



The Municipal Corporation of the
Town of Fort Erie

Regular Council Meeting Minutes

Monday, February 27, 2023

Council Chambers

Meetings are being held in-person and via Video Teleconference as may be permitted. 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 Credit, and Anishinaabe people, many of whom continue to reside in this area.

2. Invocation

The Clerk read the Invocation.

3. Roll Call

Present: His Worship Mayor Redekop and Councillors Christensen, Dubanow, Lewis, McDermott and Noyes

Regrets: Councillor Flagg; RC Insinna

Staff: A. Dilwaria, J. Janzen, C. McQueen, C. Patton, C. Schofield, Daryl Vander Veen and K. Walsh

4. Announcements/Addenda

There were two Addenda as follows:

- 1) Addition under Item No. 6. Notice of Upcoming Open Houses and Public Meetings of a Proposed Zoning By-law Amendment Re: 316 Ridgeway Road - Owner/Applicant: Kevin Ronald Reichel - Agent: Carolyn Murray (Crystal Wines Inc.) - Monday, March 20, 2023 - 6:00 p.m. - Council Chambers - Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 15, 2023, and under Item No.11.2.3 - Boards/Committee Minutes: Crystal Beach Business Improvement Area Board of Management - February 8, 2023
- 2) Deletion of Item No. 13 (c) Appointment – Accessibility Advisory Committee, and addition of Item No. 16 – Consideration of By-laws: 35-2023: To Authorize Entry into an Agreement with His Majesty the King in Right of Ontario as represented by the Minister of Transportation for the Province of Ontario for the Safe Restart Agreement Phase 4 Funding for Municipal Transit

Mayor Redekop made the following announcements:

- **Surfing Santa**

Surfing Santa was unable to do his thing on December 24, 2022 because of the weather, which is to get in to the Niagara River / Lake Erie (near the Peace Bridge) to raise awareness for the homeless. He not only generates news and information but also provides an opportunity for individuals to donate to those less fortunate and in need. So, he was unable to do this on the 24th of December; however, he did manage to do it on Saturday, February 25th, so he has brought a couple of bins here in the Atrium for those individuals who would like to leave donations for the homeless. He will then ensure that those donations are given to the people who organize the “Coldest Night of the Year” which was held Saturday night in St. Catharines. They had planned to have an event in the Town of Fort Erie; however, that had to be deferred to next year, when the Town of Fort Erie is hoping to participate to help to raise the profile of the homeless.

- **Annual Pow-Wow**

This Saturday, March 4, 2023 is the Annual Pow-Wow at the Fort Erie Native Friendship Centre, commencing at 10:00 a.m. I believe that everyone is welcome and if you’ve never attended one, you should go, as it is an extremely interesting and informative event. Not to mention its fun.

- **Happy 40th Birthday Councillor Dubanow**

Finally, I would like to congratulate one of our members of Council who has reached a milestone birthday, some of us around this Council will

have reached the 40-year decade plateau years ago and I can tell you, Councillor Dubanow, from my perspective "Life Begins at 40!". So, Happy Birthday and all the best and I know that you will continue with your new-found wisdom, you'll be able to make even better decisions. So Congratulations.

5. Declarations of Pecuniary Interest

None.

6. Notice of Upcoming Open Houses and Public Meetings

(a) Open House

Re: Proposed By-law Amendment - 3624 Hazel Street - Owner: S.R. Niagara Investments Inc. (Rita and Salvatore Visca) - Applicant: Robert Martin Engineering Inc. (Robert Martin) - Wednesday, March 8, 2023 - 5:00 p.m. - Town Hall Atrium.

(b) Open House

Re: Proposed Draft Plan of Subdivision - 0-11704, 0-11699, 0-11700 & 0-11702 Shayne Avenue - Applicant/Owner: 1956678 Ontario Inc. (Bridge and Quarry Ltd.) - Thursday, March 9, 2023 - 5:00 p.m. - Town Hall Atrium.

Public Meeting Notices

(a) Proposed Zoning By-law Amendment

Re: 229 Cherryhill Boulevard South - Owner: John Lally (1000112697 Ontario Inc.) - Agent: Cam Lang - Monday, March 6, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 1, 2023.

(b) Proposed Zoning By-law Amendment

Re: 0-19302 Courtwright Street - Owner/Applicant: David Zappone - Monday, March 6, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 1, 2023.

(c) Proposed Zoning By-law Amendment

Re: 0-17100, 0-17101 & 0-17102 Schooley Road - Applicant: A.J. Clarke and Associates Ltd. (Stephen Fraser) - Owner: Marz Homes (Crystal Beach) Inc - Monday, March 6, 2023 - 6:00 p.m.

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- Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 1, 2023.

(d) Proposed Zoning By-law Amendment

Re: 4409 Erie Road - Applicant: Mary Lou Tanner (NPG Planning Solutions) - Owner: Crystal Beach Cottages Inc. (Bryan Keenan) - Monday, March 6, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 1, 2023.

(e) Proposed Official Plan and Zoning By-law Amendment

Re: 644 Garrison Road - Owner: 2350048 Ontario Ltd. (c/o Ben Kooh) - Agent: Antech Design and Engineering Group (Candice Micucci) - Monday, March 20, 2023 - 6:00 p.m. - Council Chambers - Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 15, 2023.

(f) Proposed Zoning By-law Amendment

Re: 525 Lake Avenue - Owner: Daniel John Read - Agent: A.J. Clarke & Associates Ltd. (Doug Giles) - Monday, March 20, 2023 - 6:00 p.m. - Council Chambers - Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 15, 2023.

(g) Proposed Plan of Condominium and Zoning By-law Amendment

Re: 272 Ridge Road South - Owners: Wendy McGaeghan & Patrick McGaeghan - Agent: Culture Developments Inc./5038257 Ontario Inc. (Craig DeVries) - Monday, March 20, 2023 - 6:00 p.m. - Council Chambers - Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 15, 2023.

