



The Municipal Corporation of the Town of Fort Erie

Regular Council Meeting Minutes

Monday, May 29, 2023

Council Chambers

Meetings are being held in-person and via Video Teleconference as may be permitted. All meetings can be viewed at: Town's Website:

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

Town's YouTube Channel: www.youtube.com/townofforterie
or click on the YouTube icon on the home page of the Town's website (www.forterie.ca) or Cogeco "YourTV"

1. Call to Order

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

Mayor Redekop provided a land acknowledgment, which can be accessed at the following link: [Land Acknowledgement](#)

2. Invocation

The Clerk read the Invocation.

3. Roll Call

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

Staff: A. Carter, A. Herlovitch, J. Janzen, C. Patton, and K. Walsh

Absent: Regional Councillor Insinna

4. Announcements/Addenda

There was one Addendum as follows:

The Additions under Item No. 8 – Presentations and Delegations (h) through (n); and

An Attachment under Item No. 10 – Reports being a memorandum attached and distributed to PDS-30-1-2023.

Mayor Redekop made the following announcements:

Teachers Desk

A Western New York organization called, “Teachers Desk” has been providing supplies to our elementary schools, both public and Catholic boards (approximately 80 teachers and 1,600 students) for a number of years. Thank you to Director, John Mika and the Chairman of the Board, William Heinan, for their generosity.

Niagara Coalition for Health / Niagara Health Coalition

On Saturday, May 26th and 27th, the Niagara Coalition for Health or Niagara Health Coalition held a referendum here in Fort Erie. Results will be released on May 30, 2023 at 11:00 am outside of the St. Catherine's Hospital.

5. Declarations of Pecuniary Interest

Councillor Flagg declared a pecuniary interest with respect to By-law No. 91-2023: To Amend Zoning By-law No. 129-90, as amended Crescent Acres Subdivision (0-10747 Kraft Road) Crescent Acres Ltd., as he lives within the notice area. He abstained from discussing and voting on the matter.

6. Notice of Upcoming Public Meetings

(a) Public Meeting

Re: Town-Initiated Official Plan Amendment - Implementing Bill 109, the *More Homes for Everyone Act, 2022* - Monday, June 12, 2023 - 6:00 pm - Council Chambers, Town Hall. The information report will be available by 5:00 pm on Wednesday, June 7, 2023.

7. Regional Councillor Report

None.

8. Presentations and Delegations

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

(a) Fred Louws, Principal, Greater Fort Erie Secondary School and Afshin Keyvani, Hospitality Teacher

Re: Recognition of Accomplishments of Greater Fort Erie Secondary School (GFESS) Students at Skills Canada and Regional Competitions

F. Louws and A. Kayvani spoke to the accomplishments of GFESS students at the Skills Canada and Regional Competitions.

Mayor Redekop, Councillor Flagg, A. Kayvani and Shannon Mitchel, from the MPP Wayne Gate's office, presented the students with certificates.

- (b) Mackenzie Arts, Mayor's Youth Advisory Committee

Re: Introduction of Mayor's Youth Advisory Committee

Mackenzie Arts provided a PowerPoint Presentation, which can be found on the Town's website.

- (c) Gregory Bender (*Via Zoom*), Director, Urban and Community Planning, Planning, Transportation & Infrastructure, WSP

Re: Short Term Rental Land Use Study (Report No. PDS-41-2023)

Gregory Bender provided a PowerPoint Presentation, which can be found on the Town's website.

Resolution No. A

Moved by: Councillor Lewis

Seconded by: Councillor McDermott

That: The delegation time be extended for two (2) minutes.

(Carried)

- (d) David Wachsmuth, Associate Professor, McGill University (*Via Zoom*)

Re: Short-Term Rental Regulations (Report No. PDS-41-2023)

D. Wachsmuth provided a PowerPoint Presentation, which can be found on the Town's website.

D. Wachsmuth spoke in opposition to short-term rentals in relation to housing supply.

- (e) Karen Vandermeulen, 1639 MacDonald Drive

Re: Presentation of Petition on Short-Term Rentals in Residential Neighbourhoods (Report No. PDS-41-2023)

K. Vandermeulen provided a PowerPoint Presentation, which can be found on the Town's website.

K. Vandermeulen spoke in favour of owner-occupied short-term rentals and in opposition to short-term rentals.

- (f) Laura Kozloski, 4100 Erie Road

Re: Short-Term Rentals (Report No. PDS-41-2023)

Laura Kozloski provided a PowerPoint Presentation, which can be found on the Town's website.

