



The Municipal Corporation of the  
Town of Fort Erie

**Council-in-Committee Meeting Minutes**

**Monday, October 18, 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.forterrie.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.forterrie.ca](http://www.forterrie.ca)) or Cogeco TV

**1. Call to Order**

Mayor Redekop called the meeting to order at 7:13 p.m.

**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 and C. Schofield

Staff (Via Zoom Teleconference): A. Dilwaria, K. Dolch, J. Janzen, E. Melanson, L. Richardson, 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:

**Safari Niagara Dinosaurs Live Event**

The Safari Niagara Dinosaurs Live Event runs until November 7th. It's supporting the GROW Community Food Literacy Centre and Community Support Services Network. I would urge everyone to go to the [safari.niagara.com/dino-drive-thru](http://safari.niagara.com/dino-drive-thru) website and get your tickets in advance on

the website. The sponsors are very high profile in our community. Also, the event raises money, not only for the GROW Community Food Literacy Centre, but also for 3 charities, one of which is the Ridgeway Lions Club. The other 2 are listed on the website. are 60 dynamic, anatomic, dinosaurs, provided by Canada's Dinosaur Park, near Peterborough. They are quite impressive and everyone stays in their vehicle. Your vehicle can not exceed 7feet in height or 9 feet in width, so you can't take anything larger than a full-size SUV.

### **Zombie Invasion**

There is a Zombie Invasion taking place at the north-east corner of the Racetrack on Sunday, October 24<sup>th</sup>, sponsored by the Rotary Club of Fort Erie, and it's also the Rotary Club's International Polio Day. This is an event where the children will be encouraged to walk through, no running, despite the fact that the zombies will be terrifying I'm sure, but this is another great event to raise the profile of the importance of polio vaccines worldwide, and also to support our local Rotary Club.

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

None.

## **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: Proposed Zoning By-law Amendment - 0-15850 Rebstock Road - Owner: M5V Inc. - Applicant: NPG Planning Solutions Inc. (c/o Mary Lou Tanner) - Tuesday, October 19, 2021 - 5:00 p.m.

(c) Open House

Re: Combined Official Plan and Zoning By-law Amendment - 321 Garrison Road - Owner: 1784550 Ontario Inc. (c/o Peter Wangler) - Applicant: 2186870 Ontario Inc. (c/o Rakib Hassan) - Agent: Bob Russell Planning Consultants (c/o Rob Russell) - Wednesday, October 20, 2021 - 5:00 p.m.

**6. Public Meetings**

None.

**7. Consent Agenda Items**

**7.1 Request to Remove Consent Agenda Items**

**7.2 Consent Agenda Items for Approval**

**PDS-90-1-2021** Supplemental Information Report - Proposed Combined Official Plan & Zoning By-law Amendment - 544 Walden Boulevard - Hallex Engineering Ltd. - Anthony Infurna (Agent) - Anthony Infurna Sr. (Owner)

**That:** Council directs that Appendix “4” of Report No. PDS-90-2021 be replaced with the revised draft Zoning By-law Amendment attached to Report No. PDS-90-1-2021 as Appendix “1”, and further

**That:** Council hereby determines that in accordance with Section 34(17) of the *Planning Act*, further notice is not required as a result of the addition of Short -Term-Rentals as a prohibited use. **(Carried)**

**PDS-90-2021** Proposed Combined Official Plan & Zoning By-law Amendment - 544 Walden Boulevard - Hallex Engineering Ltd. - Anthony Infurna (Agent) - Anthony Infurna Sr. (Owner) **(Postponed from the October 4, 2021, Council-in-Committee Meeting - Previously moved by Councillor Dubanow - Recommendation No. 1)**

**That:** Council approves the amendment to the Town’s Official Plan for 544 Walden Boulevard as detailed in Appendix “3” of Report No. PDS-90-2021, and further

**That:** Council approves the amendment to the Town's Zoning By-law No. 129-90 for 544 Walden Boulevard as detailed in Appendix "4" of Report No. PDS-90- 2021, and further

**That:** Council directs staff to submit the necessary by-laws for approval. directs staff to submit the necessary by-law to Council for approval. **(Carried)**

**PDS-95-2021** Extension of Draft Plan Approval - Black Creek Signature Draft Plan of Subdivision - North Side of Baker Road, East Side of Netherby Road - Upper Canada Consultants Planning & Engineering Ltd. - Matt Kernahan (Agent) - 9136916 Canada Ltd. - Yeung Mou (Owner)

**That:** Council extends draft plan approval for the Black Creek Signature draft plan of subdivision located at the north side of Baker Road and east side of Netherby Road until September 9, 2023, and the Owner and Regional Municipality of Niagara Planning and Development Services Department be so advised, and further

**That:** Council directs that the conditions of approval for the Black Creek Signature draft plan of subdivision be amended as detailed in Appendix "6" to Report No. PDS-95-2021, subject to Condition No. 7 being amended to read as follows:

