



The Municipal Corporation of the
Town of Fort Erie

Council-in-Committee Meeting Minutes

Monday, December 6, 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

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

1. Call to Order

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

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

2. Roll Call

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

Present (Via Zoom Teleconference): Councillors Butler and Lubberts

Absent: Councillor Zanko

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

Staff (Via Zoom Teleconference): A. Butler, A. Dilwaria, K. Dolch, J. Janzen, 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 of one delegation under Item 10.1 Corporate and Community Services - Presentations and Delegations: Fran Vella, Adult Advisor, Mayor's Youth Advisory Committee Re: Niagara's Proposed Consolidated Transit Model (Report No. CAO-26-2021)

Mayor Redekop made the following announcements:

COVID-19 Update

We have been dealing with COVID-19 for the last 22 months approximately. The last 2 months Fort Erie has really had a lot of cases. Today there were 7 new cases, and a couple of days ago there were 7 new cases, so that the numbers in Fort Erie have been creeping up. I know that people don't want hear that they need to keep following Public Health Guidelines, but the reality is, we get out of this sooner if we simply follow those rules. I am encouraging everyone, now as we are getting into the winter, there are going to be more indoor activities and we're desperately hoping that this thing will be over. We really need to continue to be diligent and so I am asking the members of the community to bear that in mind. This is not about any one of us, this is about all of us, so please follow the Public Health Guidelines, and be sensible.

Food & Toy Drives

The Fire Department was engaged in a couple of Food and Toy Drives this weekend at Joe's Valu-Mart, No Frills, and Sobey's. Stations 2 and 4/6 were engaged in those and raised a lot of food for the Food Banks through the generosity of our community and the good work of our volunteer Firefighters. The Police helped them out in the Fort Erie locations. There are a number of organizations that are trying to solicit donations of toys and for the food banks and for those who are in need, such as the Kinsmen Kinettes. I think that this is the 42nd year that they have been doing this.

2nd Annual Bowden Street Christmas Party

On Saturday, as I mentioned at our last meeting, the 2nd Annual Bowden Street Holiday Party was held. This is the street in Fort Erie that has by far the most Christmas lights imaginable. I am sure that if you are a star gazer that you would have noticed that the stars were blanked out by the Christmas lights from Bowden Street. It was really incredible, they had a

lot of people there including, Councillor McDermott and Santa. They had a couple of tables full of toys that people from the street had brought and a lot of people who came to visit to see the spectacle. They had hot chocolate and goodies. Next year they are going to be asking the Town if we would consider closing Bowden Street so that it's a little safer for the children because they had a little trolley that was providing some rides. That's an excellent idea and I hope that other neighbourhoods, if they are doing this type of thing, will bring it to our attention, because I think that it would be neat to have a little competition in Town. There are a few houses in Town that I've noticed have a lot of Christmas lights, they should really be located on Bowden Street because that is where all of the lights are. Congratulations to them. That was really an excellent effort!

Christmas on the Ridge

The Christmas event in Ridgeway was put on by the BIA. They did an excellent job and had a surprising number of people who were out because people wanted to get out and see others and the want to do things. It was really an excellent program put on by the BIA. All of the stores and a lot of the volunteers were involved, so thank you to them as well.

4. Declarations of Pecuniary Interest

(a) Councillor Noyes

Councillor Noyes declared a pecuniary interest with respect to Item No. 7.2 Report No. IS-56-2021, as she lives on Ott Road and improving the road may increase the value of her property. She abstained from discussing and voting on the matter.

5. Notice of Upcoming Public Meetings

(a) 2022 Budget Meeting Schedule

Re: Council-in-Budget Committee Meetings: #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: Proposed Zoning By-law Amendment & Draft Plan of Vacant Land Condominium - 3819 Hibbard Street and Easterly Portion of 294 Gorham Road - Owner: Bryan Keegan; Applicant: NPG Planning Solutions Inc. (Mary Lou Tanner) - Thursday, December 9, 2021 - 5:00 p.m.