L. Kozloski spoke in favour of short-term rentals.

- (g) Scott Lamb, 1577 Stockton Lane

Re: Short-term Rental Zoning Proposal (Report No. PDS-41-2023)

Scott Lamb spoke in opposition of Report No. PDS-41-2023.

- (h) Erin Dowse, 1823 MacDonald

Re: Short-term Rental Zoning Proposal (Report No. PDS-41-2023)

Erin Dowse spoke in favour of Report No. PDS-41-2023.

- (h) Alexandra Bennett, 1843 MacDonald

Re: Short-term Rental Zoning Proposal (Report No. PDS-41-2023) **(Delegation withdrawn)**

- (j) Gregor Grant, Ridgeway, ON

Re: Short-term Rental Zoning Proposal (Report No. PDS-41-2023)

Gregor Grant spoke in favour of Report No. PDS-41-2023.

- (k) Scott Boumeester, 326 Lakewood Avenue

Re: Short-term Rental Zoning Proposal (Report No. PDS-41-2023)

Scott Boumeester spoke in favour of short-term rentals.

Council recessed for an 8-minute break and returned a 7:15 pm.

- (l) Cheryl McCombe, Ontario Cottage Rental Managers Association
(*Via Zoom*)

Re: Short-term Rental Zoning Proposal (Report No. PDS-41-2023)

Cheryl McCombe spoke in opposition of Report No. PDS-41-2023.

- (m) Amanda Marshall, Holiday Homes Property Management

Re: Short-term Rental Zoning Proposal (Report No. PDS-41-2023)

Amanda Marshall spoke in opposition of Report No. PDS-41-2023.

- (n) Dan Gabriele, Principal, Marz Homes

Re: Short-term Rental Zoning Proposal (Report No. PDS-41-2023)

Dan Gabriele spoke in favour of restricting short-term rentals in new homes.

9. Consent Agenda Items

9.1 Request to Remove Consent Agenda Items

None.

9.2 Consent Agenda Items for Approval

1. Minutes

- (a) Approve - Regular Council Meeting - April 24, 2023

- (b) Approve - Special Council Meeting - April 26, 2023
- (c) Approve - Council-in-Committee Meeting - May 8, 2023
- (d) Approve - Council-in-Committee Meeting - May 16, 2023
- (e) Approve - Special Council Meeting - May 16, 2023

2. Correspondence

- (a) Proclamation - World Oceans Day Education - World Oceans Day - June 8, 2023 and World Oceans Week - June 1-8, 2023

That: Council proclaims June 8, 2023 as "World Oceans Day" and June 1-8, 2023 as "World Oceans Week". **(Carried)**

- (b) Proclamation - Operation Smile - Longest Day of SMILES - June 18, 2023

That: Council proclaims June 18, 2023 as "Longest Day of SMILES". **(Carried)**

- (c) Proclamation - Fort Erie Museum and Cultural Heritage Advisory Committee - Decoration Day - June 2, 2023

That: Council proclaims June 2, 2023 as "Decoration Day". **(Carried)**

- (d) Receive & Support - Regional Municipality of Waterloo - Request Province to Protect the Privacy of Candidates and Donors on Nomination Papers and Financial Statements

- (e) Receive - Enbridge - Third-Party Locate Charge

- (f) Receive & Support - City of Cambridge - Highway Traffic Act Amendments

- (g) Receive & Support - The Corporation of the County of Prince Edward - Urging the Province to Pause Proposed New Provincial Planning Statement (PPS)

- (h) Receive - National Chronic Pain Society - Requesting the Province to Maintain OHIP Coverage for Chronic Pain Treatments and Care

3. Board/Committee Minutes

- (a) Receive - Municipal Heritage Standing Committee - March 22, 2023; April 12, 2023
- (b) Receive - Museum and Cultural Heritage Committee - March 22, 2023; April 12, 2023
- (c) Mayor's Youth Advisory Committee - April 24, 2023
- (d) Receive - Senior Citizens Advisory Committee - April 4, 2023; May 3, 2023
- (e) Receive - Crystal Beach Business Improvement Area Board of Management - April 12, 2023; April 24, 2023 (Special)
- (f) Receive - Community Gaming Development Corporation - April 4, 2023
- (g) Receive & Approve Recommendations - Environmental Advisory Committee: March 8, 2023, and

