



The Municipal Corporation of the
Town of Fort Erie

Council-in-Committee Meeting Minutes

Monday, July 12, 2021

Council Chambers via Video Teleconference

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

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Town's Website:

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

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1. Call to Order

Mayor Redekop called the meeting to order at 6:20 p.m.

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

2. Roll Call

Present (In Council Chambers): His Worship Mayor Redekop

Present (Via Zoom Teleconference): Councillors Butler, Dubanow, Lubberts, McDermott, Noyes, and Zanko

Staff (Via Zoom Teleconference): A. Dilwaria, K. Dolch, J. Janzen, T. Kuchyt, L. Richardson, C. Schofield, and K. Walsh

This meeting was held in compliance with the electronic participation provisions of Council Rules of Procedure By-law No. 36-2016, as amended.

3. Announcements/Addenda

There was one Addendum being an addition under Item 9.3 Infrastructure Services New Business/Enquires, Response to Enquiry (a) regarding an Enquiry from Councillor Butler at the May 31st, 2021 Council-in-Committee Meeting regarding the street lights on the MacDonald Drive Private Road.

Mayor Redekop made the following announcements:

100th Anniversary of the Village of Crystal Beach

This year is the 100th anniversary of the incorporation of the Village of Crystal Beach. Although the Village of Crystal Beach has been a part of the Town of Fort Erie since 1970, the Village was incorporated in 1921. A series of events have been scheduled, starting off with the unveiling of a sign for the anniversary, which was held last week. At that event, I was able to present a Certificate to Pauline Bryson, who turned 100 on Saturday, July 10th. Congratulations to the Anniversary Committee and to Pauline Bryson.

Vaccination Effort in Niagara

The vaccination effort is proceeding well across the country, and some parts of the country are doing better than others. In Niagara we're at just under 68% of adult residents vaccinated for the first dose, and we're getting close to 45% for second doses. One of the concerns that was expressed by public health was the younger age groups, but they were the last group who were permitted to get their vaccinations. They're now doing quite well.

The numbers are going up, but we still need people to continue to get their vaccinations. Some people can't for health reasons, and some have other challenges that keep them from getting the vaccine. I want to personally advise if there is anyone who is having difficulties logistically getting a vaccination, please reach out to me. I will do what I can. Call my office at the Town Hall. If I'm not available, leave a message, and I'll get back to you.

There are also individuals who are hesitant for whatever reason to get a vaccination. Some of those individuals need to be encouraged to get the vaccine because the reality is that the Federal Government has established certain measurements before they will reopen or ease the border restrictions, and eventually reopen the border. The reopening of

our society in Ontario is to a great extent dependent upon the number of individuals who will be vaccinated.

The vaccine helps to contain the virus. Rather than my initial inclination, which was to perhaps be less than charitable to those who won't get vaccinated, I want to encourage those who are simply on the bubble. They're not sure, and they have some misgivings. What I would do is ask them to reconsider your situation, do some more research, reach out to your family physician, generally very trusted individuals in our community. Remember that smallpox, measles, and polio all have been either eliminated as serious diseases in our society, or they have been severely constrained across the world. Had there been people that were disinclined to get those vaccinations in the past, we wouldn't really be in the position where we are now in terms of dealing with those diseases.

For those who won't get vaccinated because they don't want to, or they don't feel the need to, I just want to remind you that those around you who are getting vaccinated are doing so because they want our community to be safe; they want us to be able to get back to as normal a life as we possibly can. I would encourage you as well to understand that, as I've said before, we live in a great democracy, and we all have rights. We also all have responsibilities and some of those responsibilities relate to protecting each other. Please, if you haven't been vaccinated, seriously consider taking that step.

4. Declarations of Pecuniary Interest

Councillor Butler declared a pecuniary interest with respect to Item 8.1 (a) Presentation and Delegation regarding the Cannabis Legislation and Policy Study Recommendation Report No. PDS-53-2021, and Item 8.2 Report No. PDS-53-2021 regarding the Cannabis Legislation and Policy Study Recommendation Report, as she has declared a conflict of interest on the basis of her investment in the Cannabis industry for processing plant, and though she is no longer invested in the Province of Ontario, she feels that she should declare a conflict on this Report and the Presentation since the Report had been developed during that time. She abstained from discussing the presentation and from discussing and voting on the matter.

5. Notice of Upcoming Public Meetings

(a) Open House

Re: Proposed Combined Official Plan and Zoning By-law
Amendment - 644 Garrison Road - Owner: 2350048 Ontario Ltd.

