revenues as detailed in the annual water budget approved by Council.

10.5 Wastewater rates shall include a consumption rate that recovers the cost of wastewater services, maintenance and all costs of Regional treatment.

10.6 Wastewater rates shall include a base rate that recovers all other costs related to wastewater services not recovered through the wastewater consumption rate and other miscellaneous wastewater revenues as detailed in the annual wastewater budget approved by Council, including wastewater system operations, extraneous flow and capital programs.

The Municipal Corporation of the Town of Fort Erie

By-law No. 4-2022

Being a By-law to Deem Part of a Certain Registered Plan of Subdivision Not to be a Registered Plan of Subdivision 57 Idylewylde Place P. Leigh Whyte – (Agent) David and Charlene Smith – (Owners)

Whereas subsection 50(4) of the *Planning Act*, R.S.O. 1990, c. P.13 (the "*Planning Act*") authorizes the Council of a municipality to designate by by-law any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of the subdivision control provisions of subsection 50(3) of the *Planning Act*; and

Whereas Lot 197 is within a plan of subdivision registered for more than eight years; and

Whereas the applicant has made an application to designate these lands pursuant to the provisions of subsection 50(4) of the *Planning Act* to merge one full lot with a part lot on title;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the following lands are designated and hereby deemed not to be within a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*:

   Lot 197 PL 511 Village of Fort Erie; Fort Erie, being part of PIN 64227-0059 (LT)

2. **That** the Town Law Clerk shall cause this by-law to be registered in the local Land Registry Office.

3. **That** this by-law shall come into force and take effect when registered in the local Land Registry Office by the Town Law Clerk.

4. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 17th day of January, 2022.

_____
Mayor

_____
Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 4-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .

_____

Interoffice Memorandum

January 17, 2022

File No.350311

To: Mayor and Council

From: Aaron Butler, Manager, Development Approvals
Planning and Development Services

Subject: **Deeming By-law No. 4-2022**
57 Idylewylde Place
Agent: P. Leigh Whyte
Owner: David and Charlene Smith

Included in the Council package for January 17, 2022 is By-law No. 4-2022 deeming Lot 197, Plan 511, being part of PIN 64227-0059 (LT). An application for a Deeming By-law has been received from P. Leigh Whyte on behalf of the owners, to deem a certain lot located on Idylewylde Place not to be a lot within a registered plan of subdivision pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c. P.13.

Lots that are located within a registered plan of subdivision are individual, conveyable parcels of land. The property municipally known as 57 Idylewylde Place consists of three separate, conveyable lots within a registered plan of subdivision (Lots 197, 198 and 199, Plan 511) and one part lot (Part of Lot 196, Plan 511). Separately, these lots are deficient in terms of the Zoning By-law requirements for lot area and lot frontage and the deeming by-law will create a buildable parcel. Lot 197 is intended to merge with Part Lot 196 to create a buildable parcel.

Pursuant to subsection 50(4) of the *Planning Act,* the Town Council is authorized to designate by by-law, any plan of subdivision, or part thereof, that has been registered for eight years or more, not be a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act.*

A certified copy of the Deeming By-law is registered by the Town Law Clerk in the Land Registry Office for Niagara South and does not come into effect until such time as the by-law has been registered. All costs associated with the processing of the Deeming By-law are the responsibility of the applicant and are covered by the application fee.

All of which is respectfully submitted,

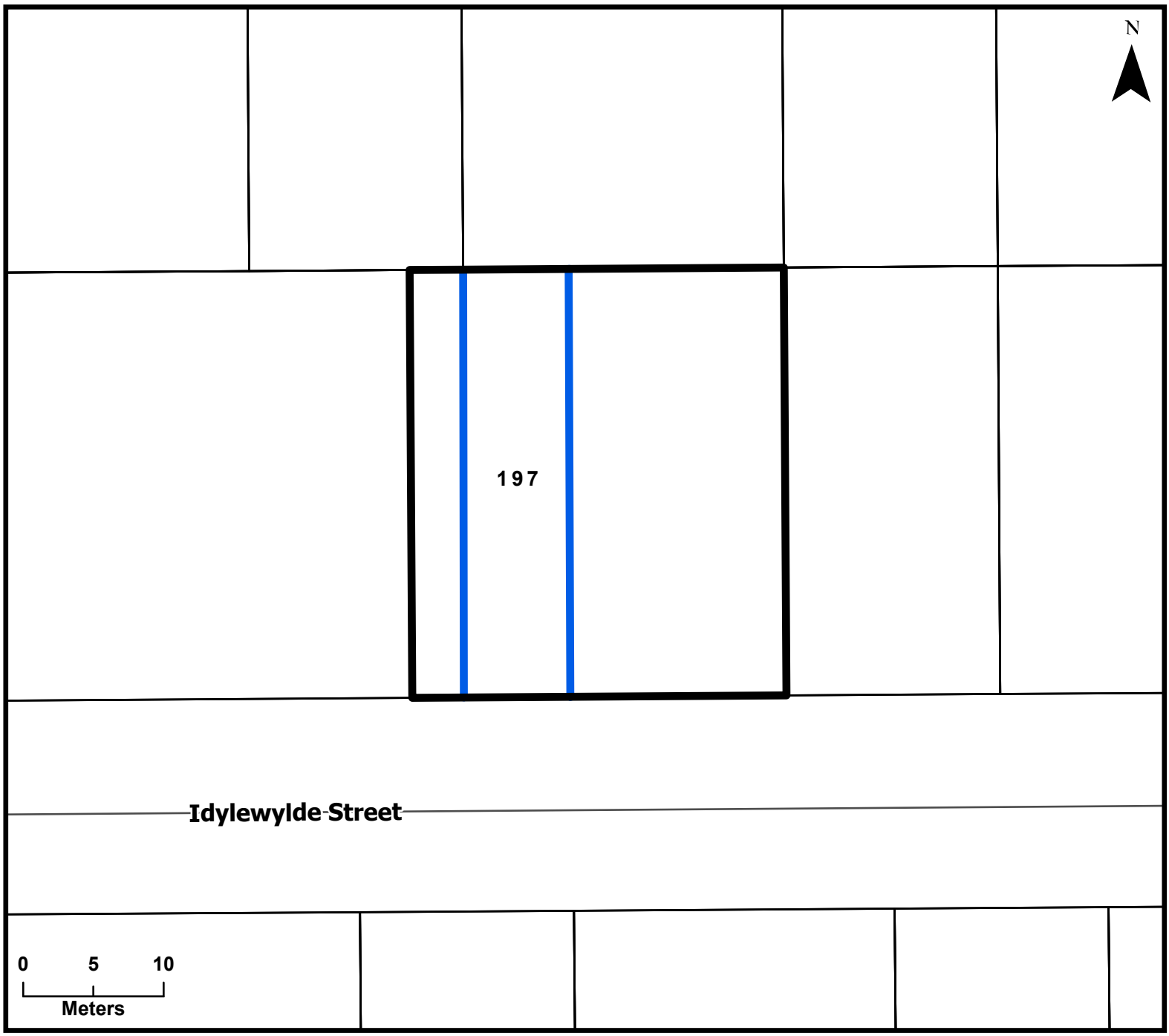
ORIGINAL SIGNED

Aaron Butler, MCIP, RPP
Manager, Development Approvals, Planning and Development Services

Attach: Appendix “1” – Location Map

Cc: Tom Kuchyt, Chief Administrative Officer
Kira Dolch, Director of Planning and Development Services
Carol Schofield, Town Clerk
Rosanna Firenze, Law Clerk

Appendix 1



PROPOSED DEEMING BY-LAW - DAVID & CHARLENE SMITH

57 Idylewylde Street
PLAN 17 PT LOT 196 LOTS 197 TO LOT 199 NP 511

Subject Lands - 57 Idylewylde Street

Lot Proposed to be Deemed

Planning and Development Services
Map Created January 7, 2022

The Municipal Corporation of the Town of Fort Erie

By-law No. 5-2022

Being a By-law 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. 57
321 Garrison Road
1784550 Ontario Inc. (Peter Wangler) - Owner
Rakib Hassan - Applicant
Rob Russell Planning Consultants (Rob Russell) - Agent

The Municipal Council of The Corporation of the Town of Fort Erie in accordance with the provisions of Section 17 of the *Planning Act,* R.S.O. 1990, c. P.13 enacts as follows:

1. **That** amendment No. 57 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text and mapping is adopted and approved.

2. **That** this by-law shall come into force and effect on the day of the final passing thereof.

3. **That** the Clerk of the Town of Fort Erie is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 17th day of January, 2022.

_____
Mayor

_____
Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, hereby certify the foregoing to be a true copy of By-law No. 5-2022 of the said Town. Given under my hand and the seal of the said Corporation

AMENDMENT NO. 57

TO THE

OFFICIAL PLAN

FOR

THECORPORATION OF THE TOWN OF FORT ERIE

CONTENTS

PART "A" - THE PREAMBLE

Section 1 - Title and Components

Section 2 - Purpose of Amendment

Section 3 - Location of this Amendment

Section 4 - Basis of this Amendment

Section 5 - Implementation and Interpretation

PART "B" - THE AMENDMENT

Introductory Statement

Details of the Amendment

Schedule "A" - Land Use Plan

PART "C" - THE APPENDICES

Appendix 1 - Notice of Public Information Processes

Appendix 2 - Public Meeting Minutes

Appendix 3 - Circulation Comments

PART "A" - THE PREAMBLE

SECTION 1

TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. 57 to the Official Plan adopted by By-law No. 150-06 of the Fort Erie Planning Area.

Part "A", the Preamble does not constitute part of this amendment.

Part "B", the Amendment, consisting of the following text and map (designated Schedule "A") constitutes Amendment No. 57 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

Also attached is Part "C", the Appendices, which do not constitute part of this amendment. These Appendices (1 through 3 inclusive) contain the background data, planning considerations and public involvement associated with this amendment.

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to effect a change to the land use designation of a portion of the subject property from Medium Density Residential to Core Mixed-Use shown in Schedule A to enable the redevelopment of the front portion of the subject property for a restaurant with a drive-thru facility.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located on the north side of Garrison Road between Concession Road and Mather Boulevard as shown on Schedule "A" attached hereto.