6. Public Meetings

(a) Proposed Official Plan, Zoning By-law Amendments

Re: 1107 Garrison Road - Owner: 1107 Garrison Road GP Inc. (Mohammed Y. Alhadi) - Agent: Mike Sullivan (Sullivan Planning Services). The Applicant's request is for Official Plan and Zoning By-law Amendments to allow construction of a 3.5 storey mixed-use building and a 4-storey residential building. The applicant is requesting to redesignate the front portion of the property to Commercial, and rezone it to a site-specific Highway Commercial (C3) Zone to allow an increase in building height to 3.5 storeys and a reduction in the front yard setback. The rear portion of the property is proposed to be rezoned to a site-specific Residential Multiple 2(RM2) Zone for a reduction in the minimum lot area.

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.

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

Ms. Dilwaria confirmed the statutory requirements for the Public 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 Sullivan, Sullivan Planning Services, was present to speak on behalf of the Application. Mr. Sullivan provided a PowerPoint presentation and the following commentary:

- The Official Plan Amendment is to change “Urban Residential” to “Commercial” (Building A).
- The Zoning By-law Amendment would change the existing to a “Neighbourhood Development”, proposed to “Highway Commercial” (Building A), and proposed to a “Residential Multiple” (Building B).
- There would be 101 new rental units which would come in 1, 2, and 3 bedrooms. Building A comprises 15 units and Building B comprises 86 units.
- The commercial retail is in Building A on the main floor in the mezzanine which would be essentially a second floor.
- The landscaping open space is a combination of manicured grass, sidewalks, and native plantings.
- There are 132 parking spaces proposed, 21 are covered, and 39 bike racks.
- As far as public affordability, they are proposed as rental units, and are priced and designed for Fort Erie residents.
- The approximate price points for the apartments are: 1 bedroom unit \$1300, 2 bedrooms \$1500, and 3 bedrooms \$1600.
- Proposed amenities on the property are in-suite laundry, a gym, daycare, multi-purpose rooms, and storage/locker rooms.
- There were Agency comments from the Niagara Region, Canada Post, Enbridge, TOFE Developmental Approvals, TOFE Neighbourhood Planning & Urban Design, TOFE Community Planning, and TOFE Fire.

Mayor Redekop enquired whether there were any members of the public in the waiting room who wish to speak in favour of the Application.

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to speak in opposition to the Application.

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to ask questions.

No members of the public came forward.

Mayor Redekop enquired whether the Clerk received any comments subsequent to the posting of the Report, to be read into the Minutes. The Clerk advised that she did not.

Mayor Redekop declared the Public Meeting closed.

(b) Proposed Zoning By-law Amendment

Re: 323 Central Avenue - Owner: Gianluca Cardone - Agent: NPG Planning Solutions Inc. (Cory Armfelt/Jeremy Tran). The Applicant's request is to rezone from Residential 2 (R2) Zone to a site-specific Residential 2A (R2A) Zone to permit the existing lot frontage of 9.14 m. for development of a single detached dwelling on an existing undersized lot.

Mr. Vander Veen, Junior Planner, Development approvals, 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.

Jeremy Tran, NPG Planning Solutions Inc., was present to speak on behalf of the Application. Mr. Tran provided a PowerPoint presentation and the following commentary:

- The proposed development is 1 detached dwelling unit, 2 storey 9.5 m in height, 1 single attached garage, and the dwelling would be approximately 1600 square ft.
- The proposal is a site specific Residential R2A zone.
- The proposed development complies with all of the regulations and the R2A zone including lot area, lot coverage, front yard, minimum rear yard set-backs, minimum interior side yard, maximum building height, and minimum parking requirements.
- The site-specific amendment that is being requested, is for the lot frontage which is existing is 9.14 m.
- The lot is part of a plan of subdivision, the existing lot frontage 9.14 m is comparable to the adjacent properties to the North which is 325 and 327 Central Avenue. There is an existing detached building on each of these properties which

shows that 9.14 m is an adequate finish to accommodate a single detached dwelling.

- The proposed dwelling would be approximately 60 m away from 29 Douglas Street, 28 m away from 159 Henrietta Street, 18 m from 155 Henrietta Street, 7.2 m from 151 Henrietta Street, and 1.5 m from 325 Central Avenue. The proposed dwelling would not cause any shadows or significant overlook on the neighbouring properties.
- There are similar building heights and set-backs within the immediate neighbourhood which includes: 161 and 165 Gilmore Road which has a 1.5 m set back between the 2 of them, the same as the proposed dwelling.
- The proposal is consistent with the Provincial Policy Statement (2020) and conforms with the Growth Plan, the Niagara Region Official Plan and the Town of Fort Erie Official Plan.
- It is an efficient use of existing and planned investment in servicing transportation infrastructure in Central Avenue.
- There is a diverse mix of surrounding land use including institutional, commercial, and recreational and is ideal for infill development.