(c/o Ben Kooh) - Agent: Candice Micucci (Antech Design and Engineering Group) - Wednesday, July 14, 2021 - 5:00 p.m.

(b) Public Meeting - Proposed Zoning By-law Amendment

Re: 2751 Nigh Road - Owner: Christine and Jesse Savage - Agent: P. Leigh Whyte (PLW Consulting) - Monday, July 19, 2021 - 6:00 p.m. Via Video Teleconference. The information report will be available on July 15, 2021.

(c) Open House

Re: Proposed Zoning By-law Amendment - 4002 Erie Road - Owner: 5017064 Ontario Ltd. (c/o Chris Hawkswell) - Agent: Matt Kernahan (Upper Canada Consultants) - Thursday, July 22, 2021 - 5:00 p.m.

6. Public Meetings

(a) Proposed Zoning By-law Amendment

Re: 129 Cook Avenue - Owner: Peggy Boles - Agent: Bob Cosby. The applicant is requesting to reduce the minimum lot frontage for Part 1 from 18 m to 15 m and the minimum lot area from 600 sq. m to 570 sq. m. Further, for Part 2 a reduction in the minimum lot frontage is requested from 20 m to 17 m. Part 2 complies with the minimum lot area requirement of the by-law. The lands are located within the Urban Area and are currently designated Low-Density Residential in the Ridgeway-Thunder Bay Secondary Plan and zoned Residential 1 (R1) Zone. The site-specific R1 regulations are requested to facilitate a future severance to create a new residential lot.

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 Public Meetings this evening.

Ms. Dilwaria, Senior Development Planner, 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.

Michael Sullivan, Landpro Planning Solutions Inc., was present to speak on behalf of the Application. He advised that he was present to answer any questions.

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 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 favour, in opposition or had any questions regarding the Application. No members of the public came forward.

Mayor Redekop declared the Public Meeting closed.

(b) Official Plan Amendment and Community Improvement Plan

Re: Affordable Housing. The Official Plan Amendment is to specify policy changes that support and encourage a range of housing types and tenures in the Town, including provisions for shared housing, setting a maximum limit on the number of single detached dwellings in large scale developments, permitting accessory apartments on existing residential properties, and defining “small scale housing” which will create the opportunity for the development of units that are smaller than traditional units.

Additionally, the initiation of an Affordable Housing Community Improvement Plan is to provide incentives to both developers and non-profit organizations for the creation of affordable rental and ownership units in the Town.

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

Ms. Richardson confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Official Plan Amendment and Community Improvement Plan, and public comments received.

Mayor Redekop enquired if any members of the public wished to speak in favour, in opposition or had any questions regarding the Official Plan Amendment and Community Improvement Plan.

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.

7. Consent Agenda Items

7.1 Request to Remove Consent Agenda Items

None.

7.2 Consent Agenda Items for Approval

PDS-54-2021 New Draft Region of Niagara Official Plan - Information Report and Comments

That: Council receives for information Report No. PDS-54-2021 regarding the draft Region of Niagara Official Plan, and further

That: Council directs staff to provide comments as outlined in Report No. PDS-54-2021 and in Appendix "1" to the Region of Niagara. **(Carried)**

PDS-55-2021 Royal Ridge Phase 1 Subdivision - Subdivision Agreement and Pre-Servicing Approval - West Side of Ridge Road North, South of Nigh Road - 2834127 Ontario Limited (Fred Sacco)

That: Council authorizes the entry into a Subdivision Agreement with 2834127 Ontario Limited for the Royal Ridge Phase 1 Subdivision, and further

That: Council permits the Developer to pre-service the subdivision prior to registration of the Subdivision Agreement subject to receipt of the drawings, security deposit, cash payment, approvals, insurance certificate, and letter of indemnification to the satisfaction of the Town, and further

That: Council authorizes staff to prepare a by-law to execute the Subdivision Agreement and associated documents. **(Carried)**

PDS-56-2021 Nigh Road Subdivision - Subdivision Agreement and Pre-Servicing Approval - South of Nigh Road, between Buffalo Road and Rosehill Road - 2538070 Ontario Limited (Bryce Ivanchuk)

That: Council authorizes the entry into a Subdivision Agreement with 2538070 Ontario Limited for the Nigh Road Subdivision, and further

That: Council permits the Developer to pre-service the subdivision prior to registration of the Subdivision Agreement subject to receipt of the drawings, security deposit, cash payment, approvals, insurance certificate, and letter of indemnification to the satisfaction of the Town, and further

