



# The Municipal Corporation of the Town of Fort Erie

## Council-in-Committee Meeting Minutes

**Monday, November 8, 2021**

### **Council Chambers via Video Teleconference**

Due to the COVID-19 Pandemic all Meetings are being held via a Hybrid Model. All meetings can be viewed at: Town's Website:

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

Town's YouTube Channel: [www.youtube.com/townofforterie](http://www.youtube.com/townofforterie)

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

#### **1. Call to Order**

Mayor Redekop called the meeting to order at 6:09 p.m.

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

#### **2. Roll Call**

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

Present (Via Zoom Teleconference): Councillors Butler and Zanko

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

Staff (Via Zoom Teleconference): A. Butler, J. Janzen, E. Melanson, 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**

Mayor Redekop made the following announcements:

## **Remembrance Day**

This Thursday, November 11<sup>th</sup>, marks the 103<sup>rd</sup> anniversary of the armistice that ended the First Great War, the war to end all wars. Remembrance Day is the opportunity for all Canadians to recognize and commemorate the sacrifices of the men and women who served Canada in the 2 World Wars, the Korean War and Afghanistan, as well as the Battle of Ridgeway, the Vietnam War and numerous peace keeping missions. November the 8<sup>th</sup> today, is Indigenous Veterans Day, when we recognize and acknowledge the contributions and sacrifices of our Aboriginal people in Canada's war efforts and peace keeping. The poppy has been a symbol of remembrance in Canada since 1921, 100 years ago, and is worn in honour of all who served and continue to serve Canada during times of war, conflict, and peace. While Remembrance Day ceremonies have been impaired for the past 2 years because of the COVID-19 pandemic, each of the Fort Erie and Ridgeway Royal Canadian Legion Branches will hold ceremonies on November 11<sup>th</sup> at 11:00 a.m. at the Ridgeway Cenotaph and at the Fort Erie Legion. Please keep our veterans in mind on Thursday, and every day – Lest we Forget!

## **COVID-19 Update**

Fort Erie has been experiencing an upsurge of Covid-19 cases over the past 2 weeks. As of November 7<sup>th</sup>, there were 55 active cases in Fort Erie, which is the most in Niagara's municipalities per capita by far. Many of the recent cases have been in elementary school-aged children who are not yet eligible for vaccination. In a number of instances, schools have required entire classrooms of students to isolate at home and engage in on-line learning for several days, in order to stem the spread of the virus. Public Health has set up testing clinics and is closely monitoring the situation. Additional vaccination clinics have been arranged for Fort Erie, and they can be determined through the Public Health website to ensure that everyone who wishes to be vaccinated will be.

Travel restrictions to the United States have been lifted as of midnight today, which means that anyone who has been fully vaccinated may travel by land to the United States. However, while there are no testing requirements to enter the United States, those returning to or entering Canada must show a valid PCR test within 72 hours of the border crossing. This creates an impediment to the free movement of people across the border, which the Canadian government is reviewing at this time.

Now, more than ever, it is imperative that we all continue to follow Public Health guidelines and take every reasonable precaution possible to contain the virus. The message is clear: this Pandemic is not over and we need to continue to be vigilant in order to protect ourselves and those around us, particularly the most vulnerable. Please wash your hands frequently, wear a mask when physical distancing is not possible, or when required by Public Health guidelines. Don't go out if you are not feeling well, and please get vaccinated. Defeating COVID-19 is up to all of us.