Mayor Redekop enquired whether there were any members of the public in the waiting room who wish to speak in favour of the Application.

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to speak in opposition to the Application, or wished to ask questions of Council.

No members of the public came forward.

Mayor Redekop enquired whether the Clerk received any comments subsequent to the posting of the Report, to be read into the Minutes. The Clerk advised that she received 1 written submission, as follows:

“To Whom It May Concern,

After recently hearing about the property at 323 Central Avenue being purchased and considered for development, we cannot begin to express our excitement for this process. For years and years, this property was always thought to be a part of the neighbouring property at 325 Central Avenue, and has always been an eyesore. As parishioners of the neighbouring St.

Michael's Roman Catholic Church, the lot has sat effectively empty and useless since we would care to remember. Never has anything positive been done with the property, and never has an actual effort ever been made to do anything of any value to it.

We had heard through friends of the family that the property had been purchased, and heard of a meeting to discuss the rezoning of the property in the hopes of developing it and putting a proper home on it. This is absolutely tremendous news to us, and we would be thrilled to see a home be built on the property. It is in our best beliefs that it would considerably neaten up the area, not only by eliminating the eyesore of the current state of the lot, but also by bringing a fresh new look to that small portion of Central Avenue.

By removing this eyesore from the local community, the addition of a new home would also serve as a bump in property values for other houses in the neighbourhood, something that would likely be widely accepted by the residents in that direct area. For nothing to have been done with it for this long only begs us to ask the question of why not? The property at 323 Central Avenue being developed has been a long time coming, and it only makes sense to us. We believe it goes without saying that the neighbourhood, the staff and children of Our Lady of Victory School, and the parishioners of St. Michael's would much rather be looking at a newly built house than tall grass and a decrepit garage.

We fully support the rezoning of 323 Central Avenue, and look forward to seeing a nice new home in that neighbourhood.

Yours in Kind,
The Dancy Family
838 Concession Road
Fort Erie"

Mayor Redekop declared the Public Meeting closed.

7. Consent Agenda Items

7.1 Request to Remove Consent Agenda Items

Report No. IS-56-2021 was removed due to Councillor Noyes' declared pecuniary interest.

Mayor Redekop requested that Report No. CS-15-2021 be removed.

7.2 Consent Agenda Items for Approval

PDS-104-2021 Proposed Zoning By-law Amendment - 57 Idylewylde Street - PLW Planning & Environmental Consulting - Leigh Whyte (Agent) - David Smith & Charlene Smith (Owners)

That: Council approves the amendments to the Town's Zoning By-law No. 129-90 as detailed in Appendix "3" of Report No. PDS-104-2021 for the lands described as Part Lot 196 & Lot 197, Plan 511 (0 Idylewylde Street), and further

That: Council directs staff to prepare the necessary by-law.
(Carried)

IS-56-2021 Award of Engineering Services for Ott Road and West Main Street Upgrade - Contract No. ISE-21P-OTTR21

That: Council accepts and approves the proposal from Quartek Group Inc. to provide Engineering Services for the Ott Road and West Main Street Upgrade, Contract No. ISE-21P-OTTR21, to the upset limit of \$152,865.27 (including 13% HST).

