



The Municipal Corporation of the
Town of Fort Erie

Council-in-Committee Meeting Minutes

Monday, November 9, 2020

Council Chambers via Video Teleconference

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

All electronic meetings can be viewed at:

Town's website:

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

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

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

1. Call to Order

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

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

2. Roll Call

Present (In Council Chambers): His Worship Mayor Redekop

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

(*Arrived at 6:16 p.m.)

Staff (Via Zoom Teleconference): A. Butler, A. Dilwaria, K. Dolch, T. Kuchyt, E. Melanson, C. Schofield, G. Stojanovic, D. Vander Veen, 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.

3. Announcements/Addenda

There was one addendum being the addition to Report No. PDS-54-2020 Minor Modification to Draft Plan of Subdivision, Hazelwood, as

Appendices “1, 2, 3, 4, & 5”, were originally omitted.

Mayor Redekop made the following announcements:

Boys & Girls Club Celebrates 60 Years in Niagara

Yesterday was the E.J. Freeland Community Centre's official opening by the Boys & Girls Club, who was also celebrating its 60th anniversary in Niagara with 18 years of service in Fort Erie. I would personally like to thank the members of the task force as they ensured that programs and activities continued at the facility: Bev Arbour, Joan Christensen, Glen Finbow, Mark Griffis, Kazi Marouf, Stu McLeod, Taralee McLean, Ted Ogilvie, Rebecca Parton, Karen Vandermeulen, Nick Dubanow, Kim Zanko, Tom Kuchyt, and Janine Tessmer. The event was by invitation only and followed all public health guidelines and protocols. The facility looks fantastic inside: the equipment received in the transfer from the YMCA was well maintained and cleaned, they are doing some work on the pool and contemplating opening the slide; there's a lot of activity and adult programming. Feedback from the community has been positive. Congratulations to the Boys & Girls Club. This whole thing wouldn't have occurred without the efforts of Tom Kuchyt and Joanne Turner.

Passing of former Mayor of Fort Erie, Girve Fretz

Girve Fretz, previous Mayor of Fort Erie and long-time Member of Parliament for this area, passed earlier this week. Girve Fretz was Mayor of Fort Erie in 1977 and 1978 and successfully ran for Parliament from 1979 and served until 1993 when he retired. Girve Fretz was a wonderful individual; everybody who ever met him liked him and likewise. He certainly loved life; this is a sad loss for his family and the community.

2020 Niagara Recognition Design Awards

Fort Erie won the Grand Prize for its work on our Waterfront Strategy, highlighting the beauty and access to our 40 plus kilometers of waterfront along Lake Erie and the Niagara River, not to mention the many creeks in our community.

Fort Erie also won the Outstanding Achievement Award for Landscape Design for the Bay Beach Park.

Congratulations to all Town staff, consultants, and contractors and Town Council for creating and supporting such fantastic projects.

Remembrance Day

Remembrance Day is coming up in two days. The Ridgeway Branch of

the Royal Canadian Legion held a small ceremony in Stevensville on Sunday, November 8, 2020, where Councillor Noyes was able to stand in for me. On Wednesday, the Ridgeway Legion will be holding an invitation-only Remembrance Day ceremony outdoors. I would ask that everyone in the community stop at 11 a.m. on November 11th to reflect on the sacrifices made by the men and women who were injured and killed in conflict.

COVID-19

I feel a need to comment on the spiraling number of COVID-19 cases in Fort Erie over the past three weeks. The largest number of infections has been experienced at Gilmore Lodge. The latest information available to me was that 19 residents and 16 staff were infected and there have been 6 deaths. While those who have passed away were near the end of their lives, they have been unfortunately taken from their families before their time. This is terribly regrettable. I would like all of us to observe a moment of silence for those residents of Gilmore Lodge who have passed away during this time.

Council and staff observed a moment of silence.

I want to say that we have been working with the Region to try and get more data on infections and how it is spreading in Niagara. One thing that seems clear is that the virus was introduced to Gilmore Lodge by someone who came from outside, perhaps a professional caregiver, a family caregiver, or a worker who was infected in the community. Fort Erie has become a hot spot for the virus during the past month. These cases are arising from community contact. Data suggests that those in the age range of 20-39 are most likely to gather in excessive numbers and fudge on physical distancing. I don't believe anyone intends to infect another with COVID-19, but that is the result if we are not vigilant. I don't intend to generalize these comments or point the finger at anyone. I want to reinforce the need for all of us to follow public health guidelines and protocols.