SECTION 4

BASIS OF THIS AMENDMENT

Subsection 13.7(III) of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area provides that amendments may be made to the Official Plan. Policies in Subsection 13.7(III) have been considered in the preparation of this amendment and the following factors have been reviewed in supporting this amendment to the Official Plan:

a) The need for the proposed use:

The subject lands are designated Medium Density, in the Gateway Secondary Plan on Schedule A of the Town's Official Plan. The Medium Density Residential designation allows the land to be developed for multi-unit structures such as triplexes, fourplexes, townhomes and small apartment buildings. The applicant is requesting to redesignate approximately 930 sq.metres of the land designated Medium Density to Core-Mixed Use.

The applicant's proposal to redesignate the lands from Medium Density Residential to Core-Mixed Use meets the intent of the Official Plan as follows:

i) The portion of the property requested to be redesignated to core-mixed use, is already paved and was used as a parking area for the previous commercial use. The proposed amendment will recognize an existing situation.

ii) The proposal will allow the applicant to provide sufficient parking spaces on-site for the proposed drive-thru restaurant and storage for a minimum of ten vehicles in the drive-thru lane. This will prevent the stacking of cars on Garrison Road and will help in creating safe traffic conditions for both vehicular and pedestrian traffic.

iii) The conversion of 930 sq. m of land designated Medium Density to Commercial, will have a minimal impact on the supply of residential lands in Town.

b) The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development:

The subject lands currently include a vacant commercial building. The surrounding land uses contain a mix of commercial uses. The proposal will help in the redevelopment of the commercial use.

c) The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan:

The subject lands are not constrained by any natural heritage features. The site itself is physically suitable for the proposed uses. The northerly portion of the subject property is

wooded and is identified as an Environmental Conservation Area on Schedule C of the Regional Official Plan. The woodlot is not identified in the Town's Official Plan as a Significant Natural Area. To satisfy Regional policy, the applicant is proposing to add an Environmental Conservation (EC) Overlay Zone on the northern portion of the property until a detailed Environmental Impact Study (EIS) is carried out at the time of a future residential development application.

d) The location of the area under consideration with respect to:

(i) the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,
(ii) the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and
(iii) the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Health Services Department and any other appropriate authority deemed advisable;

The subject lands are located on Garrison Road, which is an arterial road, under the Regional jurisdiction, capable of handling the volume of traffic generated by the proposed development. As the proposal will provide adequate parking spaces on-site and in the stacking drive-thru lane, it will help in ensuring both vehicular and pedestrian safety. The Gateway Secondary Plan envisions a future road that will connect the subject property and the abutting easterly properties to the Mather Blvd. The provision for the road connection will be provided through future planning applications for the development on the rear portion of the subject property and the abutting easterly properties. Lastly, the proposed development will be serviced by the municipal infrastructure.

e) The compatibility of the proposed use with uses in adjoining areas:

The surrounding land-uses are largely commercial. The proposed commercial development will be compatible with the surrounding land uses. A portion of abutting easterly property is designated Medium Density Residential and will be developed for residential use in future. To ensure there are no adverse privacy impact on the abutting residential, the applicant is proposing to install a close board fence along the common lot line between the two properties.

f) The effects of such proposed use on the surrounding area in respect of the minimizing of any possible depreciating or deteriorating effect upon adjoining properties:

There is no evidence to suggest that the proposed commercial development will have a depreciating or deteriorating effect upon adjoining properties. On the contrary, the proposed development may act as a catalyst to bring new development to the area, having an overall positive effect on adjoining properties.

g) The potential effect of the proposed use on the financial position of the Municipality:

The proposal will not negatively affect the financial position of the municipality as all the works associated with the proposed development are the responsibility of the developer. The proposed commercial development will provide the municipality with an additional tax base and development charges.

h) The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.

None.

SECTION 5

IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area shall apply to the implementation and interpretation of this Amendment.

PART "B" - THE AMENDMENT

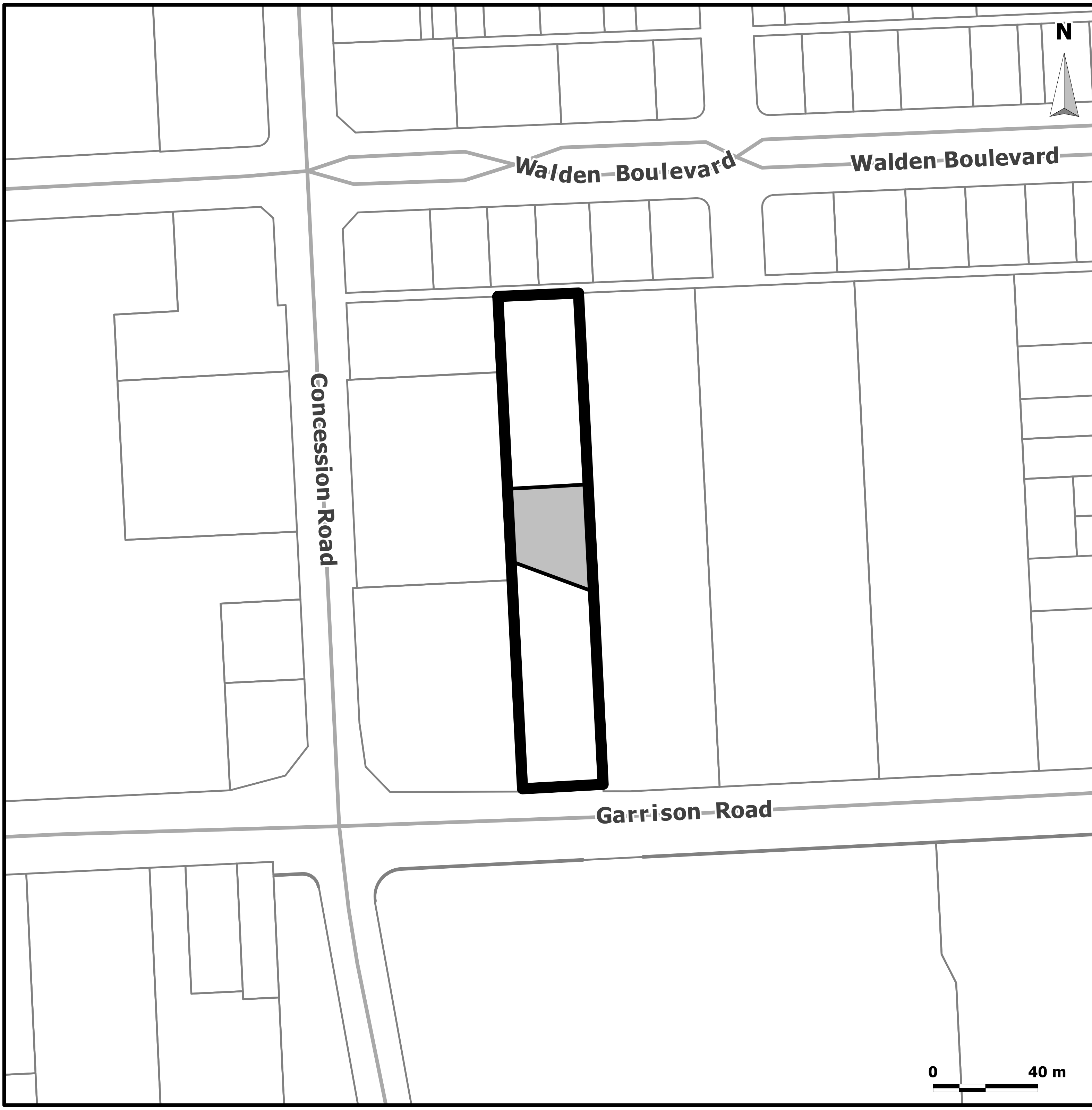
All of this part of the document entitled "Part "B" - “The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 57 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The land use designation of Part 1 shown on Schedule “A” attached hereto shall change from Medium Density Residential to Core Mixed-Use.

PART “C” - THE APPENDICES

Appendix 1	-	Notice of Public Meeting
Appendix 2	-	Public Meeting Minutes
Appendix 3	-	Circulation comments

SCHEDULE 'A'



By-law No. 5-2022

THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN PASSED THIS 17th DAY OF JANUARY, 2022

Subject Lands - 321 Garrison Road

Change from Medium Density Residential to Core Mixed-Use

Planning & Development Services

Map created January 11, 2022

Appendix "1"

NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING

Owner: – 1784550 Ontario Inc. (Peter Wangler)
Applicant: 2186870 Ontario Inc.(Rakib Hassan)
Agent: Rob Russell (Rob Russell Planning Consultants)
321 Garrison Road
Official Plan and Zoning By-law Amendment Application
APPLICATION Nos: 350309-0529 and 350302-159

DATE: **November 15, 2021**
TIME: **6:00 PM**
LOCATION: **This will be a virtual Council meeting conducted via Zoom.**

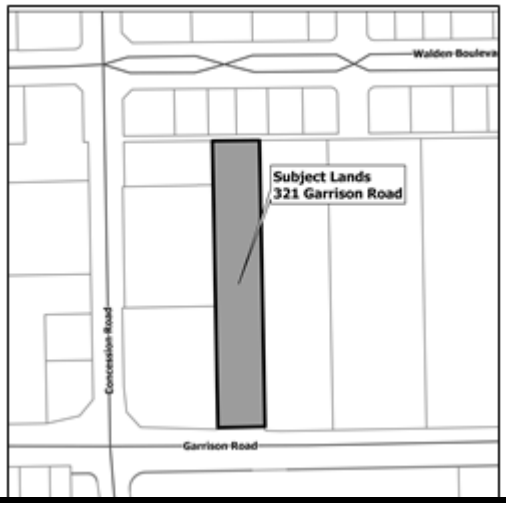
Residents can participate in Zoom based Council meetings two different ways:

1. Send your comments via e-mail to Anamika Dilwaria, Senior Development Planner (adilwaria@forterie.ca) who will provide them to Council.

2. Participate in the Zoom meeting (audio/video via web or by telephone) by sending an email to Anamika Dilwaria, Senior Development Planner (adilwaria@forterie.ca) to receive information on joining the Zoom meeting.

The Town of Fort Erie Council meeting live webcast will be streamed at www.youtube.com/townofforterie or click on the YouTube icon on the home page of the Town's website (www.forterie.ca).