IS-57-2021 Award of Contract No. ISO-21T-GRRP21 Guide Rail Replacement

That: Council accepts and approves the tender submission for guide rail replacement from Peninsula Construction Inc. (Contract No. ISO-21T-GRRP21) in the amount of \$68,252.00 (including 13% HST).
(Carried)

IS-58-2021 Award of Tender for 2021 Stone Shouldering - Contract No. ISO-21TRPAVED21

That: Council accepts the tender submission from Circle P Paving Inc. for the Stone Shouldering Program – Contract No. ISO-21T-RPAVED21 in the amount of \$148,679.75 (including 13% H.S.T.)
(Carried)

CAO-27-2021 Funding Request to Continue the Walk-in-Mental Health Clinic for Youth in Fort Erie

That: Council receives for information purposes the request in the amount of \$20,000 for Pathstone Mental Health to continue to service a Walk-In Clinic for Mental Health for youth in Fort Erie, and further

That: Council consider a Supplementary Budget request at the February 2, 2022 budget meeting to provide grant funding to Pathstone Mental Health in the amount of \$20,000 with funding from the Community Health and Wellness Reserve. **(Carried)**

CS-14-2021 2021 3rd Quarter Financial Report

That: Council receives Report No. CS-14-2021 regarding the 2021 3rd Quarter Financial Report, including COVID-19 financial impacts, for information purposes, and further

That: Council directs staff to transfer \$120,000 of Fort Erie Public Library grant savings to the General Levy Rate Stabilization Reserve, and further

That: Council directs staff to transfer \$46,200 from the engineering transportation grants to the Road Refurbishing Reserve. **(Carried)**

CS-15-2021 Heritage Tax Rebate Program Review

That: Council receives for information purposes Report No. CS-15-2021 regarding the Heritage Tax Rebate Program review, and further

That: Council directs that By-law No. 204-07 be amended to adjust the Heritage Tax Rebate Program to rebate 40% to a maximum assessed value of \$500,000.

Consent Agenda Recommendation

Recommendation No. 1

Moved by: Councillor Dubanow

That: Council approves the Consent Agenda Items as recommended, save and except Report No. IS-56-2021 and CS-15-2021. **(Carried)**

7.3 Items Removed to be Dealt with Separately

IS-56-2021 Award of Engineering Services for Ott Road and West Main Street Upgrade - Contract No. ISE-21P-OTTR21

That: Council accepts and approves the proposal from Quartek Group Inc. to provide Engineering Services for the Ott Road and West Main Street Upgrade, Contract No. ISE-21P-OTTR21, to the upset limit of \$152,865.27 (including 13% HST). **(Carried)**

CS-15-2021 Heritage Tax Rebate Program Review

Recommendation No. 2
Moved by: Councillor Dubanow

That: Council receives for information purposes Report No. CS-15-2021 regarding the Heritage Tax Rebate Program review, and further

That: Council directs that By-law No. 204-07 be amended to adjust the Heritage Tax Rebate Program to rebate 40% to a maximum assessed value of \$500,000.

Mayor Redekop gave the Chair to Councillor McDermott in order to move an amendment.

Recommendation No. 3
Moved by: Mayor Redekop

That: Report No. CS-15-2021 be amended by adding a recommendation that this Report be forwarded to the Region of Niagara for distribution to members of Regional Council and appropriate staff. **(Carried)**

Following approval of the amendment, Recommendation No. 2 was voted on as amended, as follows:

That: Council receives for information purposes Report No. CS-15-2021 regarding the Heritage Tax Rebate Program review, and further

That: Council directs that By-law No. 204-07 be amended to adjust the Heritage Tax Rebate Program to rebate 40% to a maximum assessed value of \$500,000, and further

That: Council directs that this Report be forwarded to the Region of Niagara for distribution to members of Regional Council and appropriate staff. **(Carried)**

8. Planning and Development Services

Chaired by Councillor Dubanow

8.1 Presentations and Delegations

None.

8.2 Reports

PDS-98-2021 Proposed Combined Official Plan & Zoning By-law Amendment - 321 Garrison Road - Rob Russell Planning Consultants - Rob Russell (Agent) - 1784550 Ontario Inc. - Peter Wangler (Owner) - 2186870 Ontario Inc. - Rakib Hassan (Applicant) ***(Postponed from November 15, 2021, Council-in-Committee Meeting - Previously Moved by Mayor Redekop as Recommendation No. 12)***

That: Council receives for information purposes Report No. PDS-98-2021 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for 321 Garrison Road. **(Carried)**

PDS-102-2021 Proposed Combined Official Plan & Zoning By-law Amendment - 1107 Garrison Road - Sullivan Planning Services - Michael Sullivan (Agent)- 1107 Garrison Road GP Inc. - Mohammed Y. Alhadi (Owner)

Recommendation No. 4
Moved by: Councillor McDermott

That: Council receives for information purposes Report No. PDS-102-2021 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for 1107 Garrison Road. **(Carried)**

PDS-103-2021 Proposed Zoning By-law Amendment - 323 Central Avenue - NPG Planning Solutions Inc. - Jeremy Tran & Cory Armfelt (Agent) Gianluca Cardone (Owner)

Recommendation No. 5
Moved by: Mayor Redekop

Mayor Redekop called a point of order regarding Councillor Lubberts questioning staff regarding Section 6.18 of the Zoning By-law.