That: Council authorizes staff to prepare a by-law to execute the Subdivision Agreement and associated documents. **(Carried)**

PDS-57-2021 Award of Contract for Crystal Ridge Park Phase 2 Construction

That: Council accepts and approves the tender submission from Touchstone Site Contractors Inc. for Tender PDS-21T-CRYS21 Crystal Ridge Park Improvements Phase 2 to an upset limit of \$1,104,459.10 (including 13% HST), and further

That: Council amends the 2021 Capital Budget to supplement the Crystal Ridge Park Improvements Phase 2 capital project (CRYS21), with the \$70,300 granted through the Investing in Canada Infrastructure Program (ICIP) - COVID-19 Resilience stream, and further

That: Council amends the 2021 Capital Budget to supplement the Crystal Ridge Park Improvements Phase 2 capital project (CRYS21) by \$158,367, with \$54,725 sourced from the Parkland Reserve, \$53,642 sourced from the Development Charges Reserve for Parks and Recreation (IDs 3.2.7 and 3.2.9), and

\$50,000 sourced from account BL.10050.7281 (Deferred Revenue for Tree Planting), and further

That: Council awards the contract for contract administration of the Crystal Ridge Park Improvements project to Dillon Consulting Limited for an upset limit of \$90,089.02 (including 13% HST). **(Carried)**

PDS-59-2021 Proposed Zoning By-law Amendment - 0-7103 Burleigh Road North - Alexis Banfai (Owner/Applicant)

That: Council approves the amendments to the Town's Zoning By-law No. 129-90 as detailed in Appendix "3" of Report No. PDS-59-2021 for the lands known as 0-7103 Burleigh Road North, and further

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

IS-32-2021 Award of Engineering Services for Prospect Point Road North Upgrade - Contract No. ISE-21P-PPSR19

That: Council accepts and approves the proposal from Kerry T. Howe Engineering Limited to provide Engineering Design Services for the Prospect Point Road North Upgrade (Contract No. ISE-21P-PPSR19) to the upset limit of \$66,670.00 (including 13% HST), and further

That: Council amends the 2021 Capital Budget to supplement the Prospect Point Road North Upgrade Contract No. ISE-21P-PPSR19 by \$50,000, Storm refurbishing reserve (\$12,500), Storm Development Charges Reserve (\$12,500), Road Refurbishing Reserve (\$12,500), and Road Development Charges Reserve (\$12,500). **(Carried)**

IS-33-2021 Award of Quotation for the EJ Freeland Community Centre Domestic Hot Water System Replacement - Contract No. ISF-21Q-EJFDHW21

That: Council accepts and approves the quotation submission from Superior Boiler Works and Welding Ltd. for EJ Freeland Community Centre Domestic Hot Water System Replacement - Contract No. ISF-21Q-EJFDHW21 in the amount of \$81,902.40 (including 13% HST), and further

That: Council amends the 2021 Capital Budget to include project EJFD21 with a total budget of \$80,000.00 to be funded from the Facilities Maintenance Reserve. **(Carried)**

IS-35-2021 Award of Engineering Services for Wildwood Road Drainage Improvements - Contract No. ISE-21P-WILD21

That: Council accepts and approves the proposal from Associated Engineering (Ont.) Ltd. to provide Engineering Design Services for the Wildwood Road Drainage Improvements Project (Contract No. ISE-21P-WILD21) to the upset limit of \$42,560.32 (including 13% HST), and further

That: Council amends the 2021 Capital Budget to supplement the Wildwood Road Drainage Improvements Project (Contract No. ISE-21P-WILD21) by \$10,326.89, Road Refurbishing Reserve (\$5,000.00) and Storm Refurbishing Reserve (\$5,326.89). **(Carried)**

IS-36-2021 Request for Amendment to the Awarded Contract Amount for Highland Avenue Road Reconstruction and Sanitary Sewer Replacement - Contract No. ISE-19T-HIGH18

That: Council approves the amendment to the Highland Avenue Road Reconstruction and Sanitary Sewer Replacement – Contract No. ISE-19T-HIGH18 to \$882,994.19 (including 13% HST). **(Carried)**

CAO-16-2021 2020 Health and Safety Report

That: Council receives Report No. CAO-16-2021 for information purposes. **(Carried)**

CS-07-2021 Budget Amendments from Ontario Municipal Modernization Program Funding

That: Council amends the 2021 Capital Budget to include a Permits, Planning, and Business Processes Integration capital project [PPLS21] for \$389,000 with \$252,850 from the Ontario Municipal Modernization Program (MMP) grant and \$136,150 from the Building Permit Surplus Reserve, and further

That: Council amends the 2021 General Levy Operating Budget to include a Corporate Business Continuity and Business Disaster Recovery Strategy for \$50,000 with funding from the Ontario MMP grant, and further

That: Council amends the 2021 General Levy Operating Budget to include a Municipal Financial Systems Review for \$75,000 with funding from the Ontario MMP grant. **(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

Council recessed for 5 minutes at 8:00 p.m.