### **Planning Approvals and Development**

Fort Erie has undergone a great deal of construction activity over the past several years. In most cases, residential development requires Council approval of Planning Applications related to the Town's Official Plan, which provides broad guidelines for how and when certain types of development can take place, and our Comprehensive Zoning By-law, which provides the basis for specific uses of land and regulations with respect to what can be built. These applications are brought forward by private property owners and the Town is obligated in law to process them. Each such application is subject to a public process prescribed by the *Planning Act* of Ontario. In making recommendations to Council regarding any particular Planning Application, Town staff take into consideration a variety of Provincial, Regional, Municipal rules, regulations, policies and laws, as well as studies and reports required relative to such things such as natural heritage, archaeology, traffic, infrastructure, servicing, and so forth. They also take into account comments from a variety of government and non-government agencies, comments from the public, and concerns raised by Council during the Public Meeting held with respect to the Application when we are reviewing staff's report on the matter. Council makes the decision regarding any Applications, bearing in mind strategic objectives that we have adopted, the needs of the community, recommendations from staff and, most significantly, the best interests of the community and the residents who reside here. Any resident or property owner who does not agree with Council's decision has a right to appeal to a Provincial Tribunal that deals with planning matters.

I just wanted to make those comments to provide the context within which some of these Applications are coming forward, and while it's very important for all residents to be aware of what's happening in our community and certainly to provide comments to members of council and staff with respect to Planning Applications, I think it is helpful for them to have an understanding of the fact that there is a process. It's a well-defined process, and it's one that this Council has followed as have previous Councils many times moving forward, and that our focus is and

has been, and will continue to be, the best interest of the residents of our community.

#### **4. Declarations of Pecuniary Interest**

(a) Councillor Zanko

Councillor Zanko declared a pecuniary interest with respect to Item No. 8.2 Report No. PDS-97-2021 Re: Proposed Zoning By-law Amendment 3399 North Shore Drive, as her son works for Sider Brothers. She abstained from discussing and voting on the matter.

#### **5. Notice of Upcoming Public Meetings**

(a) 2022 Budget Meeting Schedule

Council-in-Budget Committee Meetings: #1 - Wednesday, November 17, 2021 - Capital Budget and Forecast; #2 - Wednesday, December 8, 2021 - Water and Wastewater Operating Budget and Fees Analysis; #3 - Wednesday, February 2, 2022 - Library, Assessment Analysis and General Levy Operating; #4 - Wednesday, February 9, 2022 (if required). All budget meetings begin at 6:00 p.m. Via Video Teleconference. Budget By-laws: Monday, December 13, 2021 - Preliminary Capital Budget; Monday, January 17, 2022 - Water and Wastewater Budget and Rates; Monday, February 28, 2022 - General Levy Budget and General Capital Budget.

(b) Open House

Re: Combined Official Plan, Zoning By-law and Site Plan Control By-law Amendments - Commercial Growth and Production and Medical Growth of Cannabis - November 9, 2021 - 5:00 p.m.

(c) Proposed Zoning By-law Amendment

Re: 57 Idylewylde Street - Owner: David Smith and Charlene Smith - Agent: PLW Planning & Environmental Consulting (Leigh Whyte) - November 15, 2021 - 6:00 p.m. The information report will be available by November 10, 2021 at 5:00 p.m.

(d) Proposed Official Plan & Zoning By-law Amendments

Re: 321 Garrison Road - Owner: 1784550 Ontario Inc. (c/o Peter Wangler) - Applicant: 2186870 Ontario Inc. (c/o Rakib Hassan) - Agent: Rob Russell Planning Consultants (c/o Rob

Russell) - November 15, 2021 - 6:00 p.m. The information report will be available by November 10, 2021 at 5:00 p.m.

## 6. Public Meetings

None.

## 7. Consent Agenda Items

### 7.1 Request to Remove Consent Agenda Items

None.

