



The Municipal Corporation of the
Town of Fort Erie

Special Council Meeting Minutes

Wednesday, November 18, 2020
(Agenda Items Adjourned from November 16, 2020)

Council Chambers via Video Teleconference

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

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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 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

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

Addenda being a revision to start time for this Special Council Meeting

from 5:00 p.m. as originally scheduled, to 6:00 p.m.

4. **Declarations of Pecuniary Interest**

- (a) Councillor Dubanow declared pecuniary interests with respect to Item No. 13. Motions (a), (b), (c), and (d) as the company he works for has performed contracted services for the Fort Erie SPCA. He abstained from discussing and voting on the matters. ***(Previously declared at the November 16, 2020 Council Meeting, of which this meeting is the continuation.)***

5. **Motions**

- (a) Councillor Butler

Re: SPCA and Animal Control

(i) Animal Rights and Protection
(Postponed from August 24, 2020 - Previously Moved by Councillor Butler and Seconded by Council McDermott as Resolution No. 7)

Whereas the Town of Fort Erie currently does not have a by-law in place that deal with animal rights, protection, and consideration of worth, and

Whereas animals have basic interests that deserve recognition, consideration and protection on both a moral and legal basis, and

Whereas there is a need to ensure that animals live free from suffering and exploitation, and

Whereas animals have an inherent worth and as such should be treated with great consideration, and

Whereas animals that may need care, treatment or require euthanasia are often not seen by a Doctor of Veterinary Medicine in good standing and board certified with a Canadian Veterinary College, and

Whereas basic standards of care in accordance with the Provincial Animal Welfare Services Act information has not been widely distributed nor adopted to be reflective of modern times;

Now therefore be it resolved,

That: The Municipal Council of the Town of Fort Erie directs staff to develop an Animal Rights and Protection By-law incorporating the Pounds Act, R.S.O. 1990, c. P. 17; Canadian Standards of Care in Animal Shelters in particular, the Guideline for Animal Shelter – UC Davis and California – revised for Canada; OMAFRA – Animals for Research Act, R.S.O. 1990, C. A.22 for R.R.O. 1990, Reg. 23: POUNDS, and further

That: Council directs staff to work with experts in the field that include a Doctor of Veterinary Medicine in good standing with the Canadian Veterinary College, an animal rights lawyer to ensure expert legal advice in advocacy and securement of law.

(Withdrawn)

(b) Councillor Butler

Re: SPCA and Animal Control

(ii) Animal Control By-law
(Postponed from August 24, 2020 - Previously Moved by Councillor Butler and Seconded by Council McDermott as Resolution No. 8)

Whereas the Town of Fort Erie currently has a by-law – namely, By-law No. 119-97, as amended, that regulates, restricts and prohibits the keeping and running at large of dogs in the Town of Fort Erie, and

Whereas By-law No. 119-97 is not reflective of other types of animals, and

Whereas there is a need to identify a variety of animals that are either domestic or wild to ensure animal rights along with safe and humane handling and care are adhered to, and

Whereas a pound keeper contracted through The Corporation of the Town of Fort Erie is given recovery expense relief associated with impounding both domestic and wild animals in the form of annual compensation, and

Whereas the current Agreement with the SPCA appoints the Fort Erie SPCA as the authorized licence agent, and

Whereas the current by-law needs to be amended and reflective of modern times and encompass other animal species;

Now therefore be it resolved,

That: The Municipal Council of the Town of Fort Erie directs staff to modernize and update the Animal Control By-law to be reflective of all animal types both domestic and wild to ensure safe animal harbour, handling and protection, and further

That: Council directs staff to integrate the Animal Rights and Protection By-law once developed, into the Animal Control By-law to be more reflective of modern day realities.