(h) Municipal Drain

Re: Frenchman's Creek Drain 2022 - Monday, April 3, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 29, 2023.

7. Presentations

The Heritage Plaque presentation to 657 Niagara Boulevard (Forysthe-Pattison-Kilbridge/Bertie Hall) was dealt with immediately following

Public meeting (a); however, the Minutes reflect the order of the Agenda.

- (a) Keith Ratcliffe, Chair of the Municipal Heritage Standing Committee, provided a brief introduction regarding “Heritage Week”.

Mr. Ratcliffe, along with Mayor Redekop and Fahima Begum, Junior Community Planner, recognized and presented Heritage Plaques to the following:

- (i) 657 Niagara Boulevard (The Forysthe-Pattison-Kilbridge/Bertie Hall) - April Jeffs, Niagara Parks Commission Chair and David Adames, Niagara Parks Commission, CEO
- (ii) 1025 Point Abino Road (Holloway Memorial Church) - Holloway Chapel Trustees: Jean Turner, President, Karen Johnson, Vice-President, Jack Turner, Grounds Trustee, Martha Rasmussen, Recording Secretary and Sheila Sanders, Board Member
- (iii) 1550 Point Abino Road South (Point Abino Lighthouse Keeper's Dwelling)
- (iv) 348 Ridge Road North (The Morin/Cutler House) - Robert Blazik and Genevieve Blazik
- (v) 1340 Ridge Road North - Marion Dunstan
- (vi) 2029 Ridge Road North - Larry Keith Miller

8. Public Meetings

- (a) Proposed Draft Plan of Subdivision and Zoning By-law Amendment

Re: Crescent Acres (0-10747 Kraft Road) - Owner: Crescent Acres Ltd. (Mark Basciano) - Agent: Upper Canada Consultants (Matt Kernahan). The Applicant is proposing to develop 67 lots for single detached dwellings, 4 blocks for a total of 8 semi-detached dwellings, 24 blocks for 145 street townhouse dwellings, 1 block for a stormwater management pond, 1 block for a future road connection and 1 block for a watercourse. The lands are located within the Urban Area and are currently designated Urban Residential and Environmental Conservation,

and zoned Residential 2 (R2) Zone, Residential Multiple 1 (RM1) Zone and Environmental Conservation (EC) Overlay Zone. The proposal seeks to change the zoning in order to implement the proposed plan of subdivision. The zoning is proposed to change to a site-specific Residential Multiple 1 (RM1) Zone to permit the single detached dwellings, semi-detached dwellings, townhouse dwellings and the stormwater management pond. The proposed RM1 zoning also contains special provisions to permit the following:

- Removal of the maximum lot coverage for single detached dwellings;
- Reduced lot frontage for semi-detached dwellings;
- Reduced minimum side yard setback requirement for semi-detached dwellings;
- Reduced minimum lot area for interior and exterior townhouse lots;
- Removal of the maximum lot coverage for interior and exterior street townhouse dwellings;
- Removal of the requirement for a planting strip 4.50 m in width where it abuts a street;
- In addition to the uses permitted by the base RM1 Zone, stormwater management ponds and open space uses shall be permitted uses.
- An Environmental Protection (EP) Zone is proposed for the block associated with the watercourse. The Zoning By-law Amendment also proposes to remove the Environmental Conservation (EC) Overlay Zone from the subject lands.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of the Public Meeting. Mayor Redekop also provided information on electronic participation for members of the public who wished to provide input relative to the Application.

Daryl Vander Veen, Intermediate Development Planner, 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.

Matt Kernahan, Agent, Upper Canada Consultants, provided a PowerPoint presentation, and summarized the Application.

Mayor Redekop enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished 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 ask questions.

(a) Doug Sauer – 940 Crescent Road

Mr. Sauer spoke not in favour nor in opposition; however, about his concerns with the development.

(b) Steve Preece, 988 Crescent Road

Mr. Preece spoke in opposition of the development.

(c) Mark Charlong, 958 Crescent Road

Mr. Charlong spoke in opposition to the development.

(d) Jennifer D’Cruz, 1000 Crescent Road

Ms. D’Cruz spoke in opposition to the development.

All visual presentations and oral presentations of the members of the public who spoke can be viewed as recorded at: www.youtube.com/townofforterie

Mayor Redekop enquired whether the Clerk received any written submissions subsequent to the posting of the Report. The Clerk advised that she received a submission from:

(a) George Wiseman, 311 Helena Street, in opposition, which was circulated to members of Council and staff, and are appended to the Minutes.

Mayor Redekop declared the Public Meeting closed.

PDS-15-2023 Proposed Draft Plan of Subdivision and Zoning By-law Amendment - Crescent Acres - 0-10747 Kraft Road - Upper Canada Consultants (Matt Kernahan) - Agent - Crescent Acres Ltd. (Mark Basciano) – Owner

Resolution No. 1

Moved by: Councillor Dubanow

Seconded by: Councillor Noyes

That: Council receives for information purposes Report No. PDS-15-2023 regarding a proposed Draft Plan of Subdivision and Zoning By-law Amendment for Crescent Acres Subdivision (0-10747 Kraft Road).

(Carried)

- (b) Proposed Combined Official Plan and Zoning By-law Amendment

Re: 214 Courtwright Street - Owner: 2550663 Ontario Inc. (Greg Walker) - Agent: NPG Planning Solutions (Jeremy Tran). The Applicant is proposing to bring an existing non-conforming two storey apartment building into conformity with the Bridgeburg Secondary Plan/Town Official Plan and the Zoning By-law. The existing building has five dwelling units and a home occupation (barber shop). The land use is proposed to change from Policy Area 4 - Bridgeburg Core Mixed-Use Area to a Site-Specific Policy Area (SSPA) that permits stand-alone residential use of the property. An Official Plan Amendment is required as the current Policy Area 4 - Bridgeburg Core Mixed-Use Area designation does not permit stand-alone residential uses and also does not permit residential dwellings on the ground floor. The zoning is proposed to change from General Commercial (C2-418) Zone to a site-specific Residential Multiple 2 (RM2) Zone that permits a residential apartment building. Further, the proposed RM2 zoning will contain special provisions to permit the existing setbacks, building footprint, a reduced number of parking spaces and the location and dimensions of the parking spaces on site.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of the Public Meeting. Mayor Redekop also provided information on electronic participation for members of the public who wished to provide input relative to the Application.