Once again, I urge everyone in Fort Erie to wash your hands, maintain physical distancing when you are out, wear a mask, don't gather in groups, limit your travel and stay home if you are ill. If Fort Erie, Niagara, and Ontario cannot get this virus under control, we all risk further restrictions in what we can do, where we can go, and who we can see. I know that no one wants that, so let's try a little harder.

4. Declarations of Pecuniary Interest

(a) Councillor Dubanow

Councillor Dubanow declared a conflict of interest concerning Public Meeting 6(b) Proposed Draft Plan of Vacant Land Condominium and Zoning By-law Amendment – 397 Garrison Road - Ashton Homes (Western) Limited as he lives in a subdivision developed by Ashton Homes (Western) Limited which has not yet been transferred to the municipality. He abstained from discussing the matter.

(b) Councillor Dubanow

Councillor Dubanow declared a pecuniary interest concerning Planning and Development Services Report No. PDS-50-2020 Proposed Draft Plan of Vacant Land Condominium and Zoning By-law Amendment – 397 Garrison Road - Ashton Homes (Western) Limited as he lives in a subdivision developed by Ashton Homes (Western) Limited which has not yet been transferred to the municipality. He abstained from discussing and voting on the matter.

(c) Councillor Lubberts

Councillor Lubberts declared a pecuniary interest concerning Public Meeting 6(c) Proposed Temporary Zoning By-law Amendment – 409 Gorham Road – Agent – Zelinka Priamo Ltd. (Dave Hannam). He abstained from discussing the matter.

(d) Councillor Lubberts

Councillor Lubberts declared a pecuniary interest with Report No. PDS-51-2020 Proposed Temporary Zoning By-law Amendment – 409 Gorham Road – Agent – Zelinka Priamo Ltd. (Dave Hannam). He abstained from discussing and voting on the matter.

5. Notice of Upcoming Public Meetings

(a) Zoning By-law Amendment (Adjourned from August 31, 2020)

Re: 0 Burleigh Road North - Owner: Roman Catholic Episcopal Corporation St. Catharines - Agent: Alexis Banfai - Monday, November 16, 2020 - 6:00 p.m. - Via Video Teleconference. The information report will be available on Thursday, November 12, 2020.

(b) Town's Zoning By-law Amendment

Re: Housekeeping Amendment - Town's Comprehensive Zoning By-law No. 129-90 - Monday, November 16, 2020 - 6:00 p.m. -

Via Video Teleconference. The information report will be available on Thursday, November 12, 2020.

(c) 2021 Budget Meeting Schedule

Council-in-Budget Committee Meetings: #1 - Wednesday, November 18, 2020 - Capital Budget & Forecast; #2 - Wednesday, December 9, 2020 - Water and Wastewater Operating Budget and User Fees Analysis; #3 - Wednesday, February 3, 2021 - Library, General Levy Operating Budget & Assessment Analysis; #4 – Wednesday, February 10, 2021 – (if required). All budget meetings begin at 6:00 p.m. Via Video Teleconference. Budget By-laws: Monday, December 14, 2020 – Preliminary Capital Budget By-law; Monday, January 18, 2021 – Water and Wastewater Budget and Rates By-law; Monday, February 16, 2021 – General Levy Budget By-law and General Capital Budget By-law.

6. Public Meetings

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

Re: 2776 Stevensville Road - Owner - Mike and Mary Ellen Grummett - Agent - Mike Grummett, Jr. The applicant is requesting an amendment to the Official Plan to re-designate the easterly portion of lands to Industrial to facilitate the construction of a new industrial building. The lands are currently zoned Highway Commercial (C3) Zone, in part, and Environmental Conservation (EC) Overlay Zone, in part. The applicant is requesting to rezone the easterly portion to a new site-specific Industrial (IN) Zone which is required to add chemical vulcanizing, tire repair, rim refurbishing and storage of tires as permitted uses, and eliminate landscaping between existing commercial and proposed industrial zones.

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

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

Ms. Dilwaria, Senior Development Planner, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Ms. Dilwaria confirmed the statutory requirements for the Public Meeting 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.

Mike Grummett, Jr. Agent for the Applicant advised that he had no additional comments.

Mayor Redekop enquired if any members of the public wished to speak for or against the Application. No members of the public came forward.

Mayor Redekop declared the Public Meeting closed.

- (b) Proposed Draft Plan of Vacant Land Condominium & Zoning By-law Amendment

Re: 397 Garrison Road - Owner - Ashton Homes (Western) Ltd. - Agent - William Heikoop (Planning & Engineering Ltd.). The applicant is proposing to register a Vacant Land Condominium for a 24 unit townhouse dwelling project and vacant land units (lots) for future dwelling units. The lands are currently zoned site-specific Residential Multiple 1 (RM1-376) (H) Zone which permits a townhouse development. The applicant is requesting a zoning by-law amendment for reductions in the minimum interior yard setback, landscaped area, and privacy area.