Councillor Butler advised that with the support of her seconder, she made friendly amendments to the motion by removing the 4th and 5th recitals in the preamble, amendments to the 3 recital, and adding 2 additional recitals. She read the amended Motion as follows:

Whereas the Town of Fort Erie currently has a by-law – namely, By-law No. 119-97, as amended, that regulates, restricts and prohibits the keeping and running at large of dogs in the Town of Fort Erie, and

Whereas By-law No. 119-97 is not reflective of other types of animals, and

Whereas there is a need to identify a variety of animals that are either domestic or wild to ensure provisions of care that include safe and humane handling along with clean, safe shelter, and

Whereas the current by-law needs to be replaced and reflective of modern times and encompass other animal species, and

Whereas staff shall identify a practicing lawyer in good standing with the Law Society of Ontario, with a specialization in animal rights and welfare law and an expert of veterinary medicine who is in good standing with the Canadian Veterinary College, and

Whereas staff will be working with these professionals in the development and review process for the Animal Welfare & Protection By-law and Animal Control Services;

Now therefore be it resolved,

That: The Municipal Council of the Town of Fort Erie directs staff to modernize and update the Animal Control By-law to be reflective of all animal types both domestic and wild to ensure safe animal harbour, handling and protection, and further

That: Council directs staff to provide a draft by-law to Council at the first Council-in-Committee meeting in January, 2021.

Mayor Redekop questioned the inclusion of “Animal Welfare & Protection By-law” in the last recital of the preamble, as there is not an Animal Welfare & Protection By-law that will be forthcoming. Councillor Butler agreed to remove the reference to “Animal Welfare & Protection By-law”.

Mayor Redekop requested a friendly amendment to change the due date of the draft by-law to February, 2021, which was accepted.

Councillor Noyes requested a friendly amendment to change the the first substantive clause to be reflective of “other” animal types and not “all”.

Following the acceptance of the friendly amendments, the Motion was on the floor to be voted on, as amended, as follows:

Whereas the Town of Fort Erie currently has a by-law – namely, By-law No. 119-97, as amended, that regulates, restricts and prohibits the keeping and running at large of dogs in the Town of Fort Erie, and

Whereas By-law No. 119-97 is not reflective of other types of animals, and

Whereas there is a need to identify a variety of animals that are either domestic or wild to ensure that animal rights along with safe and humane handling along with clean, safe shelter, and

Whereas the current by-law needs to be replaced and reflective of modern times and encompass other animal species, and

Whereas staff shall identify a practicing lawyer in good standing with the Law Society of Ontario, with a specialization in animal rights and welfare law and an expert of veterinary medicine who is in good standing with the Canadian Veterinary College, and

Whereas staff will be working with both individuals in the development and review process for Animal Control Services;

Now therefore be it resolved,

That: The Municipal Council of the Town of Fort Erie directs staff to modernize and update the Animal Control By-law to be reflective of other animal types both domestic and wild to ensure safe animal harbour, handling and protection, and further

That: Council directs staff to provide a draft by-law to Council at the first Council-in-Committee meeting in February, 2021.

Councillor Lubberts moved a friendly amendment to make the last 2 recitals in the preamble the first 2 resolutions under the substantive portion, and be re-worded accordingly, including changing the words “be working” to “engage”, which was accepted by the Mover and Seconder.

Following the acceptance of the friendly amendments, the Motion, as further amended, was voted on as follows:

Whereas the Town of Fort Erie currently has a by-law – namely, By-law No. 119-97, as amended, that regulates, restricts and prohibits the keeping and running at large of dogs in the Town of Fort Erie, and

Whereas By-law No. 119-97 is not reflective of other types of animals, and

Whereas there is a need to identify a variety of animals that are either domestic or wild to ensure provisions of care that include safe and humane handling along with clean, safe shelter, and

Whereas the current by-law needs to be replaced and reflective of modern times and encompass other animal species, and

Now therefore be it resolved,

That: Staff shall identify a practicing lawyer in good standing with the Law Society of Ontario, with a specialization in animal rights and welfare law and an expert of veterinary medicine who is in good standing with the Canadian Veterinary College, and further

That: Staff will engage with both professionals in the development and review process for Animal Control Services, and further

That: The Municipal Council of the Town of Fort Erie directs staff to modernize and update the Animal Control By-law to be

reflective of other animal types both domestic and wild to ensure safe animal harbour, handling and protection, and further

That: Council directs staff to provide a draft by-law to Council at the first Council-in-Committee meeting in February, 2021.