March 19, 2023 regarding:

- (i) 2462 Dominion Road: That the EC Overlay Zone be removed from the subject property where the structure is proposed.
- (ii) 1 St. George Court: That the EC Overlay Zone be removed from the subject property where the detached garage is proposed.
- (iii) 4966 Brown Road: That the EC Overlay Zone be removed from the subject property where the addition to the dwelling is proposed.
- (iv) 1443 Point Abino Road South: That the EC Overlay Zone be removed from the subject property where the in-ground pool is proposed.

4. Other Matters

Consent Agenda Resolution

Resolution No. 1

Moved by: Councillor Flagg

Seconded by: Councillor Dubanow

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

9.3 Items Removed to be Dealt with Separately

None.

10. Reports

PDS-39-1-2023 Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 613 Helena Street - SS Fort Erie Inc. (Hunaun Siddiqui & Mohammad Feroz) - Owner - IBI Group (Tracy Tucker) - Agent

Resolution No. 2

Moved by: Councillor Dubanow

Seconded by: Councillor Flagg

That: Report Nos. PDS-39-1-2023 and PDS-39-2023 be deferred to the June 12, 2023, Council-in-Committee Meeting. **(Carried)**

PDS-39-2023 Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 613 Helena Street - SS Fort Erie Inc. (Hunaun Siddiqui & Mohammad Feroz) - Owner - IBI Group (Tracy Tucker) - Agent ***(Postponed from the May 8, 2023 and May 16, 2023 Council-in-Committee Meetings - Previously Moved by Councillor Noyes as Recommendation No. 9)***

That: Council approves the amendment to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-39-2023 for the lands known as 613 Helena Street, and further

That: Council approves the 613 Helena Street Draft Plan of Subdivision dated February 23, 2023, showing 17 blocks for a total of 124 townhouse dwellings, 2 blocks for a total of 4 semi-detached dwellings, 1 block for parkland dedication, 1 block for a stormwater management pond, 1 block for environmental lands and 1 block for a road

widening as attached as Appendix “2” of Report No. PDS-31-2023, in accordance with the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in Appendix “3” of Report No. PDS-39-2023, and further

That: Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix “3” of Report No. PDS-39-2023 to the applicable agencies in accordance with the requirements of the *Planning Act*, and further

That: Council directs Staff to submit the necessary by-law.

Deferred to the June 12, 2023, Council-in-Committee Meeting.

PDS-41-2023

Short-Term Rental Land Use Study

Resolution No. 3

Moved by: Councillor Christensen

Seconded by: Councillor McDermott

That: Council receives Report No. PDS-41-2023 and approves the Town of Fort Erie Short-Term Rental Land Use Study, and further

That: Council directs staff to initiate formal amendments to the Town’s Official Plan and Comprehensive Zoning By-law No.129-90, as amended, in order to implement the recommendations of the Town of Fort Erie Short-Term Rental Land Use Study, and further

That: Council directs staff to amend By-law No. 98-2022, being the Licensing By-law, to incorporate new definitions. **(Carried)**

Resolution No. 3A

Moved by: Councillor Flagg

Seconded by: Councillor Lewis

That: Council extend the hour of adjournment to 11:00 pm. **(Carried)**

Resolution No. 3B
Moved by Councillor Lewis
Seconded by: Councillor Christensen

That: Council permits Short-Term Rentals in Waterfront Residential (WR) and Waterfront Rural Residential (WRR) Zones between Point Abino Road South and the Peace Bridge and directs staff to include the formal amendments to the Town's Official Plan and Comprehensive Zoning By-law 129-90, as amended, along with the recommendations from the Town of Fort Erie Short-Term Rental Land Use Study. **(Withdrawn)**

PDS-42-2023 Analysis and Use of Second Opinion Clause

Resolution No. 4
Moved by: Councillor McDermott
Seconded by: Councillor Christensen

That: Council revokes Policy PLA-06, Council Decisions Contrary to Staff Recommendations, and further