LOCATION OF SUBJECT LANDS



A combined Official Plan and Zoning By-law amendment is requested to facilitate the redevelopment of the front portion of the property for a future restaurant with a drive-thru facility (Site Plan attached as Schedule 1) on the lands known as 321 Garrison Road. A vacant commercial building is currently located on the subject property.

The subject property is within the urban boundary and is currently designated Core- Mixed-Use, in part and Medium High Density, in part, and Open Space, in part in the Gateway Secondary Plan. The subject lands are zoned Core Mixed-Use (CMU1-447) Zone, in part and

Residental Multiple 1 (RM1-446) Zone, in part and Open Space (OS-450) Zone, in part, in accordance with Zoning By-law No. 129-90.

The applicant is requesting to redesignate approximately 930 sq.m (0.22 acres) of lands currently designated Medium-High Density and zoned RM1-446 to Core Mixed-Use designation and CMU1-477 zone respectively, to provide parking spaces and a drive-thru lane for the proposed restaurant. No changes are proposed to the portion of the property that is currently designated and zoned Open Space.

As the northerly portion of the property includes a woodlot. The applicant is also proposing to add the Environmental Conservation (EC) Overlay Zone to the existing RM1-446 and OS zone to ensure the protection of the woodlot until a detailed Environmental Study study is completed as part of the future development application.

GETTING MORE INFORMATION

Input on the combined Official Plan and Zoning By-law Amendment is welcome and encouraged. You can provide input by speaking at the public meeting or by making a written submission to the Town. Please note that unless you do one of the above now, you may not be able to appeal the decision later.

A copy of the Information Report will be available to the public by 5:00 PM on **November 10th, 2021.** The information report will be available in the Council agenda portion of the Town's Web Site: www.forterie.ca or by contacting Anamika Dilwaria, Senior Development Planner.

CONTACT INFORMATION

Anamika Dilwaria, MCIP, RPP, Senior Development Planner
Planning and Development Services Department
Town Hall, 1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6
905-871-1600 ext. 2507
Or by e-mailing your comments to: adilwaria@forterie.ca

PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION

To provide input in writing, or to request written notice of the decision of the combined Official Plan and Zoning By-law Amendment, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca

PLANNING ACT LEGAL NOTICE REQUIREMENTS

The Town of Fort Erie has not yet made a decision regarding this application.
After considering any written comments and the comments from the public meeting, a Recommendation Report will be prepared for a future Council-in-Committee meeting.

If a person or public body would otherwise have an ability to appeal the decision of the Town of Fort Erie's Municipal Council to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written statements to the Town of Fort Erie before the by-law is passed, the person or public body is not entitled to appeal the decision.

	If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Fort Erie before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so. For more information about this matter, including information about appeal rights, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca

SCHEDULE 1

6IXDESIGN
ENGINEERING
PROJECT ADDRESS: 321 Garrison Rd ,Fort Erie, ON L2A 1M9
PROJECT DESCRIPTION: ELVATIONS DRIVE THRU
DESIGN FIRM: 6IXDESIGN ENGINEERING INC
: UNIT 809-7181 YONGE ST, THORNHILL, ON
: WWW.6IXDESIGN.CA
: (905) 597 8793
: INFO@6IXDESIGN.CA
DRAWING LIST:
A-000 ZONING & OBC MATRIX
A-001 SITE PLAN
A-100 FLOOR PLANS
A-102 ROOF PLANS
A-103 FRONT (SOUTH) ELEVATION
A-104 REAR (NORTH) ELEVATION
A-105 SIDE (EAST) ELEVATION
A-106 SIDE (WEST) ELEVATION
A-107 MATERIAL BOARD
A000-1 SIDE RENDER
A000-2 KEY PLAN
A000-3 SITE PLAN
321 Garrison Rd ,Fort Erie
LOT AREA: 57,834.94 m2
LOT FRONTAGE: 30.79 m
LOT DEPTH: 187.69
ZONING: 1- CLM 1-447 2- RMI- 445 3- OS-459
BUILDING
ITEM
BY-LAW 129-90
PROPOSED
COVERAGE
REQUIREMENT
EXISTING
PROPOSED
FSI
X
X
X
DEPTH
EX
EX
EX
HEIGHT
EX
EX
EX
SETBACKS
FRONT
21.34 m
21.34 m
REAR
140.49 m
140.49 m
SIDE (WEST)
12.17 m
12.17 m
SIDE (EAST)
2.99 m
2.99 m
PARKING
1 PARKING SPACE PER 04 SEATS
PARKING REQUIRED : 80 SEATS/4 = 20 SPOTS
PARKING PROVIDED : 26 SPOTS
INCLUDING 02 ACCESSIBLE SPACES (1 SPACE FOR TYPE A & 1 SPACE FOR TYPE B)
10 STACKING SPACES
DRIVE THRU WIDTH 14'-9 1/2"

Mayor Redekop enquired whether there were any members of the public in the waiting room who wish to speak in favour of the Application.

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to speak in opposition to the Application, or wishes to address Council or has questions.

No members of the public came forward.

Mayor Redekop enquired whether the Clerk received any comments subsequent to the posting of the Report, to be read into the Minutes. The Clerk advised that she did not.

Mayor Redekop declared the Public Meeting closed.

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

Re: 321 Garrison Road - Owner: 1784550 Ontario Inc. (c/o Peter Wangler) - Applicant: 2186870 Ontario Inc. (c/o Rakib Hassan) - Agent: Rob Russell Planning Consultants (c/o Rob Russell). The Applicant's request is to facilitate the redevelopment of the front portion of the property for a future restaurant with a drive-thru. The subject property is currently designated Core-Mixed-Use, in part, and Medium High Density, in part, and Open Space, in part. The subject lands are zoned Core Mixed-Use (CMU1-447) Zone, in part and Residential Multiple 1 (RM1-446) Zone, in part, and Open Space (OS-450) Zone, in part. The applicant is requesting to re-designate approximately 930 sq. m (0.22 acres) of lands currently designated Medium-High Density and zoned RM1-446 to a Core Mixed-Use designation and CMU1-477 zone respectively, to provide parking spaces and a drive-thru lane. As the northerly portion of the property includes a woodlot, the applicant is also requesting to add the Environmental Conservation (EC) Overlay Zone to the existing RM1-446 and OS zone to ensure the protection of the woodlot until a detailed Environmental Study is completed as part of the future development application. *(Presentation by Anamika Dilwaria, Senior Development Planner)*

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

Ms. Dilwaria confirmed the statutory requirements for the Public were met, summarized the purpose of the Application, and public comments received.

Mayor Redekop requested that staff bring the Applicant or agent in to participate in the meeting.

Rob Russell, Rob Russell Planning Consultants, Agent, was present to speak on behalf of the Application. Mr. Russell, Agent made the following comments:

- There were questions about the fact that we are re-zoning and re-designating residential lands to commercial. It should be noted that this was already a commercial parking area, we are not expanding it, and it was once approved as one. At one point these lands were designated commercial and then they were re-designated for residential most likely through the Gateway Secondary Plan.
- It is not so much that we are trying to take away residential, we are making efficient use of a building and parking that is already there and we are not proposing any construction on the building.
- There will be a little removal of asphalt on the site.
- There will be an increase amount of services and the property will be improved.
- We are proposing to use the existing access that is already there. The entrance and exit will be off of Garrison Road and there will be no access to Walden at this time.
- As part of this zoning process there will be an Environmental Conservation overlay on the project so the land will be protected and are not proposing to change what the Town designated under the Gateway Secondary Plan.
- The depth of the Environmental Conservation overlay would be 65 meters.

Mayor Redekop enquired whether there were any members of the public in the waiting room who wish to speak in favour of the Application.

Vijaykumar Patel, 315 Garrison Road

Mr. Patel advised that he is in support of this application and I wanted to say thanks to my neighbour for agreeing to build a separation wall for his development.

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

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to speak in favour, in opposition or had any questions regarding the Application.

No members of the public came forward.

Mayor Redekop enquired whether the Clerk received any comments subsequent to the posting of the Report, to be read into the Minutes. The Clerk advised that she had received an email addressed to Ms. Dilwaria from Nancy Haufek on behalf of her mother, Milica Djonovich. She read the following correspondence into the Minutes:

(a) Milica Djonovich

“Good morning, my mom Milica Djonovich had spoken to Aaron Butler about her concerns about the new restaurant going in. She was asked to send an email with her concerns to you. My apologies for not getting this to you sooner but we are hoping that this can get addressed at the Nov 15th meeting.

Her main concern and question is what is being done to make sure the additional traffic that will be generated by another restaurant with drive thru is being addressed. Currently the traffic in this area is quite heavy as it is two main intersections in Fort Erie. We watch the traffic coming out of McDonalds and the entrance road to Sobeys and are surprised that there hasn't been a fatality yet. The volume on Garrison Road is increasing as well. I am not sure but I had seen that it was a Popeyes going in there, it is also a favourite of many and it will generate more traffic in and out.

She lives at the corner of Garrison and Concession so she sees the traffic and is just concerned and wants to make sure there is a plan in place to deal with additional traffic.

She can be reached at [redacted] or you can reply to this email.
If any clarification is necessary please let me know.
Could you please let me know that you received this.
Thanks in advance
Nancy Haufek

Mayor Redekop declared the Public Meeting closed.

8.4 Business Status Report

No changes.

9. Planning and Development Services

Chaired by Councillor Dubanow

9.1 Presentations and Delegations

None.

9.2 Reports

PDS-98-2021 Proposed Combined Official Plan & Zoning By-law Amendment - 321 Garrison Road - Rob Russell Planning Consultants - Rob Russell (Agent) - 1784550 Ontario Inc. - Peter Wangler (Owner) - 2186870 Ontario Inc. - Rakib Hassan (Applicant)

Recommendation: No. 12
Moved by: Mayor Redekop

That: Council receives for information purposes Report No. PDS-98-2021 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for 321 Garrison Road.

Recommendation No. 13
Moved by: Councillor Noyes

That: Report No. PDS-98-2021 be postponed to the December 6, 2021 Council-in-Committee meeting in order to receive the Response to Enquiry of October 18, 2021 concerning the property the Owner owns on Stevensville Road. **(Carried)**

PDS-99-2021 Information Report - Proposed Zoning By-law Amendment - 57 Idylewylde Street & 0 Idylewylde Street - PLW Planning & Environmental Consulting - Leigh Whyte (Agent) - David Smith & Charlene Smith (Owners)

Recommendation No. 14
Moved by: Councillor McDermott

Councillor Dubanow gave the Chair to Councillor Zanko in order to speak to the matter.