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

<u>Yes</u>	<u>No</u>
Councillor Lubberts	
Councillor McDermott	
Councillor Butler	
Councillor Zanko	
Councillor Noyes	
Mayor Redekop	

(Carried)

(c) Councillor Butler

Re: Request SPCA's Policies and Procedures with respect to Animal Services

(Postponed from September 21, 2020)

Resolution No. 1

Moved by: Councillor Butler

Seconded by: Councillor McDermott

Whereas the Town of Fort Erie currently has a contract with the Fort Erie SPCA (FESPCA), and

Whereas the current contractual agreement with the FESPCA sets out that they must demonstrate a health and safety program with objectives and standards in compliance with applicable legislation and municipal policy, and

Whereas that program is to be provided to the Town with a Health and Safety Policy and applicable Safe Work Procedures;

Now therefore be it resolved,

That: Council directs staff to request a copy of all FESPCA Policies and Procedures as it relates to its contractual obligation of Health, Safety and Procedural Guidelines as it applies to employees, facilities, animal intake, impound services, adoption, end of life, dog licensing, and any and all other as implied, and further

That: Council requests the FESPCA to provide the documents within three (3) business days of the request from staff.

Mayor Redekop requested a friendly amendment to change the words “as implied” in the first substantive clause to “incidental policies”, which was accepted by the Mover and her Secunder.

Mayor Redekop requested a further friendly amendment to change the due date in the 2nd substantive clause from “within three (3) business days of the request from staff by” to “by February 5th, 2021 to Council”.

Following the acceptance of the friendly amendments, the Motion was voted on, as amended, as follows:

Whereas the Town of Fort Erie currently has a contract with the Fort Erie SPCA (FESPCA), and

Whereas the current contractual agreement with the FESPCA sets out that they must demonstrate a health and safety program with objectives and standards in compliance with applicable legislation and municipal policy, and

Whereas that program is to be provided to the Town with a Health and Safety Policy and applicable Safe Work Procedures;

Now therefore be it resolved,

That: Council directs staff to request a copy of all FESPCA Policies and Procedures as it relates to its contractual obligation of Health, Safety and Procedural Guidelines as it applies to employees, facilities, animal intake, impound services, adoption, end of life, dog licensing, and any and all other incidental policies, and further

That: Council requests the FESPCA to provide the documents by February 5th, 2021 to Council. **(Carried)**

(d) Councillor Butler

Re: Terminate the Current Contract with the Fort Erie SPCA and Move up RFP timetable.

Resolution No. 2

Moved by: Councillor Butler

Seconded by: Councillor McDermott

Whereas The Corporation of The Town of Fort Erie entered into a contract with the Fort Erie SPCA on May 24, 2019 which commenced June 1, 2019, and

Whereas that contract was set to end on May 31, 2022, and

Whereas a new contract is scheduled to be placed on an open RFP bid system in 2022, and

Whereas the current contract allows the Town to terminate the Agreement without penalty or payment by way of a 90-day written notice with the intent to terminate;

Now therefore be it resolved,

That: The Municipal Council of the Town of Fort Erie directs staff to notify the Fort Erie SPCA by written notice of termination no later than December 31st, 2020 with an effective contract end date of March 31st, 2021, and further

That: Council directs staff to place the updated contract on an open bid system with the successful bidder to commence on April 1st, 2021.

Mayor Redekop requested a friendly amendment that the word "RFP" be deleted from the second last recital in the preamble, which was accepted by the Mover and her Seconder.