That: Council no longer requires a second opinion clause to be inserted within Planning staff reports. **(Carried)**

11. New Business/Enquiries

- (a) Notice of Resignation - Ridgeway Business Improvement Area Board of Management - Anna Morlacchetti

Resolution No. 5
Moved by: Councillor Christensen
Seconded by: Councillor McDermott

That: Council accepts the resignation of Anna Morlacchetti from the Ridgeway Business Improvement Area Board of Management, and further

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

- (b) Notice of Resignation - Senior Citizens Advisory Committee - Lida Greenaway

Regular Council - 29 May 2023 Meeting Minutes

Resolution No. 6

Moved by: Councillor Christensen

Seconded by: Councillor McDermott

That: Council accepts the resignation of Lida Greenaway from the Senior Citizens Advisory Committee, and further

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

- (c) Proclamation - Crossing Guard Appreciation Week - June 5-9, 2023

Resolution No. 7

Moved by: Councillor Noyes

Seconded by: Councillor Flagg

That: Council proclaims June 5-9, 2023 as "Crossing Guard Appreciation Week." **(Carried)**

- (d) Proclamation - June as Senior's Month 2023

Resolution No. 8

Moved by: Councillor Noyes

Seconded by: Councillor Flagg

That: Council proclaims June as "Senior's Month 2023". **(Carried)**

12. Closed Session

- (a) Pursuant to Section 239 (2) (b) of the *Municipal Act, 2001* (personal matters about an identifiable individual, including municipal or local board employees)

Re: Appointment to Boards and Committees: Crystal Beach Beautification Committee, Fort Erie Public Library Board and Senior Citizens Advisory Committee

Resolution No. 9

Moved by: Councillor McDermott

Seconded by: Councillor Christensen

That: Council does now go into closed session at 10:51 pm to discuss the following:

- (a) Pursuant to Section 239 (2) (b) of the *Municipal Act, 2001*
(personal matters about an identifiable individual,
Including municipal or local board employees)

(Carried)

Resolution No. 9A

Moved by: Councillor Noyes

Seconded by: Councillor Christensen

That: The hour of adjournment be extended to 11:45 pm.

(Carried)

Resolution No. 10

Moved by: Councillor Lewis

Seconded by: Councillor Christensen

That: Council does now rise and reconvene from closed session at 11:00 pm with report;

That: Council appoints Barbara Dearden and Sandra Fishman to the to the Crystal Beach Beautification Committee for the period ending December 31, 2023, and further

That: Council defers appointment to the Fort Erie Public Library Board to the June 26, 2023 Regular Council Agenda, and further

That: Council appoints Carolyn Beardwood to the Senior Citizens Advisory Committee for the period ending November 14, 2023, or until their successor is appointed. **(Carried)**

13. Motions

- (a) Mayor Redekop

Re: Enforcement of By-law No. 60-04 - Regulate, Destruction, Injury or Harvesting of Trees

Resolution No. 11

Moved by: Mayor Redekop

Seconded by: Councillor Flagg

That: Staff be directed to provide Council with a memo regarding By-law No. 60-04, Being a By-law to Regulate the Destruction, Injury and Harvesting of Trees in the Town of Fort Erie, with respect to the following:

1. The resources necessary to implement enforcement of the By-law;

2. The co-ordination, if any, with the Region of Niagara that would be necessary or advisable when the Town begins enforcement of the By-law;
 3. Whether Part V is necessary or should be repealed;
 4. Updating the cost of a permit;
 5. If violations can be enforced by Administrative Monetary Penalty;
 6. A projected date to commence enforcement of the By-law.
- (Carried)**

(b) Councillor Noyes

Re: Residential Fence Height on Waterfront Properties

Deferred to June 26, 2023

14. Notice of Motion

(a) Councillor Christensen

Councillor Christensen gave notice of motion that Council request the province explore introducing legislative controls on platforms such as Airbnb, Vrbo and others which affect municipalities with short-term rentals and other vacation rentals.

Returnable June 26, 2023

(a) Councillor Lewis

Councillor Lewis gave notice of motion regarding prohibiting commercial Short-Term Rentals in any new residential subdivision in Fort Erie.