That: Council directs that this Report be forwarded to the Region of Niagara for distribution to members of Regional Council and appropriate staff. **(Carried)**

8. Planning and Development Services

Chaired by Councillor Dubanow

8.1 Presentations and Delegations

None.

8.2 Reports

PDS-98-2021 Proposed Combined Official Plan & Zoning By-law Amendment - 321 Garrison Road - Rob Russell Planning Consultants - Rob Russell (Agent) - 1784550 Ontario Inc. - Peter Wangler (Owner) - 2186870 Ontario Inc. - Rakib Hassan (Applicant) ***(Postponed from November 15, 2021, Council-in-Committee Meeting - Previously Moved by Mayor Redekop as Recommendation No. 12)***

That: Council receives for information purposes Report No. PDS-98-2021 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for 321 Garrison Road.

(Carried)

PDS-102-2021 Proposed Combined Official Plan & Zoning By-law Amendment - 1107 Garrison Road - Sullivan Planning Services - Michael Sullivan (Agent)- 1107 Garrison Road GP Inc. - Mohammed Y. Alhadi (Owner)

Recommendation No. 4
Moved by: Councillor McDermott

That: Council receives for information purposes Report No. PDS-102-2021 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for 1107 Garrison Road.

(Carried)

Via Email Only

October 6, 2021

Region Files: D.10.01.OPA-21-0037
D.18.01 ZA-21-0080

Ms. Anamika Dilwaria
Senior Development Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6

Dear Ms. Dilwaria;

Re: Regional and Provincial Comments
Concurrent Official Plan and Zoning By-law Amendments
Owner: 1784550 Ontario Inc. (Attn: Peter Wangler)
Agent: Rob Russell Planning Consultants Inc.
321 Garrison Road
Town of Fort Erie

Regional Planning and Development Services staff have reviewed the information circulated for the concurrent amendment applications to the Town of Fort Erie's Official Plan and Zoning By-law. The applicant is proposing the redevelopment of the front (southern) portion of the property (up to the paved portion) for a future restaurant with a drive-thru facility.

The subject property has split designation within Town's Gateway Secondary Plan consisting of "Core- Mixed-Use", "Medium High Density", and "Open Space". The subject lands also has split zoning consisting of "Core Mixed-Use (CMU1-447) Zone", "Residential Multiple 1(RM1-445) Zone", and "Open Space (OS) Zone" in accordance to Zoning By-law No. 129-90.

The proposed applications will re-designate a portion of lands designated as "Medium Density" to "Core Mixed-Use", and re-zone a portion of the lands zoned as "RM1-477" to "CMU1-477" to allow for an expansion of the commercial use to accommodate the required parking spaces and the drive-thru facility. There are no changes proposed to the Open Space (OS) Zone.

Additionally, the applicant is also proposing to add an "EC Overlay Zone" to the existing RM1-445 and OS Zone to ensure the protection of the existing woodlot (north of the

paved portion) until the time that a detailed Environmental Impact Study ("EIS") is completed as part of the future *Planning Act* application.

A virtual pre-consultation meeting was held for these applications on March 11, 2021 with the Region, Town, and agent in attendance. The following comments are provided from a Regional and Provincial perspective to support the Town in considering these applications.

Provincial and Regional Policies

The subject lands are located within a "Settlement Area" under the *Provincial Policy Statement, 2020* ("PPS") and within the "Delineated Built-Up Area" under the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"). The PPS and Growth Plan directs growth to settlement areas and promote densities and a mix of land uses that optimize use of land and resources and efficiently use infrastructure and public service facilities while minimizing negative impacts to air quality and climate change and promoting energy efficiency. The PPS promotes the intensification and redevelopment of underutilized lands through compact built form that diversifies the economic base and supports use of transit and active transportation.

Provincial policies direct growth to settlement areas and the delineated built-up area that provide for an appropriate range and mix of housing types and the efficient use of existing servicing, infrastructure, and public service facilities. Within delineated built-up areas, the policies encourage intensification and infill in a compact form with a mix of uses and densities at an appropriate type and scale and transition to adjacent areas.

The ROP promotes development in the urban area and generally permits a full range of residential, commercial, and industrial uses subject to the availability of adequate municipal services and infrastructure, as well as other policies relative to urban design, compatibility, and environmental conservation.

Regional staff have reviewed the "*Planning Justification Report*" ("PJR") prepared by Robert Russell Planning Consultants Inc. (dated June 2021). Staff are satisfied that the proposed amendments adjust the portion of existing commercial and residential land uses and zoning on the subject lands and will not establish new uses that are incompatible with nearby existing and planned uses. Additionally, the proposed amendments will help to facilitate the re-use of an underutilized and vacant parcel with available municipal servicing.

As such, Regional staff do not object, in principle, to the proposed amendments as they are consistent to the PPS and conform to Provincial and Regional growth management policies.

Core Natural Heritage System

Regional Environmental Planning staff have reviewed the "*Edge Management Plan Report*" prepared by Kuntz Forestry Consulting Inc. (dated August 24, 2021), the "*Addendum to Planning Rational and Justification*" prepared by Robert Russell Planning Consultants Inc., (dated August 23, 2021), and "*Updated Grading, Site Servicing and Storm Water Management Plan*" prepared by N&N Engineers Ltd. (dated June 2021).

Staff note that all submitted documents confirm that a 5 m setback from the edge of existing disturbance will be restored and zoned along with the remaining lands to the north with an "Environmental Overlay", which is consistent with previous Regional comments.

As such, provided the Environmental Overlay is adequately shown on the zoning schedule, Regional Environmental Planning staff offer no objection, in principle, to the proposed applications.

Staff advise the applicant that the implementation of the Edge Management Plan Report and Landscape Plan will be requested through the future *Planning Act* (Site Plan) application process.

Archaeological Resources

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

At the virtual pre-consultation meeting, Regional staff noted that based on a review of the Province's Criteria for Evaluating Archaeological Potential, the site exhibits a low potential for the discovery of archaeological resources. Specifically, the property is not within 300 m of any registered archaeological sites or natural watercourse features, nor is it located within the "archaeological potential area" of Schedule D or Schedule D1 of the Town's Official Plan.

As such, Regional staff do not require the completion of an archaeological assessment for these applications; however, instead request that a standard archaeological resource warning clause is included the time of the future *Planning Act* (Site Plan) application.

Urban Design

Regional Urban Design staff have reviewed the submitted "*Landscape Plan*" prepared by Diana Notenboom Planning Landscape and Design (dated August 25, 2021). Staff

requires that at the time of future *Planning Act* (Site Plan) application that a Landscape / Streetscape Plan is submitted that includes the following streetscape information:

- Deciduous street trees in a sodded boulevard.
- Trees should be 50mm caliper and spaced according to their size (see attached Master Tree Planting List for species). And,
- An overlay of survey information and site servicing information in order to ensure that proposed street trees will not conflict with services, utilities and drainage structures within the boulevard.

The applicant is advised that if street trees cannot be accommodated due to existing or proposed utilities, services and drainage features, then an enhanced landscape treatment will be requested on private lands. This includes deciduous trees plus planting beds consisting of shrubs and perennials.

Staff also request that the portion of the proposed planting bed that is located within the Regional Road allowance be replaced with a sodded boulevard.

With respect to the site's interface with Garrison Road (Regional Road 3), Regional staff request that all ground and directional signs are located entirely on private lands. Currently, the provided Landscape Plan shows signs that overhang into the municipal boulevard.

Regional Road Allowance

The subject property has frontage along Garrison Road (Regional Road 3). Regional staff note that the designated Regional Road allowance in this section does not meet the required width as set out in the ROP. Therefore, the applicant is required to gratuitously grant the following widening to the Region:

- An irregular widening across the frontage of the subject property consisting of 2.18 m along the west side, and 2.03 m along the east side. This widening is required to achieve 15.25 m from the original centerline of Regional Road 3.

The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition.

Questions can be directed to the Region's Law Clerk, **Norma Price**, by phone at (905) 980-6000 Ext. 3339 or email at: norma.price@niagararegion.ca.

Inquires specific to the transfer of property to the Region can be directed to the Region's Manager of Surveys and Property Information, **Normans Taurins**, by phone at (905) 980-6000 Ext. 3325 or email at: normans.taurins@niagararegion.ca.

Regional staff are satisfied with the widening being shown on the plans that are submitted at the time of future *Planning Act* (Site Plan) application.

Regional Permit Requirements

Regional staff have reviewed the drawings / plans submitted with the applications and observe that it appears that the existing site entrance will be retained and used. Staff request that any drawings submitted as part of the future *Planning Act* (Site Plan) application clearly identify any existing and proposed entrances to the site.

Staff advise the applicant that a Regional Construction, Encroachment, and Entrance Permit must be obtained from the Region's Transportation Services Division, Public Works Department prior to any construction / work taking place within the Regional Road allowance.

Staff further advise that the placement of any sign, notice or advertising device within 20 m of the centerline of Garrison Road (Regional Road 3) requires a Regional Sign Permit.

Regional permits can be applied for online at: http://niagararegion.ca/living/roads/permits/default.aspx.

Servicing

The proposed development and subject lands are within the Catherine Street Sewage Pumping Station ("SPS") sewershed.

The Region's *Master Servicing Plan, 2017* ("MSP") allocated growth for the Catherine Street SPS out to the year 2041 in consultation and collaboration with the Town of Fort Erie. The MSP was completed at a high level and did not allocate capacities to individual properties. The MSP did note that the combination of this sewershed and the other nearby SPS sewersheds that contribute to the Catherine Street SPS will develop constraints during wet weather events due to the high Infiltration and Inflow into the sanitary sewer system. Regional staff and Town staff are working together to reduce the wet weather / Inflow & Infiltration impacts within the sewershed.

Regional staff note that an Environmental Assessment ("EA") for Catherine Street SPS is currently underway. Information and timing for the EA is available online at: https://www.niagararegion.ca/projects/catherine-street/default.aspx.

The Region's MSP is available online at: http://www.niagararegion.ca/2041/master-servicing-plan/default.aspx.