Following discussion, Councillor Butler requested friendly amendments to change the date from "March 31st", 2021 in the first substantive clause to "May 31st", and to change the date in the second substantive clause from "April 1st" to "June 1st", which was accepted by her Seconder.

Following the acceptance of the friendly amendments, the Motion was voted on as follows:

Whereas The Corporation of The Town of Fort Erie entered into a contract with the Fort Erie SPCA on May 24, 2019 which commenced June 1, 2019, and

Whereas that contract was set to end on May 31, 2022, and

Whereas a new contract is scheduled to be placed on an open RFP bid system in 2022, and

Whereas the current contract allows the Town to terminate the Agreement without penalty or payment by way of a 90-day written notice with the intent to terminate;

Now therefore be it resolved,

That: The Municipal Council of the Town of Fort Erie directs staff to notify the Fort Erie SPCA by written notice of termination no later than December 31st, 2020 with an effective contract end date of May 31st, 2021, and further

That: Council directs staff to place the updated contract on an open bid system with the successful bidder to commence on June 1st, 2021.

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

<u>Yes</u>	<u>No</u>	
Councillor McDermott	Councillor Lubberts	
Councillor Butler	Councillor Noyes	
Councillor Zanko	Mayor Redekop	(Lost)

6. Notice of Motion

- (a) Councillor Dubanow

Councillor Dubanow brought forward a Notice of Motion that the Town of Fort Erie provide a grant to the Fort Erie Lyons Club to pay for their Stage 1 & 2 Archaeological Studies

(Returnable December 14, 2020)

- (b) Councillor McDermott

Councillor McDermott gave Notice of Motion with regard to the NPCA and the Government of Ontario, as follows:

That: Council states its opposition to the Government of Ontario to the enactment of Schedule 6 of Bill 229 of amendments to the *Conservation Authorities Act*, and requests the Government of Ontario to withdraw the proposed amendments.

(Returnable December 14, 2020)

- (c) Councillor Noyes

Councillor Noyes gave Notice of Motion with regard to the identified need to create an additional egress into the Black Creek Douglastown area, that a road through the new subdivision (Baker, Black Creek roads) be considered as one of the possible options to be investigated.

(Returnable December 14, 2020)

- (d) Councillor Butler

Councillor Butler gave Notice of Motion with regard to speed reduction in the downtown core of Ridgeway.

(Returnable December 14, 2020)

- (e) Councillor Butler

Councillor Butler gave Notice of Motion with regard to a new Animal Welfare By-law.

(Returnable December 14, 2020)

- (f) Mayor Redekop

Mayor Redekop gave Notice of Motion with regard to staff providing a report to Council with regard to amending the Official Plan to include the Aquifer such that the Aquifer receives the same consideration and protection from susceptible threats of contamination or adverse impact as the intake protection zones (IPZ-1 and IPZ-2);

(Returnable December 14, 2020)

7. Consideration of By-laws

Resolution No. 3

Moved by: Councillor Noyes

Seconded by: Councillor Lubberts

That: By-law No. 116-2020: To Confirm the Actions of Council at its Council-in-Committee Meetings held on November 2, 2020 and November 9, 2020 and Council Meeting held on November 16, 2020 is given first and second reading. **(Carried)**

Resolution No. 4

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Moved by: Councillor Zanko
Seconded by: Councillor Dubanow

That: By-law No. 116-2020 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

Resolution No. 5
Moved by: Councillor Noyes
Seconded by: Councillor Lubberts

That: By-law No. 117-2020: To Confirm the Actions of Council at its Special Meeting held on November 18, 2020 is given first and second reading. **(Carried)**

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

That: By-law No. 117-2020 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

8. Scheduling of Meetings

None.

9. Adjournment

Recommendation No. 7
Moved by: Councillor Dubanow
Seconded by: Councillor Zanko

That: Council adjourns at 7:40 p.m. to reconvene into a Regular Meeting of Council on December 14, 2020. **(Carried)**

Mayor

Clerk