Returnable June 26, 2023

(a) Councillor Dubanow

Councillor Dubanow gave notice of motion regarding the impact of Woodbine's Race and Stay Program on the Fort Erie Racetrack, which is the only other thoroughbred racetrack in Ontario.

Returnable June 12, 2023

15. Consideration of By-laws

Resolution No. 12

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

That: The by-law package containing:

81-2023: To Re-Establish the Community Health Care Services Committee, Adopt Terms of Reference and Repeal By-law Nos. 29-2018 and 66-2021

82-2023: To Re-Establish the Mayor's Youth Advisory Committee, Adopt Terms of Reference and Repeal By-law 172-05

83-2023: To Regulate Public Nuisances and Noise in the Town of Fort Erie and to Repeal By-law No. 30-09

84-2023: To Appoint Brandon Gordon as a Temporary Municipal Law Enforcement Officer for the 2023 Summer Season

85-2023: To Set The 2023 Tax Rates and to Levy Taxes for the Year 2023

86-2023: To Amend the Development Charges Interest Policy for The Town of Fort Erie

87-2023: To Amend the Development Charges Payment Deferral Policy for The Town of Fort Erie

88-2023: To Amend By-law No. 167-09 (Insurance and Risk Management)

89-2023: To Accept and Declare Lands as Public Highway on the East Side of Buffalo Road - 592 Buffalo Road – Paljor Tenzin & Nyintse Tenzin

90-2023: To Amend Zoning By-law No. 129-90, as amended - 525 Lake Avenue - Daniel John Read – Owner

92-2023: To Amend Zoning By-law No. 129-90, as amended 3624 Hazel Street S.R. Niagara Investments Inc. (Rita and Salvatore Visca) - Owner

93-2023: To Authorize the Entry into an Encroachment Agreement with 2550663 Ontario Inc. (Greg Walker) - Owner 214 Courtwright Street

94-2023: To Enact an Amendment to the Official Plan Adopted by By-law No. 150-06 for the Town of Fort Erie Planning Area - Amendment No. 72 – 214 Courtwright Street - 2550663 Ontario Inc. (Greg Walker) – Owner

Regular Council - 29 May 2023 Meeting Minutes

95-2023: To Amend Zoning By-law No. 129-90, as amended 214 Courtwright Street 2550663 Ontario Inc. (Greg Walker) - Owner

is given first and second reading.

(Carried)

Resolution No. 12A

Moved by: Councillor Noyes

Seconded by: Councillor

That: Section 1.2 (c) of Schedule “A” to By-law No. 81-2023 be amended to include “satellite clinics.”

(Carried)

Resolution No. 13

Moved by: Councillor Lewis

Seconded by: Councillor Christensen

That: By-laws:

81-2023

82-2023

83-2023

84-2023

85-2023

86-2023

87-2023

88-2023

89-2023

90-2023

92-2023

93-2023

94-2023

95-2023

as amended, are given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

(Carried)

Resolution No. 13A

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

That: By-law No. 91-2023: To Amend Zoning By-law No. 129-90, as amended Crescent Acres Subdivision (0-10747 Kraft Road) Crescent Acres Ltd. (Mark Basciano) – Owner is given first and second reading.

(Carried)

Resolution No. 13B

Moved by: Councillor Lewis

Seconded by: Councillor Christensen

That: By-law No. 91-2023 is given third and final reading to be signed by the Mayor and the Clerk under the corporate seal.

(Carried)

Resolution No. 14

Moved by: Councillor Flagg

Seconded by: Councillor Dubanow

That: By-law No. 96-2023: To Confirm the Actions of Council at its Special Council Meeting Held on April 26, 2023, Council-in-Committee Meetings Held on May 8, 2023 and May 16, 2023 and its Council Meeting Held on May 29, 2023 is given first and second reading.

(Carried)

Resolution No. 15

Moved by: Councillor McDermott

Seconded by: Councillor Christensen

That: By-law No. 96-2023 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

(Carried)

16. Scheduling of Meetings

Members of Council announced upcoming Boards and Committees meetings from May 30 through June 7, 2023.

17. Adjournment

Resolution No. 16

Moved by: Councillor Dubanow

Seconded by: Councillor Flagg

That: Council adjourns at 11:19 pm to reconvene into a Regular Meeting of Council on June 26, 2023.

(Carried)

Mayor

Deputy Clerk