8.1 Presentations and Delegations

- (a) Paul Lowes, Principal and Susanne MacDonald, Senior Land Use Planner, SGL Planning and Design Inc.

Re: Cannabis Legislation and Policy Study
Recommendations Report (Report No. PDS-53-2021)

Ms. MacDonald delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Ms. MacDonald provided the following comments during her presentation:

- The study's purpose is to examine opportunities to regulate activities permitted under the *Cannabis Act*, specifically, commercial growing and production of cannabis, and to assess and recommend changes to

- the Town's Official Plan and/or Zoning By-laws to regulate cannabis production as a land use
- The project scope is land uses related to the commercial cultivation and processing of recreational and medical cannabis
 - Outside the scope is personal growth of recreational sales and retail sale of recreational cannabis
 - Study Process has 4 phases:
 - Review of current standards, legislation and best practices
 - Formulating policy options
 - Police recommendations (current stage)
 - Policy implementation
 - Previous work includes: legal framework, provincial documents, review of Fort Erie planning tools, best practice review of other municipalities, options for regulating the use, and public engagement, including survey and open house
 - Official Plan Framework:
 - Official Plan Amendment (OPA) No.18 (Jan 20/14) introduced medical marihuana policies to the Town's Official Plan
 - Permits use in: Agricultural, Rural and Open Space designations & Industrial Business Park designation, subject to Site Plan Control
 - Regard to the Ministry of Environment D6 Guidelines in determining separation distances and necessity of more detailed compatibility studies
 - Zoning Framework:
 - Zoning By-law 129-90 defines medical marihuana and grow production facility
 - Permitted use in Agricultural, Rural, Industrial and Prestige Industrial Zones, Extractive Industrial (EI) Zone, Existing Open Space (EOS) Zone and the Hazard (H) Zone under the by-law's definition of "agricultural" which includes medical marihuana grow production facility.
 - Site Plan Control:
 - The whole Town is subject to Site Plan Control and By-law No. 8-2014 requires site plan control for medical marihuana grow and production facilities
 - Public Comments/Concerns include: nuisance (odor most prevalent), ground water, security, separation from sensitive land uses and residential areas, and illegal growing
 - Public survey results:

- 54% of indicated cannabis production should be permitted indoors in agricultural areas
- (80%) indicated that cannabis production should be permitted indoors in industrial areas
- Responses were closely split between whether cannabis production should be permitted outdoors, with 50% responding “yes”, 47% responding “no” and 3% responding “unsure”
- (76%) indicated a separation distance of 200+ metres should be required between production facilities and sensitive uses
- Odor is a top concern
- (83%) indicated that cannabis production facilities should be subject to Site Plan Control
- Official Plan Recommendations:
 - Introduce a definition of cannabis uses including: a description of permitted cannabis related uses such as processing, packaging, testing
 - Requirements: occur within a wholly enclosed building; not emit any odour; operate pursuant to all applicable regulations; and use appropriately distanced from sensitive land uses
 - Update Policy that use shall be subject to Site Plan Control and may require additional studies
- Zoning Recommendations:
 - Update to define and permit Licensed Cannabis Production Facilities and Dedicated Medical Growth of Cannabis
 - New general provisions for cannabis cultivation including: require minimum separation distance for indoor operations; studies to confirm minimum separation distance at site plan; operation in an enclosed building; prohibit outdoor storage; use within a dwelling; emission of odour requirements
 - Permitted in Agricultural, Rural, Industrial and Prestige Industrial Zones
 - Accessory sales in a licenced facility - permitted in Industrial
- Site Plan Control Recommendations:
 - Update Section 13.4.II of Official Plan to specify that cannabis cultivation and production are not exempt from site plan control
 - Process should require submission of studies relating to matters such as air quality control; environmental impacts; and lighting.
- Recommendation Summary:

- Update Official Plan to permit the use
- Permit the use indoors, as-of-right in Agricultural, Rural, Industrial and Prestige Industrial Zones with requirements
- Make the use subject to site plan control
- Next Steps:
 - Phase 4 (Implementation) of the Study
 - Amendments to the Official Plan, Zoning By-law, & Site Plan Control By-law
 - Process includes: Open House, Statutory Public Meeting, & Final Council Meeting

8.2 Reports

PDS-51-2021 Proposed Zoning By-law Amendment - 129 Cook Avenue - Bob Cosby (Applicant) - Michael Sullivan (Landpro Planning Solutions Inc.) (Agent) - Peggy Boles (Owner)

Recommendation No. 2
Moved by: Councillor Zanko

That: Council receives for information purposes Report No. PDS-51-2021 regarding an amendment to the Town's Zoning By-law for 129 Cook Avenue. **(Carried)**

PDS-52-2021 Proposed Amendment to Town of Fort Erie Official Plan and Community Improvement Plan for Affordable Housing

Recommendation No. 3
Moved by: Mayor Redekop

That: Council receives for information Report No. PDS-52-2021 regarding proposed amendments to the Town's Official Plan to address housing affordability and the implementation of an Affordable Housing Community Improvement Plan to provide incentives for the development of affordable housing units. **(Carried)**

PDS-53-2021 Cannabis Legislation and Policy Study Recommendation Report

Recommendation No. 4
Moved by: Councillor McDermott

That: Council approves the Cannabis Legislation and Policy Review Study Recommendations Report, attached as Appendix "1" to Report No. PDS-53-2021, and further

That: Council authorizes staff to initiate an Official Plan Amendment, Zoning By-law Amendment and Site Plan Control By-law Amendment in accordance with the *Planning Act*, to implement the recommendations outlined in the Cannabis Legislation and Policy Review Study Recommendations Report.

Recommendation No. 5
Moved by: Councillor Zanko

That: The setback of an operation from a school zone be set at a minimum of 500 metres. **(Carried)**

Following approval of the amendment, Report No. PDS-53-2021 was voted on, as amended, as follows:

That: Council approves the Cannabis Legislation and Policy Review Study Recommendations Report, attached as Appendix "1" to Report No. PDS-53-2021, subject to the setback of an operation from a school zone being set at a minimum of 500 metres, and further

That: Council authorizes staff to initiate an Official Plan Amendment, Zoning By-law Amendment and Site Plan Control By-law Amendment in accordance with the *Planning Act*, to implement the recommendations outlined in the Cannabis Legislation and Policy Review Study Recommendations Report, **(Carried)**

PDS-58-2021 Proposed Temporary Zoning By-law Amendment, 409 Gorham Road - Zelinka Priamo Ltd. - Dave Hannam (Agent) - Gorham Road Inc. - David Kompson (Owner)

Recommendation No. 6
Moved by: Councillor Zanko

That: Council approves a temporary use Zoning By-law Amendment in accordance with Section 39 of the Planning Act to permit operation of the Liquor Control Board of Ontario sales trailer located on 409 Gorham Road for a duration of one year as detailed in Appendix "3" of Report No. PDS-58-2021, and further

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

Recommendation No. 7
Moved by: Mayor Redekop

That: The temporary use Zoning By-law Amendment duration be amended to April 15, 2022. **(Carried)**

Following approval of the amendment, Report No. PDS-58-2021 was voted on, as amended, as follows:

That: Council approves a temporary use Zoning By-law Amendment in accordance with Section 39 of the Planning Act to permit operation of the Liquor Control Board of Ontario sales trailer located on 409 Gorham Road for a duration to April 15, 2022, as detailed in Appendix "3" of Report No. PDS-58-2021, as amended, and further

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

8.3 New Business/Enquiries

- (a) Memorandum - Paul Chudoba, Coordinator, By-law Enforcement - Short Term Rentals Enforcement Update

Ms. Dolch summarized the Memorandum which is appended to the Agenda.

Councillor Butler advised that she counted a total of 36 properties out of 56 that were extremely problematic this year, and the other 20 were unfounded, which goes to the point that with respect to affordability, it should be homes first and investment second.

Councillor Butler referred to a report coming forward this fall, and asked Ms. Dolch when the Report would be forthcoming.

Ms. Dolch advised that the Report will come from the Economic Development & Tourism Division. She is not sure on the exact timing, but there is a meeting this week to discuss the report.

Councillor Butler questioned whether the Report is just going to assess what's happened over the last couple of years, and whether that is part of the study: to find out how

problematic the short-term rental industry was, or is that a separate report that Ms. Dolch is compiling?