Stormwater Management

Regional staff have reviewed the submitted "*Stormwater Management Brief*" prepared by N&N Engineers Limited (dated June 30, 2021). Staff note that the submitted site plan and servicing / grading plans show that the existing site hard / impermeable surface of the site is not enlarged and the existing catch basins, storm sewer and orifice control remain unchanged. As such, Regional staff have no objection, in principle, to the submitted Stormwater Management Brief.

The applicant is advised that the Region will require the following comments to be addressed at the time of the future *Planning Act* (Site Plan) application:

- That the previous approved site servicing / grading plans and reports with respect to the Stormwater Management Brief be circulated to this office.
- That water quality treatment measures be installed where practically feasible, given that the site will experience more frequent vehicular travel / usage.
- That the new site plan shows the location and details of the existing orifice control.
- That confirmation be provided that the proposed development will remain or improve the existing stormwater storages of the site (if there are any at-grade, underground, and rooftop), and that the same flow control target as previously approved is met.

Protection of Survey Evidence

Regional staff advise the applicant that survey evidence adjacent to Regional Road allowances shall not be damaged or removed during the development of the property. Any agreements entered into for this proposed development should include a clause that requires the applicant to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- Recycling blue and/or grey bins / containers – no limit (weekly collection).
- Organic green bins / containers – no limit (weekly collection).
- Garbage / waste – maximum of 8 containers (bi-weekly collection).

- Collection will be at the curbside only.

Regional staff observe that the provided concept proposes earth bins on-site. The applicant is advised that this site is not eligible to receive Regional enhanced collection, and as such, should earth bins be the intended means for waste collection, then it will be the responsibility of the owner to coordinate waste collection for the site through a private contractor and not the Niagara Region.

Regional staff will provide more detailed waste collection comments and conditions for the site at the time of future *Planning Act* (Site Plan) application.

Conclusion

In conclusion, Regional Planning and Development Services staff do not object, in principle, to the proposed concurrent amendments to the Town of Fort Erie's Official Plan and Zoning By-law. It is Regional staff's opinion that the amendments are consistent with the PPS and conform to Provincial and Regional growth management policies. Regional staff requests that the materials / information that were specified in this letter as they relate to the CNHS, archaeological resources, urban design, transportation, servicing, stormwater management, and waste collection requirements be addressed through the future *Planning Act* (Site Plan) application.

Regional staff notes that in accordance with the Memorandum of Understanding, the proposed Local Official Plan Amendment is exempt from Regional Council approval. Please send a copy of the notice of Town Council's decision on the applications and a copy of the amendments as adopted.

Should you have any questions related to the above comments, please feel free to contact me at alexander.morrison@niagararegion.ca.

Respectfully,

Alexander Morrison, MCIP, RPP
Development Planner

cc: Mr. Pat Busnello, Manager of Development Planning, Niagara Region
Mr. Adam Boudens, Senior Environmental Planner / Ecologist, Niagara Region
Ms. Julia van der Laan de Vries, Urban Designer, Niagara Region
Ms. Susan Dunsmore, Manager of Development Engineering, Niagara Region
Mr. Matteo Ramundo, Development Approvals Technician, Niagara Region

Attachment:

Niagara Region Master Tree Planting List 072020 (provided separately).

RE: [External] Request for Comments- Combined Official Plan and Zoning By-law Amendment Application

Municipal Planning to: Anamika Dilwaria 09/17/2021 03:00 PM

From: "Municipal Planning" <MunicipalPlanning@enbridge.com>
To: "Anamika Dilwaria" <ADilwaria@forterie.ca>

Anamika Dilwaria	Anamika Dilwaria	Request for Comments- Combined Official P
Mail Router	Mail Router	*Hi Everyone, A combined Official Plan*
Mail Router	Mail Router	*Hi Everyone, A combined Official Plan*
Mail Router	Mail Router	*Hi Everyone, A combined Official Plan*
Mail Router	Mail Router	*Hi Everyone, A combined Official Plan*

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Alice Coleman
Municipal Planning Analyst
Long Range Distribution Planning
—
ENBRIDGE
TEL: 416-495-5386 | MunicipalPlanning@Enbridge.com
500 Consumers Road, North York, Ontario M2J 1P8

enbridge.com
Safety. Integrity. Respect. Inclusion.

From: Anamika Dilwaria <ADilwaria@forterie.ca>
Sent: Friday, September 17, 2021 10:36 AM
To: Andrew.Carrigan@Canadapost.ca; circulations@mmm.ca; cara.lampman@niagararegion.ca; kathy.levinski@ncdsb.com; kris.watson@cnpower.com; LandUsePlanning@HydroOne.com; Municipal Planning <MunicipalPlanning@enbridge.com>; planification@csdccs.edu.on.ca;

RE: Request for Comments- Combined Official Plan and Zoning By-law Amendment Application

Ellen Savoia to: Anamika Dilwaria 10/07/2021 01:14 PM

From: "Ellen Savoia" <esavoia@niagaraparks.com>
To: "Anamika Dilwaria" <ADilwaria@forterie.ca>

Anamika Dilwaria	Anamika Dilwaria	Request for Comments- Combined Official P
Mail Router	Mail Router	*Hi Everyone, A combined Official Plan*
Mail Router	Mail Router	*Hi Everyone, A combined Official Plan*
Mail Router	Mail Router	*Hi Everyone, A combined Official Plan*
Mail Router	Mail Router	*Hi Everyone, A combined Official Plan*

Hi Anamika
The Niagara Parks Commission has no concerns or comments with regard to this application .

Ellen Savoia, MCIP, RPP (she/her)
Senior Manager, Planning & Environmental Sustainablity
P 905-295-4396 x3258 **M** 289-241-8375 **F** 905-356-7262
7805 Niagara River Parkway, P.O. Box 150
Niagara Falls, Ontario, Canada L2E 6T2
esavoia@niagaraparks.com
niagaraparks.com

From: Anamika Dilwaria <ADilwaria@forterie.ca>
Sent: Friday, September 17, 2021 10:36 AM
To: Andrew.Carrigan@Canadapost.ca; circulations@mmm.ca; cara.lampman@niagararegion.ca; kathy.levinski@ncdsb.com; kris.watson@cnpower.com; LandUsePlanning@HydroOne.com; MunicipalPlanning@enbridge.com; planification@csdccs.edu.on.ca; Randy.Leppert@cogeco.com; sue.mabee@dsbn.org; karen.singer@bell.ca; circulations@wsp.com; erik.acs@niagararegion.ca; executivedirector@fenfc.org; craig.krueger@cogeco.com; Ellen Savoia <esavoia@niagaraparks.com>; mr18enquiry@mpac.ca; aazouz@csdccs.edu.on.ca; cgrummett@forteriecanada.com; kaudet@forteriecanada.com; scott.whitwell@ncdsb.com; alexander.morrison@niagararegion.ca; aaazouz@csdccs.edu.on.ca; fawn.sault@mncfn.ca; pontdj@hotmail.com; clerk@niagararegion.ca; devtplanningapplications@niagararegion.ca; Ash.Neville@rci.rogers.com; jabrahamse@npca.ca; Sarah_Mastroianni <smastroianni@npca.ca, John.armstrong@rci.rogers.com
Subject: Request for Comments- Combined Official Plan and Zoning By-law Amendment Application

Re: Invitation: Request for Comments- Combined OPA & ZBA-321 Garrison Road (Oct 7 12:00 PM EDT)

Keegan Gennings to: Anamika Dilwaria 09/27/2021 11:18 AM

From: Keegan Gennings/FortErie
To: Anamika Dilwaria/FortErie@TownOfFortErie

	Anamika Dilwaria	Request for Comments- Combined OPA & ZBA-321 Garrison Road
✓	Signe Hansen	*Accepted: Request for Comments- Combined OPA & ZBA-321 Garriso*
✓	Mackenzie Ceci	*Accepted: Request for Comments- Combined OPA & ZBA-321 Garriso*
✓	Aaron Butler	*Accepted: Request for Comments- Combined OPA & ZBA-321 Garriso*
	Ed Melanson	*Good Morning Anamika, I have reviewed all of the documents attached*

Hi Anamika,

I have reviewed the OPA and ZBA for 321 Garrison Road and have no comments

Regards,

Keegan Gennings C.B.C.O
Chief Building Official
Town of Fort Erie
905-871-1600 ext. 2515

Anamika Dilwaria The site plan and other supporting documents c... 09/17/2021 10:31:33 AM

Invitation: Request for Comments- Combined OPA & ZBA-321 Garrison Road

Thu 10/07/2021 12:00 PM - 12:15 PM
Attendance is **required** for Keegan Gennings
Chair: **ADilwaria@forterie.ca**
No Location Information

ADilwaria has invited you to a meeting. You have not yet responded.

Required:	EMelanson@forterie.ca, JKorevaar@forterie.ca, KGennings@forterie.ca, PWasserman@forterie.ca, SHansen@forterie.ca
Optional:	AButler@forterie.ca, MCeci@forterie.ca

Interoffice Memorandum

Original: September 23, 2021
Updated: September 24, 2021

File No. 350302-0159 and 350309-0529

To: Anamika Dilwaria, Senior Development Planner

From: Jeremy Korevaar, Coordinator, Development Approvals

Subject: **Application for Combined Official Plan and Zoning By-law Amendment – 321 Garrison Road**

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Combined Official Plan and Zoning By-law Amendment and the supporting documentation for **321 Garrison Road** and have no objection to the proposed amendments.

The applicant is advised that the Stormwater Management Brief and Grading, Site Servicing and Storm Water Management Plan prepared by N & N Engineers Ltd. were not required by the Town to support this application. Therefore, a detailed review will be completed as part of the future application for site plan approval.

Jeremy Korevaar, C.E.T.
Coordinator, Development Approvals

Re: Invitation: Request for Comments- Combined OPA & ZBA-321 Garrison Road (Oct 7 12:00 PM EDT)

Ed Melanson to: Anamika Dilwaria 09/20/2021 08:46 AM

From: Ed Melanson/FortErie
To: Anamika Dilwaria/FortErie@TownOfFortErie
History: This message has been replied to.