### 7.2 Consent Agenda Items for Approval

**IS-52-2021** Award of Engineering Services for Point Abino Road South Road Reconstruction and Shoreline Protection - Contract No. ISE-21P-PARR20

**That:** Council accepts and approves the proposal from Associated Engineering (Ont.) Ltd. to provide Engineering Design Services for the Point Abino Road South Road Reconstruction and Shoreline Protection Project (Contract No. ISE-21PPARR20) to the upset limit of \$168,364.35 (including 13% HST) **(Carried)**

**CAO-23-2021** Annual Review of the Corporation's Health and Safety Policy

**That:** Council receives Report No. CAO-23-2021 for information purposes. **(Carried)**

**CAO-24-2021** Annual Accessibility Status Report - 2021

**That:** Council receives the Accessibility Status Report 2021, attached as Appendix "1" to Report No. CAO-24-2021, as the annual Accessibility Status Report required under the Accessibility for Ontarians with Disabilities Act. **(Carried)**

**CS-13-2021** Fall 2021 Capital Variance Report

**That:** Council authorizes the closure of capital projects identified in Appendix "1" to Report No. CS-13-2021, and further

**That:** Council allocates all other capital project variances, with a total net surplus of \$1,628,465 in accordance with Appendix "1" to Report No. CS-13-2021, and further

**That:** Council authorizes the Director, Corporate Services to approve any required change to the reserve transactions to close the capital projects, up to the lesser of 10% or \$25,000.

**(Carried)**

### **Consent Agenda Recommendation**

Recommendation No. 1

Moved by: Councillor Dubanow

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

**(Carried)**

### **7.3 Items Removed to be Dealt with Separately**

None.

## **8. Planning and Development Services**

*Chaired by Councillor Dubanow.*

### **8.1 Presentations and Delegations**

None.

### **8.2 Reports**

**PDS-97-2021** Proposed Zoning By-law Amendment - 3399 North Shore Drive - Upper Canada Consultants Planning & Engineering Ltd. - Matt Kernahan - (Agent) Sider Brothers Builders Ltd. - Shawn Sider / Paul & Susana Philip (Owners)

Recommendation No. 2

Moved by: Councillor McDermott

**That:** Council approves the amendments to the Town's Zoning By-law No. 129-90 as detailed in Appendix "4" of Report No. PDS-97-2021 for the lands known as 3399 North Shore Drive, and further

**That:** Council determines that in accordance with Section 34(17) of the *Planning Act*, further notice is not required in respect of the changes made to the proposed by-law, and further

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

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

Yes

Councillor McDermott  
Councillor Butler  
Councillor Dubanow  
Councillor Noyes  
Mayor Redekop

No

Councillor Lubberts

**(Carried)**

**8.3 New Business/Enquiries**

None.

**8.4 Business Status Report**

No changes.

**9. Infrastructure Services**

*Chaired by Councillor Lubberts.*

**9.1 Presentations and Delegations**

None.

**9.2 Reports**

None.

**9.3 New Business/Enquiries**

(a) Councillor Zanko

Councillor Zanko enquired about the status of the lights on Celebration Drive. To her understanding, parts were on order. Last week the residents in that area had break-ins to their cars and feel it may be because it is so dark.

Mr. Walsh advised that they were supposed to be installed this afternoon, but were waiting to hear from the contractor and had not as of yet. Mr. Walsh or Mr. Marotta will provide an update shortly.

Mr. Walsh commented that break-ins as they relate to vehicles in the darkness, under typical street lighting systems, the roads are lit, not people's driveways. This is not the purpose of the street lights.

(b) Councillor Butler

Councillor Butler enquired about street lights for Thunder Bay Road. It was to her understanding that they would be installed last week and it was mentioned from a resident that they have not been installed yet.

Mr. Walsh advised that they were scheduled to be installed this Friday and he will get an update.

(c) Councillor Noyes

Councillor Noyes enquired about winter parking restrictions.

Mr. Walsh advised that the winter parking restrictions are in place, and they commenced November 1<sup>st</sup>. There is no overnight parking on any road. By-law Enforcement will do checks, and if they find non-compliance, they will issue a warning while the weather is still good to remind the public of the restrictions.

## **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. 3

Moved by: Councillor Dubanow

**That:** Council-in-Committee hereby adjourns at 6:51 p.m. **(Carried)**

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Mayor

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Clerk