Ms. Dolch advised that the Report that's coming forward is an assessment on the pilot program, but it will include some information from the Enforcement Division as well as from Lindsay Richardson on affordability. Although it is an Economic Development Report, staff are collaborating on providing the big picture to Council on where we stand, for determination on whether Council wants to continue with the Pilot Program as is, or consider changes or investigate other avenues. It is more of an information report to see what direction Council wants to take and to provide Council with some guidance on where we stand to date on enforcement and other issues such as affordability.

Councillor Butler enquired whether a discussion is going to take place with MPAC to see if they're going to look at taxing short-term rentals as a commercial business, since they are a commercial business? Ms. Dolch advised that staff did reach out to MPAC on that previously, and MPAC advised they weren't looking at taxing the short-term rentals; however, staff can follow up again.

Councillor Butler asked the Chair if that was something the Council could implement on a municipal level. Mayor Redekop advised that Council can't direct MPAC what to do in terms of how they assess, and he doesn't believe Council can rezone the properties, but Council could request the provincial government to take the initiative to direct MPAC how they should treat what are essentially commercially used properties within residential areas.

The Chair questioned whether that would be a notice of motion for Councillor Butler, or a request at the staff level?

Mayor Redekop responded that Council has passed a motion with a number of recommendations that Councillor Butler brought forward, and this happens to be one of them. He advised that his question is what steps need to be taken on some of those items, and he thinks a letter should be going out from the municipality. He will discuss with the CAO who should be sending that letter out ie. the Mayor, the CAO, or the Clerk.

Mayor Redekop advised that Council should also be taking a look at the motion and the various components, some of which Council will be looking at as staff provides information, such as the short-term rental issue, and some of which may require something more than a letter from the Clerk addressed to whichever federal or provincial government agencies advising that the motion was passed. He will discuss it with the CAO and the Clerk.

Councillor Butler advised that there is movement throughout the Niagara Peninsula municipalities and also in other areas such as Toronto, to have short-term rental owners being a full-time resident. She asked Ms. Dolch, if in Ms. Richardson's report that comes forward this fall, if staff could relook at that, because that was one of the points that Ms. Dolch had in her initial report 2 years ago and Council didn't go with that recommendation at that time. Ms. Dolch responded that yes, she would provide some commentary through that report.

Councillor Lubberts noted that a total of 58 demerit points have been issued. He questioned how many demerit points are they allowed before their licence is either suspended or revoked? Ms. Dolch advised it is 15 demerit points.

Councillor Lubberts questioned how many were operating without a licence? Ms. Dolch responded that there were 20 operating unlicensed and 13 remaining to be investigated.

Councillor Lubberts questioned how many demerit points do you get for operating without a licence. Ms. Dolch advised she didn't know, but there are 3 properties that have reached the 15 demerit point level.

Councillor Lubberts advised he is concerned that they can operate for the whole season and break the rules enough times that they don't get 15 points, and then the 15-point system starts all over again next year, so we need to keep track of that because if we find that some of these short-term owners are taking advantage of the situation, then maybe we need to tighten up our demerit points system. The owners should be in the middle of the summer that they might lose their licence, because what good is it to suspend their licence in October when they don't get that much rental.

8.4 Business Status Report

No changes.

9. Infrastructure Services

Chaired by Councillor Lubberts

9.1 Presentations and Delegations

None.

9.2 Reports

IS-34-2021 Asset Management Plan Implementation Update

Recommendation No. 8

Moved by: Mayor Redekop

That: Council receives Report No. IS-34-2021 for information purposes, and further

That: Council directs that the costs of implementation and maintenance of the Asset Management Plan be included in future budget deliberations. **(Carried)**

IS-37-2021 Construction of Pedestrian Crossovers along Friendship Trail at Ridge Road and Gorham Road

Recommendation No. 9

Moved by: Councillor Dubanow

That: Council amends the 2021 Capital Budget to include Friendship Trail Pedestrian Crossovers (FRPX21) for \$235,000 with funding from the Road Refurbishing Reserve. **(Carried)**

Recommendation No. 10

Moved by: Councillor Dubanow

That: The hour of adjournment be extended to 10:10 p.m. **(Carried)**

9.3 New Business/Enquiries

- (a) Response to Enquiry
Re: Enquiry by Councillor Butler at the May 31, 2021 Council-in-Committee Meeting enquiring about the street lights on MacDonald Drive Private Road

Mr. Walsh read into the Minutes the Response to Enquiry which is appended to the Agenda.