	Anamika Dilwaria	Request for Comments- Combined OPA & ZBA-321 Garrison Road
✓	Signe Hansen	*Accepted: Request for Comments- Combined OPA & ZBA-321 Garriso*
✓	Mackenzie Ceci	*Accepted: Request for Comments- Combined OPA & ZBA-321 Garriso*
✓	Aaron Butler	*Accepted: Request for Comments- Combined OPA & ZBA-321 Garriso*
	Ed Melanson	*Good Morning Anamika, I have reviewed all of the documents attached*

Good Morning Anamika,

I have reviewed all of the documents attached for 321 Garrison Rd. I have no objections, questions or concerns.

Ed Melanson
Fire Chief / CEMC
Office: (905) 871-1600 ext. 2600
Cell: (905) 329-7255

Anamika Dilwaria The site plan and other supporting documents c... 2021-09-17 10:31:33 AM

Invitation: Request for Comments- Combined OPA & ZBA-321 Garrison Road

2021-10-07 Thu 12:00 PM - 12:15 PM
Attendance is **required** for Ed Melanson
Chair: **Anamika Dilwaria/FortErie**
No Location Information

Anamika Dilwaria has invited you to a meeting. You have not yet responded.

Interoffice Memorandum

October 7, 2021
File Nos: 350309-0529 & 350302-159

To: Anamika Dilwaria, Senior Development Planner
From: Signe Hansen, Manager, Community Planning
Subject: **321 Garrison Road – OPA/ZBA Application**

I have no comments relative to the application for an Official Plan Amendment and Zoning By-law Amendment for 321 Garrison Road.

I will have comments relative to a future site plan application.

Regards

Signe Hansen, OALA, CSLA, MBA
Manager, Community Planning
/sh

321 Garrison Road ZBR Application

Vijaykumar Patel to: Anamika Dilwaria 10/28/2021 12:10 PM

From: "Vijaykumar Patel" <
To: > "Anamika Dilwaria" <ADilwaria@forterie.ca>

History: This message has been replied to and forwarded.

Vijaykumar Patel	Vijaykumar Patel	321 Garrison Road ZBR Application	
Anamika Dilwaria	Anamika Dilwaria	*Hi Mr. Patel, Just wanted to clarify tha*	
Vijaykumar Patel	Vijaykumar Patel	*Hi Anamika,*	*Yes, I would thi*
Anamika Dilwaria	Anamika Dilwaria	*Mr. Patel, I have attached a cop*	

Hello Anamika,

As a Neighbor to the 321 Garrison road, we have no objection to this ReZoning, but for the portion of the amended 930 sq.mt , it is Townhomes on our side of the property.

Thus, a proper height Wall should be established for privacy and noise protection purposes between the two properties in my opinion.

Also, can you please send me the invite for the virtual council meeting.

Regards,

--

Vijaykumar Patel, CEO

Corporate Office:
3-102 Skymark Avenue
Mississauga, ON L4W 5B2
Peace Plaza and Towns
315, Garrison Road, Fort Erie L2A 1M9

To: Kira Dolch/FortErie@TownOfFortErie, Jonathan Janzen/FortErie@TownOfFortErie, Tom Kuchyt/FortErie@TownOfFortErie, Carol Schofield/FortErie@TownOfFortErie, Kelly Walsh/FortErie@TownOfFortErie, Mayor and Council
Cc: Aaron Butler/FortErie@TownOfFortErie
Bcc:
Subject: Fw:PDS-98-2021 Proposed Official Plan and Zoning By-law Amendment Application 321 Garrison Road
From: Anamika Dilwaria/FortErie - Friday 11/12/2021 01:44 PM

Good Afternoon Everyone,

Mentioned below is an email from Ms Haufek on behalf of her mother Ms. Djonovich, outlining her concerns regarding the increase in traffic on Garrison due to the proposed redevelopment at 321 Garrison Road.

Thanks,

Anamika Dilwaria, M.Pl., MCIP, RPP
Senior Development Planner, Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6
TEL: 1-905-871-1600 ext.2507
E-mail-adilwaria@forterie.ca

----- Forwarded by Anamika Dilwaria/FortErie on 11/12/2021 01:29 PM -----

From: "Nancy Haufek"
To: adilwaria@forterie.ca
Date: 11/12/2021 10:47 AM
Subject: 321 Garrison Road

Good morning, my mom Milica Djonovich had spoken to Aaron Butler (hope that's the right spelling) about her concerns about the new restaurant going in. She was asked to send an email with her concerns to you. My apologies for not getting this to you sooner but we are hoping that this can get addressed at the Nov 15th meeting.
Her main concern and question is what is being done to make sure the additional traffic that will be generated by another restaurant with drive thru is being addressed. Currently the traffic in this area is quite heavy as it is two main intersections in Fort Erie. We watch the traffic coming out of McDonalds and the entrance road to Sobeys and are surprised that there hasn't been a fatality yet. The volume on Garrison Road is increasing as well. I am not sure but I had seen that it was a Popeyes going in there, it is also a favourite of many and it will generate more traffic in and out.
She lives at the corner of Garrison and Concession so she sees the traffic and is just concerned and wants to make sure there is a plan in place to deal with additional traffic.
She can be reached at XXX XXX XXXX or you can reply to this email.
If any clarification is necessary please let me know.
Could you please let me know that you received this.

Thanks in advance
Nancy Haufek

The Municipal Corporation of the Town of Fort Erie

By-law No. 6-2021

Being a By-law to Amend Zoning By-law No. 129-90, as amended
321 Garrison Road
1784550 Ontario Inc. (Peter Wangler) - Owner
Rakib Hassan - Applicant
Rob Russell Planning Consultants (Rob Russell) - Agent

Whereas an application was received from Rob Russell of Rob Russell Planning Consultants, (Agent) on behalf of Rakib Hassan (Applicant) and 1784550 Ontario Inc. (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 321 Garrison Road; and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on November 15, 2021; and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90, as amended, pursuant to the recommendations of Report No. PDS-01-2022 considered and approved at the Council-in-Committee meeting held on January 10, 2022;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Schedule "A" of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands known municipally as 321 Garrison Road and shown as Parts 1 and 2 on the attached Appendix "1" from "Residential Multiple 1 (RM1-446) Zone" to "Core Mixed-Use 1 (CMU1-447) Zone" (Part 1) and "Residential Multiple 1 (RM1-446) Zone" to "Residential Multiple 1 (RM1-446) Zone and Environmental Conservation (EC) Overlay Zone" (Part 2).

2. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 17th day of January, 2022.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 6-2022 of the said Town. Given under my hand and the seal of the said Corporation this day of , 20 .

APPENDIX "1"

By-law No. 6-2022
THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 17th DAY OF JANUARY, 2022

Subject Property - 321 Garrison Road

Part 1 - Change from Residential Multiple 1 (RM1-446) Zone to Core Mixed Use 1 (CMU1-447) Zone

Part 2 - Change from Residential Multiple 1 (RM1-446) Zone to Residential Multiple 1 (RM1-446) Zone and Environmental Conservation (EC) Overlay Zone

Planning and Development Services
Map created January 11, 2022

PLAN 9218 PT BLK 5 NR305 RP 59R4028 PART 1

The Municipal Corporation of the Town of Fort Erie

By-law No. 7-2022

Being a By-law to Amend Fees and Charges By-law No. 40-09, as amended (2022 Review)

Whereas By-law No. 40-09, as amended, was passed by the Municipal Council of The Corporation of the Town of Fort Erie on March 9, 2009, to establish fees and charges for various services provided by the Town of Fort Erie; and

Whereas Report No. CBC-03-2022 was considered and approved at the Council-in-Budget-Committee meeting held on December 8, 2021, to approve user fee changes; and

Whereas it is deemed desirable to further amend By-law No. 40-09, as amended, to approve new fees and charges, and changes to previously established fees and charges;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the following Schedules to By-law No. 40-09, as amended, are repealed:

Infrastructure Services

Schedule "IS-B" Arena Rental Fees
Schedule "IS-D" Cemetery Fees
Schedule "IS-F" Other Facility Rental Fees
Schedule "IS-I" Crystal Beach Waterfront Park Boat Ramp Municipal Parking Lot Parking Fees
Schedule "IS-M" Transit Fees

and replaced with the Schedules attached hereto as **Schedule "A"**, and the fees and charges contained therein are hereby authorized, approved, and established.

2. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 17th day of January, 2022.

_____
Mayor

_____
Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 7-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

_____

SCHEDULE "IS-B"
to By-law 40-09

INFRASTRUCTURE SERVICES

Arena Rental Fees

The *Municipal Act, 2001,* S.O. 2001, c.25, as amended, provides municipalities with authority to establish and impose fees and charges.

The following fees shall be adjusted annually based on the Statistics Canada *Consumer Price Index* (CPI).

Arena Ice Time Rental Rates								
Arena Facility	**Youth Rate / Hour**		**Adult Rate / Hour**			**Other Rates / Hour**		
	Prime Time (1)	**Non-Prime Time (2)**	**Prime Time (1)**	**Preferred Prime Time (3)**	**Non-Prime Time (2)**	**Non-Resident**	**Pay As You Play (4)**	**Public Skate Room**
Leisureplex Kinsmen Rink	$138.10	$68.23	$192.74	$168.05	$97.61	$205.84	$4.42	$68.23
Leisureplex Jaycee Rink	$138.10	$68.23	$192.74	$168.05	$97.61	$205.84	$4.42	$68.23
Crystal Ridge Arena	$138.10	$68.23	$192.74	$168.05	$97.61	$205.84	$4.42	$68.23

All hourly rates include a 3% Ice Resurfacing Machine Replacement Surcharge.

(1) **Prime Time** hours are between the hours of 5:00 p.m. to 12:00 a.m. on weekdays and 6:00 a.m. to 12:00 a.m. on weekend days.

(2) **Non-Prime Time** hours are between the hours of 6:00 a.m. to 5:00 p.m. on weekdays only, from Labour Day to June 30th.

(3) **Preferred Adult Prime Time** hours are between the hours of 5:00 p.m. to 12:00 a.m. on weekdays and 6:00 a.m. to 12:00 a.m. on weekend days for high volume user groups that book over 100 hours of ice time per contract.

(4) **Pay As You Play** rates shall not be automatically adjusted annually.