Daryl Vander Veen, Intermediate Development Planner, 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.

Jeremy Tran, NPG Planning Solutions, Agent for the applicant was unable to attend; however, colleagues, Jesse Auspitz and Max Fedchyshak, provided a PowerPoint presentation, and summarized the Application.

Mayor Redekop enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished 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 ask questions.

No members of the public came forward.

All visual presentations and oral presentations of the members of the public who spoke can be viewed as recorded at: www.youtube.com/townofforterie

Mayor Redekop enquired whether the Clerk received any written submissions subsequent to the posting of the Report. The Clerk advised that she did not.

Mayor Redekop declared the Public Meeting closed.

PDS-16-2023

Proposed Combined Official Plan and Zoning By-law Amendment - 214 Courtwright Street - NPG Planning Solutions Ltd. - Jeremy Tran (Agent) - 2550663 Ontario Inc. - Greg Walker (Owner)

Resolution No. 2

Moved by: Councillor Christensen

Seconded by: Councillor McDermott

That: Council receives for information purposes Report No. PDS-16-2023 regarding a proposed Combined Official Plan and Zoning By-law Amendment for 214 Courtwright Street. **(Carried)**

9. Regional Councillor Report

None.

10. Delegations

All visual and oral presentations can be viewed as recorded at:
www.youtube.com/townofforterie

**Presenter's speaking notes retained in Clerk's office*

- (a) April Jeffs, Chair and David Adames, CEO, Niagara Parks Commission

Re: 2023 Updates and Initiatives

April Jeffs and David Adames provided a PowerPoint presentation regarding the Niagara Parks Commission 2023 Updates and Initiatives.

- (b) * Martine Esraelian, 159 York Street, St. Catharines

Re: By-law for Land Lease/Other Private Communities (Black Creek Leisure Homes)

Martine Esraelian referred to the effect of the Christmas Blizzard on the private Black Creek Leisure Homes community.

- (c) Anthony Bovell, o/b Gwendolyn Collins, 3692 Crystal Beach Drive

Re: Property Standards Charges (**Cancelled**)

- (d) Kailie Pyott, Account Manager, Zone 2 - Niagara Region, Municipal Property Assessment Corporation

Re: MPAC 101 (**Cancelled**)

Council recessed at 8:56 p.m. 10 minutes.

11. Consent Agenda Items

11.1 Request to Remove Consent Agenda Items

None.

11.2 Consent Agenda Items for Approval

1. Minutes

- (a) Approve - Regular Council Meeting - January 23, 2023
- (b) Approve - Special Council Meeting - February 13, 2023
- (c) Approve - Council-in-Committee Meeting - February 13, 2023
- (d) Approve - Council-in-Budget Committee Meeting No. 3 - February 15, 2023
- (e) Approve - Special Council-in-Committee Meeting - February 22, 2023

2. Correspondence

- (a) Proclamation - The Canadian Amyloidosis Support Network - March as Amyloidosis Awareness Month

That: Council proclaims March as "Amyloidosis Awareness Month" within the Town of Fort Erie.

(Carried)

- (b) Receive - Ontario Land Tribunal - Applicant/Appellant: Joseph Moore - 214 Windmill Point Road South - Variances Allowed Subject to the Condition Outlined in the Staff Report - Favour of the Appellant (Owner)
- (c) Receive & Support - Town of Niagara-on-the-Lake - Bill 23, *More Homes Built Faster Act, 2022 Act*

3. Board/Committee Minutes

- (a) Receive - Ridgeway Business Improvement Area Board of Management - January 4, 2023
- (b) Receive - Mayor's Youth Advisory Committee - December 12, 2022; January 23, 2023
- (c) Receive - Bridgeburg Station Downtown Business Improvement Area Board of Management - November 8, 2022; January 27, 2023
- (d) Receive - Community Gaming Development Corporation - November 30, 2022

- (e) Receive - Senior Citizens Advisory Committee - January 4, 2023
- (f) Receive - Accessibility Advisory Committee - January 31, 2023
- (g) Receive - Community Health Care Services Committee - December 6, 2022

4. Report

IS-05-2023 Award of Contract for the Supply and Installation of 2 New Receivers in the Leisureplex Refrigeration Plant - Contract No. ISF-22T-LPPR23

That: Council accepts and approves the proposal from Black & McDonald Ltd. to supply and install new refrigeration plant receivers at the Leisureplex (Contract No. ISF-22T-LPPR23) to the upset limit of \$130,684.50 (including 13% HST, and further

That: Council amends the 2023 Capital Budget to supplement the Leisureplex Plant Receiver Replacement capital project (LPPR23), by \$20,650 with funding from the Facilities Maintenance Reserve.

(Carried)

5. Other Matters

Consent Agenda Resolution

Resolution No. 3

Moved by: Councillor Christensen

Seconded by: Councillor McDermott

That: Council approves the Consent Agenda Items as recommended. **(Carried)**

11.3 Items Removed to be Dealt with Separately

None.