Councillor Butler advised that Mr. Trombley forwarded correspondence from CNP to her, which confirmed the Town had been responsible for the lights all along and that the replacement per light would be \$6 and the per pole fee would be \$3.71 per month, for a total of \$97.10 per month, although she's not sure how that translates to the electrical part of it. She assumes that because CNP said that would be the monthly fee that it would include the electrical.

Mr. Walsh advised that he hasn't seen the correspondence. Councillor Butler advised she would forward it. She stated that her question is if the Town has always been responsible for it and the fee is only \$97.10 on a monthly basis, why isn't the Town going to continue to be responsible for it? It's 10 lights.

Mr. Walsh advised that he disagrees with Councillor Butler. CNP has one opinion, Mr. Trombley has an opinion, and staff have an opinion. CNP has said that if the Town can remove the existing lights, which he thinks as the Director of Infrastructure Services he can authorize, the lights from then on would be the responsibility of the private homeowner's group. He doesn't believe the Town wants to get into lighting private roads, as there are a number of those situations across the Town, which could set the Town up for quite a bit of liability if something were to go wrong.

Councillor Butler questioned if the Town has already been paying the fees for those lights, how is that going to be any different? Canadian Niagara Power has said that the Town has been responsible for it.

The Chair asked Mr. Walsh if he could contact Canadian Niagara Power and ask them if the Town has been responsible, and speak with Mr. Janzen to see if we can get the bill? Mr. Walsh responded that when the streetlights were converted to LED, the Town is billed on the number of streetlights the Town replaced. The streetlights on private roads are not in that inventory, so he disagrees that the Town is paying for them right now.

Councillor Butler stated, but the Town had been up until the change of the LED lights. Mr. Walsh advised he doesn't think CNP knows either. Councillor Butler stated she thinks that's the dilemma.

The Chair requested Mr. Janzen to look to see if we have received bills from CNP for those streetlights and get back to Councillor Butler. Mr. Janzen advised he would look to see exactly what details we have for that period.

(b) Councillor Butler

Councillor Butler enquired about street cleaning and street maintenance for the downtown cores. On Saturday, she and another member of the Ridgeway BIA were cleaning up the streets themselves. They were weeding, she thinks the Town has a responsibility to do that on the actual streets. She also took out a dead tree.

The Chair asked Mr. Walsh what the policy is on streetscaping. Mr. Walsh advised that this has come up in Bridgeburg as well, and assumes it's going to come up in the Crystal Beach BIA. Mr. Walsh advised that the Town has never whacked weeds in the sidewalks before, as it's not in the Town's level of service. Certainly, the Town needs to look after the trees and he will check on that. His expectation is similar to how he looks after his front yard, the boulevard portion. If business owner doesn't like the weeds growing up between the sidewalks, they should take them out. The Town does not provide any level of service for weed whacking in bricks or sidewalks. Mr. Walsh added that if this is a level of service that Council wishes to provide, a budget can be developed for it.

Mayor Redekop advised that it is his understanding that the Business Improvement Association raises a levy and part of the levy is to engage in efforts that will beautify municipal property, and perhaps Council can get some clarification from staff. All the businesses are paying a levy and presumably it's being utilized for purposes prescribed by legislation.

Councillor Butler advised that the Ridgeway BIA, and she's sure that the Bridgeburg BIA and Crystal Beach BIA as well, beautify the area. They put in flowers, and take care of and weeds in the pits and pots. However, she is referring to

grass and weeds that are coming out through the sidewalks and by the lampposts. She continued that she agrees with Mr. Walsh that each store owner should have some pride and maybe adopt the block and keep it beautified themselves and clean, but there has to be some kind of solution.

The Chair asked Mr. Kuchyt to find the mandate for the BIAs and that he thinks the mandate is to make improvements to Town owned lands through their levies and to promote their business areas through festivals and events.

Mr. Kuchyt advised he would the Act to Council now: "To oversee the beautification and maintenance of municipally owned land, buildings and structures in the area, beyond that provided at the expense of the municipality generally".

Recommendation No. 11
Moved by: Mayor Redekop

That: The hour of adjournment be extended to 10:25 p.m.
(Carried)

Mr. Kuchyt advised that he would provide that section of the Act to members of Council.

Councillor Butler questioned if that meant that the BIA is responsible then for weeding or to hire people to weed, and could they hire a lawn service to come in and do all of that for them? Mr. Kuchyt responded yes, they could, as long as the contractor is properly insured.