Ms. Dilwaria, Senior Development Planner, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Ms. Dilwaria confirmed the statutory requirements for the Public Meeting 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.

William Heikoop, Upper Canada Consultants, Agent for the Applicant, was present to speak on behalf of the Application.

Mr. Heikoop delivered a PowerPoint Presentation which is available for viewing on the the Town's website. He reviewed the following aspects of the development:

- Parcel fabric was created through Peace Bridge Village Phase 1; the Developer is actively completing Phase 2
- Specific Townhouse units have been designed and is the reason for the Application
- Development consists of 24 block townhouse dwellings accessed by an internal private driveway connected to Garrison Road
- Dwellings consist of a variety of townhouse units including bungalows and two-storey dwellings ranging in size from 1,200 square feet and 2,000 square feet
- Each unit will contain one outdoor parking space and one garage parking space with 16 visitor parking spaces proposed along the entrance
- Internal sidewalk has been provided creating an important pedestrian connection from Phase 1 through to Garrison Road which is also the link for the underground services for sanitary and storm sewers
- Block Townhouses are currently permitted under existing Zoning By-law;
- Site Specific RM1 Zoning amendments include: reduction in interior side yard setback (unit 1), minimum privacy area (Block E), and minimum landscaped area;
- Peace Bridge Village Phase 3 proposes 24 Block Townhouses which will create a Condominium Corporation which will provide for a high level of property maintenance and services such as snow removal and landscaping
- Proposed elevations include a variety of brick materials and colours and board and batten

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 whether there were any members of the public in the waiting room who wish to speak in opposition to the Application or ask questions.

(a) Frank DeLuca, 4341 Kilman Place, Niagara Falls

Mr. DeLuca read into the Minutes an email from the neighbouring property owner, the Maniatis Family, Garrison's Grill, 385 Garrison Road.

“The Maniatis family has owned and operated Garrison Grill and Subs for over 25 years at 385 Garrison Road.

We have received the notice and the subsequent report about this development being done on the neighbouring property. We are very disappointed in this report and will not support this Application as it is presented.

For your reference, I have attached an aerial drawing. The concerns are many, but we want them addressed at this meeting because they are financially important to us, and we don't want to lose this opportunity to express them and be dealt at this stage. We are hoping that the Council will change its mind about the configuration in front of the building.

- We would like to ask that the city remove the abandoned sewer pipe labelled "1" from the Maniatis parking lot. At the same time remove the pipe labelled "3" from the same parking lot onto the Oxford Living property. These lines carry raw sewage onto the parking lot from Oxford Living's 110 suite retirement residence.
- We would like that the fence only be erected up to the Garrison Grill building and to the end of their parking lot as similar to all other developments in the area to improve sight lines and really make it look less industrial.

We would ask that you defer this Application so the two parties can negotiate changes to driveway to accommodate the encroachment on the neighbouring property for over 25 years. We have proposed an entrance 6 metres down from the sidewalk into Garrison Grill so as not to block our access to our property.

We are available any time to discuss this further.”

There were no other persons present to speak in opposition to the Application.

Mayor Redekop declared the Public Meeting closed.

(c) Proposed Temporary Zoning By-law Amendment

Re: 409 Gorham Road - Owner - Gorham Road Inc. (David Kompson) - Agent - Zelinka Priamo Ltd. (Dave Hannam). The applicant is proposing to rezone the subject property to

temporarily permit the continued operation of a trailer on site used as a liquor store, operated by the LCBO. The subject property is currently designated Commercial in the Ridgeway-Thunder Bay Secondary Plan, and zoned Highway Commercial (C3) Zone. The Application would change the zoning to a site-specific Highway Commercial (C3) Zone that will permit the trailer for up to three years.

Daryl Vander Veen, Planning Technician, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Mr. Vander Veen confirmed the statutory requirements for the Public Meeting 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.

Dave Hannam and Robert MacFarlane, Zelinka Priamo Ltd., Agents, were present to speak on behalf of the Application.

Mr. MacFarlane delivered a PowerPoint Presentation which is available for viewing on the Town's website. He reviewed the following aspects of the development:

- The LCBO has been operating on the property since May 2017; the seasonal operation has evolved to year-round operation
- They are requesting a temporary 3-year extension to the Zoning By-law to allow construction of a bricks and mortar location as well as conduct more market research and maintain a market presence
- The LCBO only has two temporary sales trailers in their fleet which are used for market research or until bricks and mortar store can be found or constructed
- The LCBO would like to maintain the gravel parking area and are planning dust mitigating measures

Mayor Redekop enquired if any members of the public wished to speak for or against the Application. No members of the public came forward.