12. Reports

PDS-81-2022 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 the December 12, 2022 Regular Council Meeting to consider the matter following receipt of a second planning opinion - Previously Moved by Councillor Flagg and Seconded by Councillor Lewis as Resolution No. 4***)

That: Council approves the amendments to the Town's Zoning By-law as detailed in Report No. PDS-81-2022 for the lands known as 0-13365 Pettit Road, and further

That: Council directs staff to submit the necessary by-law. **(Lost)**

CAO-05-2023 2022 Storm Elliott Report

Resolution No. 4

Moved by: Councillor McDermott

Seconded by: Councillor Christensen

That: Council receives this report for information purposes. **(Carried)**

13. New Business/Enquiries

(a) Notice of Resignation - Bridgeburg Station Downtown Business Improvement Area Board of Management - Brandon Flannigan

Resolution No. 5

Moved by: Councillor McDermott

Seconded by Councillor Christensen

That: Council accepts the resignation of Brandon Flannigan from the Bridgeburg Station Downtown Business Improvement Area Board of Management, and further

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

(b) Appointment - Environmental Advisory Committee – Councillor

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Resolution No. 6

Moved by: Councillor Dubanow

Seconded by Councillor Noyes

That: Council appoints Councillor Lewis to the Environmental Advisory Committee. **(Carried)**

(d) Appointment - Committee of Adjustment

Resolution No. 7

Moved by: Councillor Lewis

Seconded by Councillor Christensen

That: Council appoints the following applicants to the Committee of Adjustment for the term ending November 14, 2026, or until their successors are appointed:

1. Marie Alexander
2. Kenneth Burden
3. David Gianfrancesco
4. John (Terry) Moore
5. Pamela Bunnin
6. Sam Pascia
7. Michael Reles

(Carried)

(e) Appointment - Community Gaming Development Corporation

Resolution No. 8

Moved by: Councillor Dubanow

Seconded by: Councillor Noyes

That: Council appoints the following applicants to the Community Gaming Development Corporation for the term ending November 14, 2026, or until their successors are appointed:

1. Rayomand Darukhanawalla
2. Mike Foster
3. Larry Graber
4. Stephen Passero
5. Margo Pinder
6. Mark Lacasse
7. (vacancy)
8. (vacancy), and further

That: Council appoints Councillor McDermott to the Community Gaming Development Corporation. **(Carried)**

(f) Appointment - Fort Erie Public Library Board

Resolution No. 9

Moved by: Councillor Noyes

Seconded by Councillor Dubanow

That: Council appoints the following applicants to the Fort Erie Public Library Board for the term ending November 14, 2026, or until their successors are appointed:

1. Kenneth Burden
2. Larry Graber
3. Jerry McCutcheon
4. John (Terry) Moore
5. Barbara Ruegg
6. Tricia-Lynn Pascia
7. (vacancy)
8. (vacancy), and further

That: Council appoints Councillor Dubanow to the Fort Erie Public Library Board. **(Carried)**

(g) Appointment - Mayor's Youth Advisory Committee
(Composition: Minimum 11, Maximum 19 – 3 previously appointed)

Resolution No. 10

Moved by: Councillor Christensen

Seconded by Councillor McDermott

That: Council appoints the following applicants to the Mayor's Youth Advisory Committee for the term ending November 14, 2026, or until their successors are appointed:

1. Giulia Piazza
2. Devlin Knutt
3. Sydney Steele
4. MacKenzie Arts
5. Hailey Hudson
6. Migel Angel Plata Torres
7. Laura Stephany Plata Torres
8. Queen Ndibwami
9. King Ndibwami

10. (vacancy)
11. (vacancy)
12. (vacancy)
13. (vacancy)
14. (vacancy)
15. (vacancy)
16. (vacancy)

(Carried)

- (h) Appointment - Museum and Cultural Heritage Advisory Committee (Consists of Two Standing Committees - Museum Services and Municipal Heritage (minimum 5, maximum 9)

Resolution No. 11

Moved by: Councillor McDermott

Seconded by Councillor Christensen

That: Council appoints the following applicants to the Museum and Cultural Heritage Advisory Committee for the term ending November 14, 2026, or until their successors are appointed:

1. Keith Ratcliffe
2. Elizabeth Szockyj
3. Carole Walpole
4. Carlene Ann Nigh
5. Mary McLelland-Papp
6. David Ellsworth
7. June Chipp
8. Roxann MacKay Burton, and further

That: Council appoints Councillor Dubanow to the Museum and Cultural Heritage Advisory Committee. **(Carried)**

- (i) Appointment - Property Standards Committee

Resolution No. 12

Moved by: Councillor Christensen

Seconded by Councillor McDermott

That: Council appoints the following applicants to the Property Standards Advisory Committee for the term ending November 14, 2026, or until their successors are appointed:

1. Mike Foster
2. Larry Graber
3. Terry Norman Woodland
4. Tricia-Lynn Pascia
5. Tammy O'Neil

(Carried)

- (j) Appointment - Senior Citizens Advisory Committee
(Eighteen (18) citizens comprised of:
One (1) representative Dandi-Lions;
Three (3) representatives of Black Creek Leisure Homes Seniors Group;
One (1) representative of Harmony Hill of Fort Erie;
Two (2) representatives of Italo Canadian Seniors Club;
One (1) representative 96'ers of Fort Erie;
Three (3) representatives Beachcombers of Ridgeway;
One (1) representative Royal Canadian Legion, Branch 71;
One (1) representative Royal Canadian Legion, Branch 230;
One (1) representative Fort Erie Native Friendship Centre Seniors;
Four (4) Community Representatives (at large)

The recommendations were dealt with separately.