School Board Arena Ice Time Rental Rates – All Facilities	
Classroom Skating 9:00 a.m. to 5:00 p.m.	No charge
Sanctioned Hockey 9:00 a.m. to 5:00 p.m.	$68.23 per hour

Skybox Rental - Leisureplex	**$129.34 per event**

The following fees shall not be adjusted annually:

Public Skating – All Facilities		
Public Skating	Matinee	$1.77 – per person
Public Skating	Evening	$2.65 – per person

Public Skating rates, as scheduled in the Leisure Guide and Town website, apply to all arena facilities.

SCHEDULE "IS-D"
to By-law 40-09

INFRASTRUCTURE SERVICES

Cemetery Fees

The *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c.33, as amended, and Regulations thereto, provides owners of cemeteries with authority to establish price lists.

The following fees shall be adjusted annually based on the Statistics Canada *Consumer Price Index* (CPI), *save and except those identified with "NCPI".*

RESIDENT RATES

Purchase of Interment Rights per Lot

Description	Interment Rights	Care & Maintenance	Total Before HST	HST (13%)	Total
The following may contain one casket interment and the cremated remains of 3 persons. Markers and upright monuments are permitted.					
Adult Grave (Section L Greenwood)	$ 855.48	$ 570.32	$1,425.80	$185.35	**$1,611.15**
Adult Grave (McAffee Standard Plot)	$ 924.11	$ 616.07	$1,540.18	$200.22	**$1,740.40**
Adult Grave	$ 743.98	$ 495.98	$1,239.96	$161.19	**$1,401.15**
The following may contain one casket interment and the cremated remains of 3 persons. Only Flat Markers are permitted.					
Adult Grave (Section G Greenwood)	$ 646.83	$ 431.22	$1,078.05	$ 140.15	**$1,218.20**
Infant and Child Graves may contain the casketed or cremated remains of one infant or child. Only Flat Markers are permitted.					
Infant or Child Grave (under 10Years)	$ 340.73	$ 227.15	$ 567.88	$ 73.82	**$ 641.70**
Cremation Lots other than in McAffee Cemetery may contain the cremated remains of one person. Only Flat Markers are permitted.					
Cremation	$ 340.73	$ 227.15	$ 567.88	$ 73.82	**$ 641.70**
Cremation (Section L Greenwood)	$ 427.91	$ 285.28	$ 713.19	$ 92.71	**$ 805.90**
Cremation Lots in McAffee Cemetery may contain the cremated remains of 3 persons. Only Flat Markers are permitted.					
Cremation or Infant Plot (McAffee 2'x5')	$ 454.36	$ 302.90	$ 757.26	$ 98.44	**$ 855.70**

Interment Charge (Opening & Closing)

* Includes the Licensing Fee as per the *Funeral, Burial and Cremations Services Act*, 2002

Description	Price Before HST	HST (13%)	Total
Adult*	$ 826.73	$ 107.47	**$ 934.20**
Child (1-9 Years)*	$ 451.99	$ 58.76	**$ 510.75**
Infant (Under 1 Year)*	$ 226.24	$ 29.41	**$ 255.65**
Cremation, including Niche opening/closing where applicable *	$ 282.52	$ 36.73	**$ 319.25**
Legion Columbarium Niche opening/closing *	$ 282.52	$ 36.73	**$ 319.25**
Subsequent In-ground Interment Fee	$ 151.59	$ 19.71	**$ 171.30**

Note: Opening charges do NOT include grass covering, lowering device or tent.
Regardless of age, if an adult case is used for a child, an adult charge will apply.

Schedule "A" to By-law No. 7-2022

Schedule "IS-D" Page 2

NON-RESIDENT RATES

Purchase of Interment Rights per Lot

Description	Interment Rights	Care & Maintenance	Total Before HST	HST (13%)	Total
The following may contain one casket interment and the cremated remains of 3 persons. Markers and upright monuments are permitted.					
Adult Grave (Section L Greenwood)	$1,497.11	$ 998.07	$2,495.18	$324.37	**$2,819.55**
Adult Grave (McAffee Standard Plot)	$1,617.19	$1,078.12	$2,695.31	$350.39	**$3,045.70**
Adult Grave	$1,301.87	$ 867.91	$2,169.78	$282.07	**$2,451.85**
The following may contain one casket interment and the cremated remains of 3 persons. Only Flat Markers are permitted.					
Adult Grave (Section G Greenwood)	$1,132.01	$ 754.67	$1,886.68	$245.27	**$2,131.95**
Infant and Child Graves may contain the casketed or cremated remains of one infant or child. Only Flat Markers are permitted.					
Infant or Child Grave (under 10 Years)	$ 596.23	$ 397.49	$ 993.72	$129.18	**$1,122.90**
Cremation Lots other than in McAffee Cemetery may contain the cremated remains of one person. Only Flat Markers are permitted.					
Cremation	$ 596.23	$ 397.49	$ 993.72	$ 129.18	**$1,122.90**
Cremation (Section L Greenwood)	$ 748.81	$ 499.20	$1,248.01	$ 162.24	**$1,410.25**
Cremation Lots in McAffee Cemetery may contain the cremated remains of 3 persons. Only Flat Markers are permitted.					
Cremation or Infant Plot (McAffee 2' x 5')	$ 795.02	$ 530.02	$1,325.04	$172.26	**$1,497.30**

Interment Charge (Opening & Closing)

* Includes the Licensing Fee as per the *Funeral, Burial and Cremation Services Act*, 2002

Description	Price Before HST	HST (13%)	Total
Adult*	$1,446.64	$188.06	**$1,634.70**
Child (1-9 Years)*	$ 791.11	$ 102.84	**$ 893.95**
Infant (Under 1 Year)*	$ 395.84	$ 51.46	**$ 447.30**
Cremation, including Niche opening/closing where applicable*	$ 494.51	$ 64.29	**$ 558.80**
Legion Columbarium Niche opening/closing*	$ 494.51	$ 64.29	**$ 558.80**
Subsequent In-ground Interment Fee	$ 265.40	$ 34.50	**$ 299.90**

Note: Opening charges do NOT include grass covering, lowering device or tent.
Regardless of age, if an adult case is used for a child, an adult fee will apply.

Schedule "A" to By-law No. 7-2022

Schedule "IS-D" Page 3

GREENWOOD COLUMBARIUM (48 Niche Dome Unit)

Level	Base Price	Care & Maintenance	Wreath	Opening & Closing	Price Before HST	HST (13%)	Total
F	$1,356.86	$ 361.31	$ 690.55	$ 282.52	$ 2,691.24	$ 349.86	**$ 3,041.10**
E	$1,356.86	$ 361.31	$ 690.55	$ 282.52	$ 2,691.24	$ 349.86	**$ 3,041.10**
D	$1,496.09	$ 385.88	$ 690.55	$ 282.52	$ 2,855.04	$ 371.16	**$ 3,226.20**
C	$1,496.09	$ 385.88	$ 690.55	$ 282.52	$ 2,855.04	$ 371.16	**$ 3,226.20**
B	$1,356.86	$ 361.31	$ 690.55	$ 282.52	$ 2,691.24	$ 349.86	**$ 3,041.10**
A	$1,078.55	$ 312.19	$ 690.55	$ 282.52	$ 2,363.81	$ 307.29	**$ 2,671.10**

Each niche shall have the cremated remains of not more than two (2) persons. Purchase of a niche in the columbarium includes the rights for inurnment per niche, care and maintenance, wreath name plaque, one cremation opening and closing, and the Licensing Fee as per the *Funeral, Burial and Cremation Services Act, 2002*.

GREENWOOD COLUMBARIUM (72 Niche Dome Unit)
& RIDGEWAY MEMORIAL COLUMBARIUM (72 Niche Dome Unit)

Level	Base Price	Care & Maintenance	Wreath	Opening & Closing	Price Before HST	HST (13%)	Total
F	$1,333.32	$ 357.15	$ 690.55		$ 2,381.02	$ 309.53	**$ 2,690.55**
E	$1,333.32	$ 357.15	$ 690.55		$ 2,381.02	$ 309.53	**$ 2,690.55**
D	$1,472.62	$ 381.74	$ 690.55		$ 2,544.91	$ 330.84	**$ 2,875.75**
C	$1,472.62	$ 381.74	$ 690.55		$ 2,544.91	$ 330.84	**$ 2,875.75**
B	$1,333.32	$ 357.15	$ 690.55		$ 2,381.02	$ 309.53	**$ 2,690.55**
A	$1,055.05	$ 308.03	$ 690.55		$ 2,053.63	$ 266.97	**$ 2,320.60**

Each niche shall have the cremated remains of not more than two (2) persons. Purchase of a niche in the columbarium includes the rights for inurnment per niche, care and maintenance, and wreath name plaque. The opening and closing fees are billed separately at the time of inurnment.

McAFFEE RAYNER COLUMBARIUM 1 (64 Niche)

Base Price	Care & Maintenance	Wreath	Opening & Closing	Price Before HST	HST (13%)	Total
$ 1,742.16	$ 307.44		$ 282.52	$ 2,332.12	$ 308.18	**$ 2,635.30**

Each niche shall have the cremated remains of not more than two (2) persons. Purchase of a niche in the columbarium includes the rights for inurnment per niche, care and maintenance, and one cremation opening and closing, and the Licensing Fee as per the *Funeral, Burial and Cremation Services Act, 2002*.

McAFFEE RAYNER COLUMBARIUM 2 (64 Niche)

Base Price	Care & Maintenance	Wreath	Opening & Closing	Price Before HST	HST (13%)	Total
$ 1,718.77	$ 303.31			$ 2,022.08	$262.87	**$ 2,284.95**

Each niche shall have the cremated remains of not more than two (2) persons. Purchase of a niche in the columbarium includes the rights for inurnment per niche, and care and maintenance.

Schedule "A" to By-law No. 7-2022

Schedule "IS-D" Page 4

McAFFEE COLUMBARIUM 4 (64 Niche)

Base Price	Care & Maintenance	Wreath	Opening & Closing	Price Before HST	HST (13%)	Total
$ 1,718.77	$ 303.31			$ 2,022.08	$262.87	**$ 2,284.95**

Each niche shall have the cremated remains of not more than two (2) persons. Purchase of a niche in the columbarium includes the rights for inurnment per niche, and care and maintenance.

LEGION COLUMBARIUM 2 AT GREENWOOD CEMETERY (64 Niche)

Base Price	Care & Maintenance	Wreath	Opening & Closing	Price Before HST	HST (13%)	Total
Contact the Legion	$ 150.44			$ 150.44	19.56	**$ 170.00**

Each niche shall have the cremated remains of not more than two (2) persons. Niches in the columbarium must be arranged through the Cemetery Chairman of Royal Canadian Legion, Branch 71.