Mayor Redekop declared the Public Meeting closed.

7. Consent Agenda Items

7.1 Request to Remove Consent Agenda Items

Report No. PDS-53-2020 was removed from the Consent Agenda at the request of Councillor Dubanow.

7.2 Consent Agenda Items for Approval

PDS-52-2020 Planning and Development Services -
Development, Building and By-law
Statistical Reporting - Third Quarter 2020

That: Council receives Report No. PDS-52-2020 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-52-2020 to the Regional Planning and Development Services Department, the Fort Erie Economic Development and Tourism Service, the District School Board of Niagara and the Niagara District Catholic School Board. **(Carried)**

PDS-54-2020 Modification to Draft Plan Approval - Hazelwood
Draft Plan of Subdivision - West Side of
Hazelwood Avenue, North of Erie Road - Roll
Nos. 2703 020 017 38700 0000 & 2703 020 017
37000 0000 - Knof Group Inc. - Jens Knof -
Owner - Quartek Group Inc. - Susan Smyth -
Agent

That: Council approves a minor modification to the approved Hazelwood draft plan of subdivision located at the west side of Hazelwood Avenue, north of Erie Road, and further

That: Council directs that conditions of approval for the Hazelwood draft plan of the subdivision be amended as detailed in Appendix "5" of Report No. PDS-54-2020, and further

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

IS-41-2020 Award of Contract No. ISO-20T-GRRP20 -
Guiderail Replacement

That: Council accepts and approves the tender for guiderail replacement from Peninsula Construction Inc. (Contract No.

ISO-20T-GRRP20) at an upset limit of \$186,673.18 (including 13% HST), and further

That: Council amends the 2020 Capital Budget to supplement the Guiderail Replacement projects – Contract No. ISO-20T-GRRP20 by \$64,000 with funding from the Road Refurbishing Reserve. **(Carried)**

CAO-23-2020 Agreement Between The Corporation of The Town of Fort Erie And JPAS International Inc. for the Acquisition of the Former Fort Erie Public School Site – Return of Contingent Liability Funds and Interest Accrued

That: Council approves the return of the remaining contingent liability payment held back by the Town of Fort Erie in connection with the contingent environmental liability for the purchase from the District School Board of Niagara, in the amount of \$1,000,000 plus interest to JPAS, and further

That: The Town of Fort Erie returns \$1,062,584 of the held funds to JPAS International Inc. upon receipt of the executed Acknowledgement, attached as Appendix “1” to Administrative Report No. CAO-23-2020. **(Carried)**

CAO-24-2020 Accessibility Advisory Status Report

That: Council receives the Accessibility Status Report 2020, attached as Appendix “1” to Report No. CAO-24-2020, as the annual Accessibility Status Report required under the *Accessibility for Ontarians with Disabilities Act*. **(Carried)**

Consent Agenda Recommendation

Recommendation No. 1

Moved by: Councillor McDermott

That: Council approves the Consent Agenda Items as recommended, save and except Report No. PDS-53-2020. **(Carried)**

7.3 Items Removed to be Dealt with Separately

PDS-53-2020 Sale of Limited Marketability Land: 0 Catherine Street – Part of Lot 22, West Side Niagara Street, Plan 505 Part 1 59R-1839 Village of Fort Erie; Fort Erie, Being all of PIN 34227-0091(R) – Regional Municipality of Niagara

Recommendation No. 2
Moved by: Councillor McDermott

That: Council waives the notification requirements of Section 6.2.4 of By-law No. 60-2017 for Limited Marketability land, and further

That: Council authorizes and approves the sale of 0 Catherine Street, Part of Lot 22, West Side Niagara Street, Plan 505, Part 1, 59R-1839, Village of Fort Erie; Fort Erie; Fort Erie, being all of PIN 64227-0091(R) as a Limited Marketability parcel to the Applicant, the Regional Municipality of Niagara for the amount of \$5,400.00, subject to the land legally merging in title with the Applicant's abutting property, and further

That: Council directs that a by-law be submitted to Council to authorize the entry into an Agreement of Purchase and Sale.
(Carried)

8. Planning and Development Services

Chaired by Councillor Zanko.

8.1 Presentations and Delegations

None.