That: Council appoints the following applicants to the Senior Citizens Advisory Committee for the term ending November 14, 2026, or until their successors are appointed:

- 1. _____ (Beachcomber)
- 2. _____ (Beachcomber)
- 3. (vacancy - Beachcombers)
- 4. _____ (Black Creek Leisure Homes)
- 5. (vacancy - Black Creek Leisure Homes)
- 6. (vacancy - Black Creek Leisure Homes)
- 7. _____ (Harmony Hill)
- 8. _____ (96'ers of Fort Erie)
- 9. _____ (Royal Canadian Legion #71)
- 10. _____ (Royal Canadian Legion, #230)
- 11. _____ (Community at Large)
- 12. _____ (Community at Large)
- 13. _____ (Community at Large)
- 14. _____ (Community at Large)
- 15. _____ (Community at Large)
- 16. _____ (Community at Large)
- 17. _____ (Community at Large)
- 18. _____ (Community at Large), and further

Resolution No. 13

Moved by: Councillor Dubanow

Seconded by Councillor McDermott

That: The appointment of applicants to the Senior Citizen's Advisory Committee be postponed to the Regular Council Meeting on March 27, 2023, to allow staff to communicate with the organizations that have vacancies. **(Carried)**

Resolution No. 13A

Moved by: Councillor Noyes

Seconded by Councillor Dubanow

That: Council appoints Councillor Christensen to the Senior Citizens Advisory Committee. **(Carried)**

(k) Councillor Lewis

Councillor Lewis made an enquiry regarding the most recent ice storm, stating that he had received a number of phone-calls over the weekend from residents, and was wondering what the process for reviewing the Winter Control Plan after bad weather events is, and will this past storm be part of the review or discussion?

Mr. Walsh responded that following every major winter event, he, along with the Manager of Roads and Fleet, key supervisors and the crew leaders get together to review what went right and what went wrong on every event. Winter control is a high priority for the Town, obviously from a legal point of view, but also from a customer service point of view. It's top of the list on what we get phone calls for these days, so we do a review after every major event what went right and what went wrong.

(l) Councillor Lewis

Councillor Lewis enquired about changes to the Winter Control By-law, specifically, if changes had been made and if so, what were the differences between the last Winters Control Plan and the one that we're currently operating under?

Mr. Walsh responded that the last Winter Control Plan was developed two years ago, it's a four-year plan, and will be brought before Council in another two years. Staff would like to have the new Council live with the plan for two years, figure out what works, and what doesn't work for them and then when it's time for renewal, we will solicit suggestions from Council and go out to the public through our "Let's Talk" venue to see what works and what doesn't.

(m) Councillor Lewis

Councillor Lewis enquired with respect to last year's snow removal budget if it was over or under in terms of the previous year.

Mr. Walsh responded that was kind of tricky because our fiscal year runs January to December, so it incorporates portions of two winters. We were tracking under until we had a heavy hit on November 22 and that brought us pretty close to our budgeted figures. So, early 22' and late 22' would be an average winter.

(n) Councillor Lewis

Councillor Lewis enquired whether for next season we take a little bit of a more proactive approach in terms of communicating with our residents. The service levels that they should expect, maybe some info graphs and some social media communications that may help better manage expectations.

Mr. Walsh responded that the Town could do that, currently we already do some minor publicity through our social media early in the year; however, perhaps we could do some mid-winter as well.

(o) Mayor Redekop

Mayor Redekop made an enquiry regarding where the Town was with respect to Speed Limit signage, and specifically, about obtaining and deploying some speed signs. He further stated that there are a number of neighbourhoods that are quite anxious to have speed signs erected at least for a period of time before they're rotated out.

Mr. Walsh responded that the Town has one in stock right now and five have been ordered. They were ordered last October or early November; however, have not been received as of yet. Staff does have a plan in place to roll those out primarily through our high complaint areas initially.

14. Motions

None.

15. Notice of Motion

Councillor Noyes gave notice of motion with respect to identifying the need for before and after school programs in all of the schools in Fort Erie and that this Council encourage a funding source to fund these programs.

(Returnable March 27, 2023)

16. Consideration of By-laws

Resolution No. 14

Moved by: Councillor Lewis

Seconded by: Councillor Christensen

That: The by-law package containing:

18-2023: To Deem Part of a Certain Registered Plan of Subdivision Not to be a Registered Plan of Subdivision – 63 Idylewylde Street - Frank Anthony Alessio - Owner

19-2023: To Authorize the Entry into a Grant Funding Agreement for Physician Recruitment with Dr. Magdy Hanna

20-2023: To Authorize the Entry into a Lease Agreement with Down the Rabbit Hole Theatre Co. (Crystal Ridge Arena)

21-2023: To Deem Part of a Certain Registered Plan of Subdivision not to be a Registered Plan of Subdivision – 241 Derby Road - Doreen Martin Ferber - Owner

22-2023: To Accept and Declare Lands as Public Highway on the North-East Corner of Parkside Avenue and Buffalo Road 589 Scott Avenue - Michel Courchesne & Marilyn Atherton

23-2023: To Amend Zoning By-law No. 129-90, as amended - 63 Idylewylde Street - Frank Anthony Alessio - Owner

24-2023: To Amend Zoning By-law No. 129-90, as amended - 533 & 549 Ridge Road North - 1855838 Ontario Inc. and Richard James Dekorte - Owners

25-2023: 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. 67 – 97 Gorham Road - Bomofive Inc. (Ross Boncore and Kam Mofid) - Owner

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26-2023: To Amend Zoning By-law No. 129-90, as amended - 97
Gorham Road- Bomofive Inc. - (Ross Boncore and Kam Mofid) – Owner

27-2023: 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. 68 - 271 Ridgeway Road - DCS Niagara Developments Inc. (Rick Boivin) - Owner

28-2023: To Amend Zoning By-law No. 129-90, as amended - 271
Ridgeway Road - DCS Niagara Developments Inc. (Rick Boivin) –
Owner

29-2023: To Amend Zoning By-law No. 129-90, as amended - 92
Adelaide Street - Niagara Pines Developments Ltd. (Paul Savoia) –
Owner

30-2023: To Amend the Preliminary Capital Budget for the Town of Fort
Erie for the Year 2023

31-2023: To Adopt the General Capital Budget and the General Levy
Operating Budget for the Town of Fort Erie for the year 2023

32-2023: To Re-appoint Edward T. McDermott of ADR Chambers Inc. as
Integrity Commissioner for the Town of Fort Erie and Authorize the
Renewal of the Current Contract with ADR Chambers Inc.

33-2023: To Stop Up and Close Part of the Sixth Street Road Allowance
and Part of the Abutting Lane on Plan 519

34-2023: To Authorize the Sale of Part of the Sixth Street Road
Allowance and Part of the Abutting Lane on Plan 519 to 2717041
Ontario Inc.