"That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that "Roof downspouts shall discharge only to the ground surface via splash pads to either the front, rear or exterior side yards. No direct connection to the storm sewer will be permitted nor should downspouts discharge directly to the driveway or a roadway.", and further

**That:** Council determines in accordance with Section 51(47) of the *Planning Act*, further notice is not required due to the minor nature of the changes. **(Carried)**

**IS-48-2021** Award of Tender - Shirley Road Culvert Replacement - Contract No. ISE-21TSRFC21

**That:** Council accepts and approves the tender submission from CRL Campbell Construction & Drainage Ltd. for the completion of the Shirley Road Culvert Replacement, Contract No. ISE-21T-

SRFC21 in the amount of \$252,781.00 (including 13% HST), and further

**That:** Council amends the 2021 Capital Budget to supplement the Shirley Road Flooding project – Contract No. ISE-21T-SRFC21 by \$60,000.00 with funding from the Storm Sewer Reserve. **(Carried)**

**IS-49-2021** Award of Tender for BRIG22 & BRIG21 Bridge and Culvert Repair and Replacement - Contract No. ISE-21T-BRIG22/BRIG21

**That:** Council accepts and approves the tender submission for the BRIG22 & BRIG21 Bridge and Culvert Repair and Replacement, Contract No. ISE-21TBRIG22/BRIG21 from Anthony's Excavating Central Inc. in the amount of \$434,672.69(including 13% HST), and further

**That:** Council approves the extension of the Ellis Engineering Inc. assignment for contract administration and inspection services in the amount of \$70,061.13 (including 13% HST). **(Carried)**

**IS-50-2021** 2020 Capital Budget Amendments for Project TBTR19 - Thunder Bay Trenchless Sewer Rehabilitation

**That:** Council accepts \$216,000.00 in capital funding from the 2021 Combined Sewer Overflow (CSO) Program grant(s) from the Niagara Region, and further

**That:** Council amends the 2020 Capital Budget to supplement Project TBTR19 - Thunder Bay Trenchless Sewer Rehabilitation by \$410,000 with \$194,000 from the Sanitary Sewer Refurbishing Reserve and \$216,000 from the 2021 Combined Sewer Overflow (CSO) Program grant from the Niagara Region in order to fund the project in advance of a construction tender issue. **(Carried)**

### **Consent Agenda Recommendation**

Recommendation No. 1  
Moved by: Councillor Dubanow

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

Recommendation No. 1A  
Moved by: Councillor Noyes

**That:** Condition No. 7 be amended to read as follows:

“That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that "Roof downspouts shall discharge only to the ground surface via splash pads to either the front, rear or exterior side yards. No direct connection to the storm sewer will be permitted nor should downspouts discharge directly to the driveway or a roadway.”” **(Carried)**

Recommendation No. 1B  
Moved by: Councillor Dubanow

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

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

None.

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

*Chaired by Councillor Dubanow.*

*Council recessed at 7:29 p.m. for 5 minutes.*

### **8.1 Presentations and Delegations**

None.

### **8.2 Reports**

**PDS-66-1-2021** Supplemental Information Report - Proposed Zoning By-law Amendment - 3719 Highland Drive - Upper Canada Consultants Ltd. - Ethan Laman (Agent) - Susan Leslie (Owner)

Recommendation No. 2  
Moved by: Councillor Zanko

**That:** Council directs that Appendix “4” of Report No. PDS-66-2021 be replaced with the revised Zoning By-law Amendment attached to Report No. PDS-66-1-2021 as Appendix “2”, and further

**That:** Council determines that in accordance with Section 34(17) of the *Planning Act*, further notice is not required as a result of the removal of the increase in lot coverage.

Recommendation No. 3  
Moved by: Mayor Redekop

**That:** Section 3 of the draft by-law which deals with Part 2, the parcel being created, be amended to include a restriction that Short-Term Rentals are prohibited. **(Carried)**

**Following approval of the amendment, the recommendations as amended were voted on as follows:**

**That:** Council directs that Appendix "4" of Report No. PDS-66-2021 be replaced with the revised Zoning By-law Amendment attached to Report No. PDS-66-1-2021 as Appendix "2", subject to Section 3 being amended to include a restriction that Short-Term Rentals are prohibited, and further

**That:** Council determines that in accordance with Section 34(17) of the *Planning Act*, further notice is not required as a result of the removal of the increase in lot coverage. **(Carried)**

**PDS-66-2021** Proposed Zoning By-law Amendment - 3719 Highland Drive - Upper Canada Consultants Ltd. - Ethan Laman (Agent) - Susan Leslie (Owner) ***(Postponed from the August 9, 2021, Council-in-Committee Meeting - Previously moved by Councillor Butler - Recommendation No. 5)***

**That:** Council approves the amendments to the Town's Zoning By-law No. 129-90 as detailed in Appendix "4" of Report No. PDS-66-2021, for the lands known as 3719 Highland Drive, 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 Zanko