Councillor Butler advised that she would let the BIA know, and then asked about the street cleaning. Mr. Walsh advised that the Town has a spring and fall street sweeping, which is built into the base budget. Councillor Butler asked if that has been done already, as she understands that it hasn't. Mr. Walsh advised that it has. Councillor Butler requested the date that it was done on their street. Mr. Walsh advised that he will provide Councillor Butler with the date.

(c) Councillor McDermott

Councillor McDermott advised that he spoke to Mr. Walsh a number of days ago because Jarvis Street is out of control.

There are bushes that come out of the alleys and the empty lot on Jarvis Street is also out of control. He had about 12 phone calls the other day and some of them weren't very kind.

Councillor McDermott stated that Mr. Walsh made a commitment to help him get that under control a few days ago. The business people see the beautiful flowers along Garrison Road by Walmart and the Gateway, and get the wrong idea of the level of service. If Mr. Walsh can help him, then he could explain to the BIA what level of service the Town provides. He advised he was always under the impression the front areas were the Town's responsibility.

Councillor McDermott requested that the Town assist him in getting the street in order because it's very hard to bring people down to sell a street or talk to business people about the street. If Mr. Walsh can help him this one time, he will reiterate to the BIA what the expectations are.

The Chair questioned whether the empty lot was a private lot. Councillor McDermott advised it was the former Steadmans Store and the meat market, which was bought by a developer to put in a five-story building.

The Chair questioned if the Town takes care of privately-owned lots or is that a Property Standards matter. Mr. Walsh confirmed it is a Property Standards matter, but that's not what Councillor McDermott was referring to.

Councillor McDermott confirmed that he was talking to Mr. Walsh about what he was to help him with the sidewalks and around the trees, and bushes on the laneways.

Councillor McDermott advised that he is concerned because he made a commitment to the business owners and he wants to make sure that it will be fulfilled. Mayor Redekop confirmed that if staff made a commitment, they will fulfill it.

(d) Councillor Noyes

Councillor Noyes advised that there seems to be confusion now in regards to the expectations of the BIAs and the store owners as to who is responsible. The Town thinks it's the

BIAs and the store owners think it's the Town, so that hasn't been clearly communicated.

Councillor Noyes continued that she knows that this past year because of COVID, that a lot of the BIAs decreased or returned the levy, or have not collected as many dues because of the decrease in the amount of activities and festivals, but could they have used this levy to actually hire someone to do it. She questioned that if it is their responsibility, would they then basically get an estimate of what it would cost and then they could contract it out to get it done? Another question is that when we are in Communities-in-Bloom and are being judged, does the Town then take a much more active role in managing the properties along the main streets like in Bridgeburg and Ridgeway?

The Chair responded that the Town knew the route the Judges were taking, the Town took on the initiative to work on the route. The BIAs, the beautification committees, and the Town worked together to do their part. He continued that he didn't think the Town took on any extra responsibility in the BIA areas, because the BIAs took care of that, or the beautification committees.

Councillor Noyes advised that the BIAs need to look at increasing the levy for the BIA so that they can do it. She has had a number of concerns from residents that they have to take care of Town property, and there is an expectation that they have to keep their ditches clear and keep the weeds down. The Town doesn't come in and do it unless it's a major problem, and another issue may be it's an impossibility because of the nature of the ditch itself. Councillor Noyes advised that it is a slippery slope if the Town starts doing it.

The Chair advised that over the years, the BIA has requested certain things that the Town has provided, and it was understood, in his opinion, the BIAs would take care of the maintenance of it. If the BIA doesn't want to take care of the maintenance of the extra things that they requested, then he would caution the BIAs because the Town policy would probably go back to having concrete sidewalks and light standards. There won't be grates around the tree and you won't see flowers and you won't see the grant money

that goes to other things in the downtown cores that the Town provides.

(e) Councillor McDermott

Councillor McDermott enquired whether there will be any lighthouse tours this year.

Mr. Kuchyt will provide a Response to Enquiry at a future meeting.

Recommendation No. 12
Moved by: Councillor Noyes

That: The hour of adjournment be extended to 10:35 p.m.
(Carried)

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

CAO-15-2021 Staffing Composition - By-law Enforcement and Financial Services

Recommendation No. 13
Moved by: Mayor Redekop

That: Council receives Administrative Report No. CAO-15-2021 for information purposes.
(Carried)

10.3 New Business/Enquiries

None.

10.4 Business Status Report

No changes.

11. Scheduling of Meetings

None.

12. Adjournment

Recommendation No. 14

Moved by: Councillor Dubanow

That: Council-in-Committee hereby adjourns at 10:31 p.m.

(Carried)

Mayor

Clerk