35-2023: To Authorize Entry into an Agreement with His Majesty the
King in Right of Ontario as represented by the Minister of Transportation

for the Province of Ontario for the Safe Restart Agreement Phase 4
Funding for Municipal Transit

is given first and second reading.

(Carried)

Resolution No. 15

Moved by: Councillor Dubanow

Seconded by: Councillor Noyes

That: By-laws:

18-2023
19-2023
20-2023
21-2023
22-2023
23-2023
24-2023
25-2023
26-2023
27-2023
28-2023
29-2023
30-2023
31-2023
32-2023
33-2023
34-2023
35-2023

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

Resolution No.16

Moved by: Councillor McDermott

Seconded by: Councillor Christensen

That: By-law 36-2023: To Confirm the Actions of Council at its Council-in-Committee Meeting Held on February 13, 2023, Council-in-Budget Committee Meeting No. 3 Held on February 15, 2023, Special Council-in-Committee Meeting Held on February 22, 2023, Special Council Meeting Held on February 27, 2023 and its Council Meeting Held on February 27, 2023, is given first and second reading. **(Carried)**

Resolution No. 17

Moved by: Councillor Christensen

Seconded by: Councillor McDermott

That: By-law No. 36-2023 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

17. Scheduling of Meetings

- Accessibility Advisory Committee, Tuesday, February 28, 2023, 4:00 p.m., Conference Room No. 1, Town Hall

- Planning Development Services Business Sub-Committee, Tuesday, March 7, 2023, 3:00 p.m., meeting room to be determined
- Senior Citizens Advisory Committee, Wednesday, March 1, 2023, 10:00 a.m., Douglas Heights Seniors

18. Adjournment

Resolution No. 18

Moved by: Councillor Dubanow

Seconded by: Councillor Noyes

That: Council adjourns at 10:11 p.m. to reconvene into a Regular Meeting of Council on March 27, 2023. **(Carried)**

Mayor

Clerk

February 27, 2023

To be attached to the official meeting notes for the 10747 Kraft Road Public Meeting to be held on February 27 in Fort Erie Town Hall.

VIA EMAIL

Mayor Redekop and Members of Town Council
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Your Worship and Members of Council:

RE: Planning in Fort Erie...

AKA... HERE WE GO AGAIN (another example of illegal activity by Fort Erie Town Staff, brought forward this time by a previous Town Staff Planner now working in the private sector.

My name is George Wiseman and I live at 311 Helena Street located within the Lakeshore Neighbourhood in the Town of Fort Erie. I am President of the Fort Erie Lakeshore Neighbourhood Association.

Over the past several years I have found myself drawn into a series of growth-related planning issues, both in my local neighbourhood and in the broader community. I have found these experiences extremely frustrating, as on more than one occasion it has appeared that the requirements of the Town of Fort Erie Official Plan (Official Plan) and Zoning By-law were not followed, initially by Town Planning Staff and subsequently by Town Council.

Neighbourhood Planning

We live in a uniquely heritage town in Canada. One with several unique neighbourhoods whose characters have been established over the past century. People come here to live largely based on the character of our Town.

One of the keys to ensuring the creation of livable, walkable neighbourhoods meeting the needs of residents is proactive comprehensive planning. Establishing a vision for our neighbourhoods along with clear goals, objectives and policies that implement this vision are critical to creating an appropriate context within which future development applications are considered.

To achieve this goal, in 2004 Council initiated the Neighbourhood Plan program and ratified it, in its present form, into the Official Plan in 2011. The program's process, which includes a broad public consultation component, specifically provides the opportunity for all the neighbourhood residents to participate in determination of how future growth will be accommodated in their neighbourhood.

This process acknowledges that no one knows the neighbourhoods like the residents do. Neighbourhood participation in such exercises creates community cohesion, establishes an officially recognized identity for the neighbourhood and helps to streamline the processing of future development applications (as the rules under which such applications can be considered are defined and understood by all).

The main issue I'm discussing today is the Town of Fort Erie Official Plan (Official Plan) Policy 4.7.4.1 (I) **requires Neighbourhood Plans to be prepared** for each of the Neighbourhoods identified on Schedule A of the Official Plan:

... **prior** to **considering** large scale development applications that may have significant impact on the Neighbourhood in which it is intended to develop.

The creation of a Neighbourhood Plan is the first step in a multi-step process. As noted by Town of Fort Erie staff in a report (CDS-15-12) presented to Council on April 3, 2017, the process is as follows:

The Town's Official Plan [Official Policies 5.5.1 (I) and 13.3 (I)] directs that all Neighbourhood Plans are to be incorporated into the Official Plan to provide formal status under the Planning Act. The Official Plan Amendment that accomplishes this is known as a "Secondary Plan" (consistent with the nomenclature used throughout the province).

Neighbourhood planning as provided for in the Official Plan **is not discretionary** within the Neighbourhoods identified on Schedule A.

Neighbourhood Plans *must be completed before consideration* of large-scale developments in the affected Neighbourhoods, yet time and time again Town staff seem to ignore this requirement. In some cases, like the processing of the Harbourtown development application in the Lakeshore Neighbourhood, nothing is done. In other cases, the Town staff chooses to use a Secondary Planning process rather than appropriately creating a Neighbourhood Plan.

As noted above, **creating the Fort Erie Neighbourhood Plans and implementing Official Plan amendment is a separate and mandatory process... BEFORE large developments can even be 'considered'.**

Pre-submission meetings should include identification of whether a development is 'large'. If it is and is located in a neighbourhood whose Neighbourhood Plan has NOT been completed, the development should be considered premature as it does not conform to the Official Plan. How

can you evaluate an application when the neighbourhood specific rules you will be using to evaluate it against DON'T YET EXIST!