DISINTERMENT RATES (Opening & Closing Only)

Description	Price Before HST	HST (13%)	Total
Casket	$ 1,712.43	$ 222.62	**$ 1,935.05**
Cremation	$ 499.51	$ 64.94	**$ 564.45**

Note: All casket burial disinterments will be contracted out with Cemetery staff doing the opening and closing only.

Relocation of disinterments in Town-owned cemeteries will require the purchase of new interment rights and opening and closing fees on new graves.

ADDITIONAL SERVICES CHARGES (Over & Above Normal Burial Charges)

Description	Total Before HST	HST (13%)	Total
Saturday Burial – Casket	$ 526.02	$ 68.38	**$ 594.40**
Saturday Burial – Cremation	$ 294.65	$ 38.30	**$ 332.95**
Statutory Holiday – Casket	$1,136.15	$ 147.70	**$1,283.85**
Statutory Holiday – Cremation	$ 639.16	$ 83.09	**$ 722.25**
Late Arrival to Cemetery for Interment (charged for every part hour)			
Weekdays after 4:00 p.m. and Saturday after 2:00 p.m.	$ 75.80	$ 9.85	**$ 85.65**
Statutory Holidays after 2:00 p.m.	$ 151.55	$ 19.70	**$ 171.25**

Schedule "A" to By-law No. 7-2022

Schedule "IS-D" Page 5

Note: Normal working hours are 7:30 a.m. – 4:00 p.m., Monday to Friday.
Saturdays are NOT considered to be normal working hours. No interments are scheduled on a Sunday.

OTHER CHARGES

Description	Care & Maintenance	Total Before HST	HST (13%)	Total
Optional Cremation Above-Ground Setup *(including lowering device)*		$ 151.55	$ 19.70	**$ 171.25**
Preparation of Transfer of Ownership, per lot or niche		$ 71.90	$ 9.35	**$ 81.25**
Provide Duplicate Interment Rights Certificate, per lot or niche		$ 47.70	$ 6.20	**$ 53.90**

Charge for Setting Marker & Pouring Foundation				
Construction of Monument Foundation (Per Cubic Foot of Concrete)		$ 36.06	$ 4.69	**$ 40.75**
Minimum Charge for Foundation		$ 409.69	$ 53.26	**$ 462.95**

Flat Marker Installation					
	Installation	**Care & Maintenance**	**Total Before HST**	**HST (13%)**	**Total**
Under 173 Square Inches	$ 121.02		$ 121.02	$ 15.73	**$ 136.75**
Over 173 Square Inches	$ 146.15	$ 100.00 *(NCPI)*	$ 246.15	$ 32.00	**$ 278.15**
Upright Marker Care & Maintenance					
Under 4 Feet in Height or Width		$200.00 *(NCPI)*	$ 200.00	$ 26.00	**$ 226.00**
Over 4 Feet in Height or Width		$400.00 *(NCPI)*	$ 400.00	$ 52.00	**$ 452.00**

SCHEDULE "IS-F"
to By-law 40-09

INFRASTRUCTURE SERVICES

Other Facility Rental Fees

The *Municipal Act, 2001,* S.O. 2001, c.25, as amended, provides municipalities with authority to establish and impose fees and charges.

The following fees shall NOT be adjusted annually based on the Statistics Canada *Consumer Price Index* (CPI).

LEISUREPLEX & STEVENSVILLE MEMORIAL HALL				
Purpose	**Leisureplex Banquet Hall**		**Stevensville Memorial Hall**	
	FRI-SAT	**SUN-THU**	**FRI-SAT**	**SUN-THU**
Floor Only (non-sport)	**$233.63/day**	**$180.53/day**	**$203.54/day**	**$153.10/day**
Chairs (Set-up Only)	**$285.84/day**	**$238.94/day**	**$230.09/day**	**$210.62/day**
Chairs, Tables & Bar	**$476.11/day**	**$366.37/day**	**$407.08/day**	**$305.31/day**
Chairs, Tables, Bar, Kitchen - Including Dishes & Cutlery	**$667.26/day**	**$519.47/day**	**$535.40/day**	**$382.30/day**
Meeting Room	**$53.10/day**	**$53.10/day**	**$53.10/day**	**$53.10/day**
Cash Bar	**$203.54/day**	**$203.54/day**	**n/a**	**n/a**

CRYSTAL RIDGE COMMUNITY CENTRE - UPSTAIRS HALL	
Hall Rental – Floor Only	**$101.77/day**

The following fees shall be adjusted annually based on the Statistics Canada *Consumer Price Index* (CPI).

LEISUREPLEX & CRYSTAL RIDGE ARENAS Multi-Purpose Floor Rentals	
Purpose	**Rate**
Sport (e.g. Floor hockey/lacrosse)	**$66.77/hour**
Spectator Event (e.g. Boxing) 60/40 gate split in favour of promoter	**$1,040.22** Minimum Charge
Event (e.g. Home Show, Trade Show, etc.)	**$1,040.22/day** – Kinsmen Arena
	$672.83/day – Jaycee Arena
	$672.83/day – C.R.C.C.
USER GROUP PER SEASON: Minor Ball, Soccer Organizations, Tennis Club, Football Club	
Adult Group:	**$184.69** Per Team
Youth Group:	**$4.69** Per Person

Schedule “A” to By-law No. 7-2022

LEISUREPLEX & STEVENSVILLE MEMORIAL HALL	
Floor Rental for Sport multiple courts (eg. Pickleball)	**$30.44/hr (minimum 2 hour rental)**
Floor Rental for Sport single court (eg. Pickleball)	**$15.22/hr (minimum 2 hour rental)**

SCHEDULE "IS-I"
to By-law 40-09

INFRASTRUCTURE SERVICES

Crystal Beach Waterfront Park Boat Ramp Municipal Parking Lot Parking Fees

The *Municipal Act, 2001,* S.O. 2001, c.25, as amended, provides municipalities with authority to establish and impose fees and charges.

(a) $13.28 per day;
(b) $110.62 per season;
(c) The Crystal Beach Waterfront Park Boat Ramp Municipal Parking Lot shall be operated on a fee for parking basis and the daily fees shall be payable only by vehicles with a vessel trailer in tow;
(d) Season Parking Pass Stickers shall be issued to individual vessel trailers;
(e) The hours of operation shall be 24 hours.

SCHEDULE "IS-M"

to By-law 40-09

INFRASTRUCTURE SERVICES

Transit Fees

The *Municipal Act, 2001,* S.O. 2001, c.25, as amended, provides municipalities with authority to establish and impose fees and charges.

The following fees shall NOT be adjusted annually based on the Statistics Canada *Consumer Price Index* (CPI).

CASH FARE	
ADULT	**$ 3.00**
SENIOR	**$ 3.00**
STUDENT	**$ 3.00**
CHILD (UNDER 12)	**N/A**
DAY PASS	**$ 6.00**

10 RIDE PASS	
ADULT	**$ 27.00**
SENIOR	**$ 22.50**
STUDENT	**$ 22.50**

MONTHLY PASS	
ADULT	**$ 85.00**
SENIOR	**$ 65.00**
STUDENT	**$ 65.00**

The Municipal Corporation of the Town of Fort Erie

By-law No. 8-2022

Being a By-law to Accept and Declare a Daylighting Triangle as Public Highway at the Southeast Intersection of Rebstock Road and Beechwood Avenue (4165 Rebstock Road) Michael Atkins and Cindy Atkins – Owners

Whereas pursuant to the Decision of the Town of Fort Erie Committee of Adjustment, File No. B28/21 F.E., the owners, Michael Atkins and Cindy Atkins, are required to convey lands to The Corporation of the Town of Fort Erie for the purpose of a daylighting triangle at the southeast intersection of Rebstock Road and Beachwood Avenue, gratuitously, free and clear of all encumbrances; and

Whereas the *Municipal Act, 2001*, as amended, provides that if a municipality acquires land for the purpose of widening a highway, the land acquired forms part of the highway to the extent of the designated widening; and

Whereas it is deemed desirable to authorize the acceptance of lands for road widening purposes, and declare and assume same as public highway forming part of Rebstock Road;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the acceptance of land from Michael Atkins and Cindy Atkins, legally described as Part of Lot 527, Plan 425, Bertie, designated as Part 2 on Reference Plan 59R-17133; Fort Erie, being part of PIN 64178-0577 (LT) (the “Lands”) for road widening purposes, free and clear of all encumbrances, is authorized and approved.

2. **That** the Lands are established, laid out, declared and assumed as public highway forming part of Rebstock Road, for public use.

3. **That** upon final passage of this by-law, the Town Law Clerk shall cause same to be registered in the Land Registry Office.

4. **That** the Mayor and Clerk are authorized and directed to execute all documentation necessary to complete this transaction.

5. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 17th day of January, 2022.

_____
Mayor

_____
Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, hereby certify the foregoing to be a true copy of By-law No. 8-2021 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

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The Municipal Corporation of the Town of Fort Erie

By-law No. 9-2022

Being a By-law to Confirm the Actions of Council at its Council-in-Committee Meeting Held on January 10, 2022, and Special Council and Council Meetings Held on January 17, 2022

Whereas it is desirable to have the actions and proceedings of Council adopted, ratified and confirmed by by-law;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the actions of Council at its Council-in-Committee Meeting held on January 10, 2022, and Special Council and Council Meetings held on January 17, 2022 including all motions, resolutions and other actions are adopted, ratified and confirmed as if they were expressly embodied in this by-law, except where the law requires the prior approval of the Ontario Municipal Board or other authority.

2. **That** where no individual by-law has been or is passed with respect to the taking of any action authorized in or with respect to the exercise of any powers by the Council, then this by-law is deemed for all purposes to be the by-law required for such authorization or exercise of any powers.

3. **That** the Mayor and officers of The Corporation of the Town of Fort Erie are authorized and directed to do all things necessary to give effect to such actions or to obtain approvals where required**.**

4. **That** except where otherwise provided, the Mayor and the Clerk are authorized and directed to execute all documents arising from such actions.

5. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 17th day of January, 2022.

_____
Mayor

_____
Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 9-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 . _____