8.2 Reports

PDS-49-2020 Proposed Official Plan and Zoning By-law Amendment - 2776 Stevensville Road- Mike Grummett Jr. (Agent) - Mike and Mary Ellen Grummett (Owner)

Recommendation No. 3
Moved by: Councillor McDermott

That: Council receives for information purposes Report No. PDS-49-2020 regarding a proposed amendment to the Town's Official Plan and Comprehensive Zoning By-law No. 129-90 for 2776 Stevensville Road.
(Carried)

PDS-50-2020 Proposed Draft Plan of Vacant Land Condominium and Zoning By-law Amendment - 397 Garrison Road - Ashton Homes (Western)

Ltd. - Owners - Upper Canada Consultants
(William Heikoop) - Agenda - Peace Bridge
Village Phase 3

Recommendation No. 4
Moved by: Councillor Butler

That: Council receives for information purposes Report No. PDS-50-2020 regarding a proposed Draft Plan of Vacant Land Condominium and Zoning By-law Amendment for 397 Garrison Road. **(Carried)**

PDS-51-2020 Proposed Temporary Zoning By-law Amendment - 409 Gorham Road- Zelinka Priamo Ltd. - Dave Hannam (Agent) - Gorham Road Inc. - David Kompson (Owner)

Recommendation No. 5
Moved by: Councillor Dubanow

That: Council receives for information purposes Report No. PDS-51-2020 regarding a proposed temporary Zoning By-law amendment to the Town's Comprehensive Zoning By-law No. 129-90 for 409 Gorham Road. **(Carried)**

PDS-55-2020 Proposed Draft Plan of Common Elements Condominium - 0-15199 Ridgeway Road - Marz Homes (Crystal Beach Inc.) - c/o Dan Gabriele - Owners - Steven Fraser, A.J. Clarke - Agent

Recommendation No. 6
Moved by: Councillor McDermott

That: Council approves the South Coast Phase 2, Draft Plan of Common Elements Condominium, subject to the conditions contained in Appendix "3" to Report No. PDS-55-2020, and further

That: Council directs staff to circulate The Conditions of Draft Plan Approval in Appendix "3" of Report No. PDS-55-2020 to the applicable agencies in accordance with the requirements of the *Planning Act*. **(Carried)**

8.3 New Business/Enquiries

(a) Response to Enquiry

Re: Enquiry by Councillor Zanko at the September 21, 2020 Council Meeting regarding a legal opinion with respect to the municipality's obligations under the Erie Beach Subdivision.

Ms. Dolch read the Response to Enquiry into the Minutes, and is available for viewing on the Agenda.

Councillor Zanko gave the Chair to Councillor Noyes in order to speak to the matter.

- (b) Recommendation No. 7
Moved by: Councillor Zanko

That: Council directs staff to amend the Approved Plan(s) for the Subdivision at Erie Beach to reduce the paved width of the laneways to no less than 15 feet centred within the subject parcels, subject to receiving consent from the property owners having direct driveway access to their respective laneway.

Recommendation No. 8
Moved by: Councillor Lubberts

That: The recommendation be amended to change the width of the paved laneway to 12 feet. **(Lost)**

Following the defeat of the proposed amendment, Recommendation No. 7 was voted on as follows:

That: Council directs staff to amend the Approved Plan(s) for the Subdivision at Erie Beach to reduce the paved width of the laneways to no less than 15 feet centred within the subject parcels, subject to receiving consent from the property owner's having direct driveway access to their respective laneway.

(Carried)

Councillor Noyes returned the Chair to Councillor Zanko.

There were no new enquiries by members.

8.4 Business Status Report

No changes.

9. Infrastructure Services

Chaired by Councillor Noyes.

9.1 Presentations and Delegations

None.

9.2 Reports

IS-40-2020 Rural Ditching Master Plan

Recommendation No. 9

Moved by: Mayor Redekop

That: Council receives the Rural Ditching Master Plan Report for information purposes, and further

That: Council considers the Consultant's recommendations regarding funding levels required to meet a sustainable system of infrastructure with the 2021 General Levy Budget Deliberations. **(Carried)**

9.3 New Business/Enquiries

None.

9.4 Business Status Report

No changes.

10. Corporate and Community Services

Chaired by Councillor McDermott.

10.1 Presentations and Delegations

None.

10.2 Reports

None.

10.3 New Business/Enquiries

None.

10.4 Business Status Report

No changes.

11. Scheduling of Meetings

None.

12. Adjournment

Recommendation No. 10
Moved by: Councillor Dubanow

That: Council-in-Committee hereby adjourns at 8:05 p.m.

(Carried)

Mayor

Clerk