Town staff often argues that a Secondary Plan serves a similar purpose to a Neighbourhood Plan. That argument is incorrect. The Fort Erie Official Plan provides additional detailed policies relating to how Neighbourhood Plans are to be completed and what should be considered, including public consultation requirements for the ENTIRE neighbourhood not just those people a few meters around a localized development.

There are no policies or references relating to the Provincial Secondary Planning process in the Official Plan, and the list of required contents of Secondary Plans provided on the City's website is not as comprehensive in nature as the required scope of Neighbourhood Plans provided for in the Official Plan.

The Town of Fort Erie Official Plan policies belong to all of us. **Residents have the right** to depend on the appropriate implementation of these policies to protect their interests.

Where Neighbourhood planning is required, individual developments with the potential to cause significant impacts to the neighbourhood **should not be permitted to proceed past the pre-submission stage until the Neighbourhood planning is done**. Such developments should NEVER make it to Town Council for consideration, let alone then continuing to a Public Meeting.

10747 Kraft Road compared to 613 Helena Street

Which brings us to the proposed development at 10747 Kraft Road. It shares ALL the issues that 613 Helena Street does.

1. The proposed development is LARGE
2. The proposed development is in the Kraft Neighbourhood.
3. The Kraft Neighbourhood does NOT yet have a Fort Erie Official Plan compliant Kraft Neighbourhood Plan.

Those three FACTS are enough to appropriately **put this application on HOLD** as per Official Plan section 4.7.4.1. It should not be processed until the Kraft Neighbourhood Plan is completed and the rules against which the application is to be considered actually exist.

The Town planning staff contends that Official Plan section 4.7.4.1 doesn't apply to this development because it is isolated and it won't "affect the neighbourhood".

The first point isn't if any particular development will affect the neighbourhood, it's how the Neighbourhood Plan will affect the development. With no Neighbourhood Plan in place how do you KNOW what the residents would consider important?

However, I contend the 10747 Kraft Road development MAY affect the Kraft Neighbourhood directly, it's adjoining neighbourhoods indirectly and has other Official Plan ramifications to be considered. Not the least of which will be setting precedents instead of community sanctioned guidelines.

What are some examples of considerations that MAY affect the neighbourhood?

10747 Kraft Road is adjacent to swamp, otherwise known as environmentally sensitive wetlands. These wetlands cover a large area of the Kraft Neighbourhood and MUST be considered in 'neighbourhood' context *with ALL the residents having a say*. The development is NOT 'isolated' from the wetlands nor are the wetlands isolated from the neighbourhood. Because of section 4.7.4.1, issues relating to the wetlands are Neighbourhood issues, not just a development specific consideration.

Has there been a Neighbourhood level hydrological and sub-hydrological study done? Is there any data to gauge what adding basement sump pumps will do to the wetlands or the neighbourhood as a whole

Will decisions made on this subdivision affect future development or redevelopment in the neighbourhood? Of course they will.

In fact, the Official Plan policy 4.14.5 specifically mentions that the Kraft Drain Area Environmental Protection Study 'should be completed' in association with the Kraft Neighbourhood Plan (which would involve ALL the Kraft Neighbourhood residents as per Official Plan section 5.5).

And how is 10747 Kraft Road 'isolated' or uniquely separated from Kraft Road? It fronts Kraft Road, a road that connects North to Garrison Road and connects South to Dominion Road. This development is not 'isolated'... It is 'connected' to everything via Kraft Road.

A main consideration of the Neighbourhood Plans (Official Plan 2.3.12) is:

"To ensure communities and neighbourhoods function, and are properly connected to each other ... & The Town considers bicycling and walking essential components of a balanced, multimodal transportation network..., etc.

The point is that the Town planning staff is allowing HUNDREDS of residences (in large developments) to be considered in the Lakeshore and Kraft Neighbourhoods without the Neighbourhood residents having their rightful, lawful input into items like SAFE transportation considered through the Neighbourhood Plan process BEFORE a large development plan is approved.

It's a Farm

10747 Kraft Road is a FARM. Yes I know that it's not zoned as farmland but it is farmland and the Official Plan does not say it will protect 'zoned' farmland, **it says it will protect farmland** as

per Official Plan section 2.3.9 (a).

Protection of farmland is also addressed in Official Plan sections 3.4 and 3.5.

There are several farms or farmable land in the Kraft Neighbourhood and so farming is a vital consideration that would be addressed by ALL residents in the Kraft Neighbourhood planning process, once the Town gets around to it.

I believe this farmland protection requirement of the Official Plan is going to be PARTICULARLY important to the well-being of Fort Erie residents in the near future; with predicted and already happening supply chain and food shortages and good planning for the centuries to come.

So, if Official Plan section 4.7.4.1 has any meaning, why are we here today?

Why is this development application even being considered **before** the Kraft Neighbourhood Plan is in place?

I believe if the laws governing our Town are followed, this Feb 27, 2023 meeting is premature. According to the research I've done, the 10747 Kraft Road development application should NOT be further considered and should be put on HOLD until the Kraft Neighbourhood Plan is complete. It is only after this has occurred that developments such as this can be properly informed by the Neighbourhood Plan rules as per Official Plan section 13.5.

The Official Plan section 4.7.4.1 makes it clear that large developments **must NOT be considered** until the Neighbourhood rules are complete. How can you consider or comply with rules that don't yet 'officially' exist?

I pointed all this out at the 613 Helena development public meeting February 4th 2019 and at the June 13, 2022 and for the February 13th 2023 meeting.

Why are we continuing to have public meetings when the FOUNDATIONAL ISSUES have not been resolved? It appears to me that the Town STAFF is running this Town, NOT our elected representatives who should be insisting that the STAFF follow the LAWS guiding the development decisions. Otherwise, WHY BOTHER to have LAWS?

Further Examples:

At the February 4th 2019 Public meeting, I was asked by a Council member if there were other examples of Town staff not paying appropriate attention to Official Plan policy 4.7.4.1. In response to his query, I replied that the only two I was specifically conversant about were the Harbourn Development and the 672 Edgemere Road development. But that I had heard rumors of others and I recommended to Council that they investigate to find them. Obviously such an investigation should not be done by existing Town staff...