Councillor Lubberts called a point of order that Mayor Redekop did not follow the Rules of Procedure as he did not state the point of order succinctly.

That: Council receives for information purposes Report No. PDS-103-2021 regarding a proposed Zoning By-law Amendment for 323 Central Avenue. **(Carried)**

8.3 New Business/Enquiries

(a) Response to Enquiry

Re: Enquiry by Councillor Noyes at the October 18, 2021 Council-in-Committee Meeting on the status and next steps of the building permit for the building on Stevensville Road beside the Fire Station.

Ms. Dolch read the Response to Enquiry into the Minutes which is appended to the Meeting Agenda.

(b) Councillor Butler

Councillor Butler enquired as to what the Town can do about implementing new policy directives to be mindful of climate change. She referred to the Mayor's questions earlier with respect to bird friendly features and climate change related benefits for buildings, and asked Ms. Dolch if she had any comments that she could share.

Ms. Dolch advised that there are a number of mechanisms that we can try to incorporate into developments through Site Plan Control. Staff have been working on updating the Site Plan Control Guidelines, which include some low impact development

features such as green roofs, although she advised she would not suggest permeable pavers as they have some issues in the winter. Reducing the impervious area by having more landscaping and less hard surface helps to lessen the impact of climate change. Rain gardens could also be considered as low impact development and is something staff have been proposing in the draft Site Plan Control Guidelines to start looking at.

Councillor Butler responded that she has had an in-depth conversation with Ms. Dolch with respect to that, and she is aware that Mr. Walsh has had conversations with other members of Council, specifically with the Mayor.

Councillor Butler advised that she is looking forward to getting more information from the Directors to see what Council can do to implement new policies and directives that would take into consideration climate change.

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

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

None.

9.4 Business Status Report

No changes.

10. Corporate and Community Services

Chaired by Councillor McDermott

10.1 Presentations and Delegations

- (a) Fran Vella, Adult Advisor, Mayor's Youth Advisory Committee

Re: Niagara's Proposed Consolidated Transit Model
(Report No. CAO-26-2021)

Ms. Vella provided the following commentary:

- A consolidated transit system will allow youth to travel within the region for expanded opportunities, such as part time jobs, visiting friends, or just to increase their mobility.
- It will allow our communities to become more connected by gaining access to Via Rail or the GO.
- The idea of consolidation and expanded services would help to reduce traffic flow.
- Youth would use this type of system if advertised at schools and on Instagram.
- If transportation becomes combined, there will be more opportunities for youth, it would create less pollution, and less green house gas emissions.
- The population is growing and many people do not have access to transportation.

10.2 Reports

CAO-26-2021 Niagara Region Transit Governance

Recommendation No. 6

Moved by: Councillor Mayor Redekop

That: Council receives Region of Niagara Report No. PW-55-2021 attached as Appendix "1" to Report No. CAO-26-2021, and further

That: Council consents to the passage of By-law No. 96-2021 of the Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region. **(Carried)**

10.3 New Business/Enquiries

(a) Councillor Butler

Councillor Butler referred to the questions she asked a couple of weeks ago regarding the SPCA, and asked if Mr. Kuchyt was able to get any answers.

Mr. Kuchyt advised that he sent the questions to the SPCA that same evening; however, the General Manager was on vacation last week and has promised to provide answers, and which should be received in the next few days.

10.4 Business Status Report

No changes.

11. Scheduling of Meetings

- Accessibility Advisory Committee, Tuesday, December 7, 2021, 4:00 p.m., Conference Rm. No.1

12. Adjournment

Recommendation No. 7
Moved by: Councillor Dubanow

That: Council-in-Committee adjourns at 8:16 p.m. **(Carried)**

Mayor

Clerk