No

Councillor Lubberts

Councillor Dubanow  
Mayor Redekop

**(Carried)**

**PDS-93-2021** Proposed Combined Official Plan & Zoning By-law Amendment - 4197 Niagara River Parkway - Better Neighbourhoods Inc. - Curtis Thompson (Agent) - Sant Parkash Dhillon, Aman Uppal, Shaminder Dhillon & Kuldip Singh (Owners)

Recommendation No. 4  
Moved by: Councillor Butler

**That:** Council approves the amendments to the Town's Official Plan as detailed in Appendix "6" of Report No. PDS-93-2021 for the lands known as 4197 Niagara River Parkway, and further

**That:** Council approves the amendments to the Town's Zoning By-law No. 129-90 as detailed in Appendix "7" of Report No. PDS-93-2021 for the lands known as 4197 Niagara River Parkway, and further

**That:** Council determines that in accordance with Section 34(17) of the *Planning Act*, further notice is not required as a result of a reduction in the maximum number of storeys, an increase in the minimum front yard, minimum rear yard and interior side yard and addition of Short-Term Rentals, as a prohibited use, and further

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

**PDS-94-2021** Proposed Zoning By-law Amendment - 4002 Erie Road - Greg Lipinski (Applicant) - Upper Canada Consultants - Matt Kernahan (Agent) - 5017064 Ontario Ltd. - Chris Hawkswell (Owner)

Recommendation No. 5  
Moved by: Mayor Redekop

**That:** Council approves the amendments to the Town's Zoning By-law No. 129-90 as detailed in Appendix "10" of Report No. PDS-94-2021 for the lands known as 4002 Erie Road, and further

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



**PDS-96-2021** 477 Ridge Road North - Information and Options for Compliance (Lands Designated as Being of Architectural and Historical Value or Interest)

Recommendation No. 6  
Moved by: Councillor Butler

**That:** Council receives for information purposes Report No. PDS-96-2021 regarding 477 Ridge Road North, and further

**That:** Council directs Staff to move forward with the recommendations associated with Option No. B contained in PDS-96-2021. **(Carried)**

### 8.3 New Business/Enquiries

(a) Councillor McDermott

Councillor McDermott enquired as to the status of the Archeologic Study at Rio Vista.

Ms. Dolch advised that the assessments are still being worked on, and Stage 3 of the work is beginning. It's a very slow process. They hope to have it completed by the end of the year, but won't know until they submit their documentation to the Ministry.

(b) Councillor Noyes

Councillor Noyes enquired about the construction of the building on Stevensville Road beside the Fire Station that has been moving very slowly, is unsightly, and perhaps dangerous. She questioned whether there is anything Council can or should do with respect to this ongoing construction, as the steel framework has been there for about 3 years and there doesn't seem to be any appreciable amount of work being done. She is concerned that in its current state its an invitation for someone to try to climb it.

Councillor Noyes questioned whether the Town can ask the owner to block it off with a solid wall or something else, to make it just a little bit more pleasing to the community.

Ms. Dolch advised that staff can speak to the owner. It's an open building permit and she will have to check how long it's been inactive for. Mr. Gennings has been following up with the owner to try to get construction underway. What happens is, normally they do very little, which makes it an active permit again, but he does have some abilities under the Chief Building Official's authorities to look at what the next steps are now. Ms. Dolch will follow up with Mr. Gennings and provide a response back to Council.

**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 Council McDermott.*

#### **10.1 Presentations and Delegations**

None.

## 10.2 Reports

**CAO-22/  
LC-14-2021** Land Matters: October 7, 2021 Land Committee Meeting Minutes

Recommendation No. 7  
Moved by: Mayor Redekop

**That:** Council receives the October 7, 2021 Land Committee meeting minutes attached as Appendix "1" to Report No. CAO-22/LC-14-2021, and further

**That:** Council approves the recommendations contained in Appendix "2". **(Carried)**

**FES-06-2021** Fire & Emergency Services 2021 - 2031 Master Plan

*Ed Melanson, Fire Chief, delivered a PowerPoint presentation which is available for viewing on the Town's website.*

Recommendation No. 8  
Moved by: Councillor Dubanow

**That:** Council approves the Fort Erie Fire & Emergency Services 2021-2031 Master Plan, attached as Appendix "1" to this report, and further

**That:** Council directs staff to submit a by-law adopting the Fort Erie Fire & Emergency Services 2021-2031 Master Plan. **(Carried)**

## 10.3 New Business/Enquiries

None.

## 10.4 Business Status Report

No changes.

## 11. Scheduling of Meetings

- Traffic Coordinating Committee, Wednesday, October 27, 2021 at 12:00 p.m. in Conference Room 3.

**12. Adjournment**

Recommendation No. 9  
Moved by: Councillor Dubanow

**That:** Council-in-Committee hereby adjourns at 9:14 p.m. **(Carried)**

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Mayor

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Clerk