Since that time, in my opinion Town staff has continued to ignore the full requirements of the Neighbourhood Plan portion of the Official Plan and further consideration of the development proposal at 10747 Kraft Road is yet another example.

644 Garrison Road

Another recent example is the proposed 644 Garrison Road development in the Walden Neighbourhood. The Walden Neighbourhood does not have a Neighbourhood Plan in place and when I pointed this out in the ZOOM Open House, I was incorrectly informed that the word 'will' in Official Plan 4.7.4.1 wording does not mean 'mandatory'. I admit to being stunned by this statement, so I checked with my lawyer and got a legal opinion that in Ontario the use of the word 'will' in planning documents is 'mandatory' with the same impact as the use of the word 'shall'.

I do not know why the Town planning staff isn't simply concentrating on getting the Neighbourhood Plans done, so the Town can appropriately proceed with large developments.

Example of possible inappropriate building permit Approval by Town staff

I have been monitoring and participating in the processing of a development application at 672 Edgemere Road. This is an example of a violation of section 4.7.4.1 leading to an inappropriately large development on a small property in the Lakeshore Neighbourhood.

672 Edgemere Road is located directly across the street from my residence and during review of the proposed site plan, legitimate questions arose as to compliance of the site plan with the zoning by-law. In good faith I hired a professional urban planner to review the site plan application provided to me by Town staff and it was his professional opinion that the site plan failed to comply with the Zoning By-law.

To be certain, I hired a **second** planner who independently confirmed this conclusion so I cannot understand how a building permit can LEGALLY be issued for the 672 Edgemere Road development.

I then contacted the Town through my municipal lawyer who carefully outlined my concerns. The response I got back from Town staff was simply a statement that the site plan complies with the Zoning By-law and a building permit would be issued.

No explanation was provided as to how compliance was achieved or where the planners I had hired erred in their conclusions.

Worse yet... When I previously tried to explain the situation to my Ward Councilor (Kimberley Zanko), in a meeting including Rick Brady, they didn't allow me to speak freely or consider my evidence at our meeting. Councilor Zanko then told me that she believed the Town staff over me and to not contact her anymore.

And then, ALL my eMails to ANY of the Town staff bounce back "unaccepted"!

Where do I go if my elected representative won't communicate with me?

I acted in good faith, hired multiple experts to properly advise me on technical matters, employed a lawyer to ensure the process was done properly and was simply blown off by Town staff and my Councilor.

I believe that is no way to treat any resident and particularly one that has made large investments to do his rightful and legal due diligence for his neighbourhood.

In this case I ask Town Council to examine my evidence and take appropriate action to make the 672 Edgemere Road site plan compliant with the LAW.

I would also appreciate Council further examining what has happened to that property since 2004 and doing a 'pause' on the development until the appropriate Lakeshore Neighbourhood Plan is in place, then re-evaluate the Site Plan from scratch to assure compliance.

Conclusions

Like many other communities in southern Ontario, the Town of Fort Erie is facing significant growth pressures. Residents are depending on Town staff and Council to ensure our community addresses these growth pressures in a manner that ensures new developments are sensitively designed to complement the existing character of neighbourhoods within which the development is to occur. The Neighbourhood Plan requirements in the Official Plan were specifically designed to address these challenges. Ignoring them or paying them 'lip service' negates the rights of the residents.

The Official Plan and Zoning By-Laws aren't 'suggestions', they are laws that Town planning staff and bylaw officers enforce. For example, I know an elderly woman (widow of a police officer) who was forced to remove one and a half (1.5) inches from the top of her long existing perimeter fence by unrelenting bylaw officers, yet I can't even get an explanation of how a development directly affecting me complies to the Zoning By-law.

It APPEARS to me, that the Town staff has 'gotten away with' ignoring Official Plan policy 4.7.4.1 and section 13.3, requiring the Neighbourhood Plans to be in place BEFORE large developments can be considered, for years...

I believe they depend on residents' ignorance of the laws, their rights and the resources they can use to object to such applications.

I believe the Town Council is not protecting the residents' rights.

I ask... Why are the RULES that are there to protect the interests of residents not being enforced on Town staff?

I ask... Who is actually in charge at Town Hall? Aren't the Town staff the employees of Town Council?

I ask... Why does it seem that developers get preferential treatment over residents?

I ask... Why does it seem that most of the Neighbourhood Plans have been stopped?

Does the Town not have the resources or the will to proceed with the legally required Neighbourhood Plans?

I feel we, the Residents of the Town of Fort Erie, have Rights under the Official Plan and that those rights are being violated to the detriment of ourselves personally, our Neighbourhood characters, streetscapes, and our Town.

We have the right to insist and require that the Neighbourhood Plans be completed appropriately before any large developments are considered.

In my opinion, the Town needs to do better.

George Wiseman
311 Helena Street
Fort Erie, Ontario

References available upon request wiseman@felna.ca :

Harbourtown submission

Kimberley Zanko rejection

eMail to Town “not accepted”

672 Edgemere Road Non-Compliance Letter to Town

The word “Will” means Mandatory

Building Permit letter

Defining ‘large’

Appendix A
Additional Policies Applicable to Neighbourhood Planning

Official Plan 4.8.1 II & III
Official Plan 4.8.2 V
Official Plan 4.9.3 III(c)
Official Plan 4.12.1 V
Official Plan 4.13.2 III (f) & (h)
Official Plan 4.13.3 II (b) and incidentally Official Plan 4.13.3 V
Official Plan 5.5.1 V (a)
Official Plan 5.5.2 IV an X
Official Plan 5.6.1 IV and VI
Official Plan 5.6.3 VIII
Official Plan 9.1 I (b)
Official Plan 12.7.2 I & II & III & V & VII
Official Plan 12.11 I & II & IV
Official Plan 13.5 II (b)