



The Municipal Corporation of the  
Town of Fort Erie

**REGULAR COUNCIL MEETING**

**MONDAY, JANUARY 30, 2006**

**COUNCIL CHAMBERS**

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**MINUTES**

**1) CALL TO ORDER**

The meeting was called to order at 6:05 p.m.

**2) INVOCATION**

The invocation was read by the Clerk.

**3) ROLL CALL**

PRESENT: His Worship Mayor Wayne H. Redekop; Councillors Berry, Fell,  
Gorham, Lewis, Noyes and Shular.

ALSO

PRESENT: D. Martin, Regional Councillor  
R. Mostacci, Acting Chief Administrative Officer  
C.J. Kett, Town Clerk  
M. Neubauer, Director of Corporate Services  
R. Tripp, Director of Infrastructure Services  
C. Watson, Legislative Assistant \*(10:40 p.m.)

\* Departure time

SUPPORT

STAFF: B. Desrosiers, Manager, Facilities/Leisure/Cemeteries  
G. Stephenson, Municipal Law Enforcement Officer

MEDIA

PRESENT: Joel Hoidas, The Times; John Robbins, The Review, COGECO;  
Mike Cloutier, The Herald and John Vessoyan, Niagara This Week

MEMBERS OF THE PUBLIC PRESENT: 60

#### **4) REVIEW OF ADDENDUM/ANNOUNCEMENTS**

##### Addendum

Deletion of Communities-in-Bloom delegation.

Corrections were made to By-law No. 9-06.

##### Announcements

Mayor Redekop made the following announcements:

- On January 21, 2006 Fort Erie Wado Kai Karate Club held its 23<sup>rd</sup> annual Optimist-YMCA Wado Kai Karate Friendship Tournament at the Leisureplex with representatives from Southern Ontario and New York State. The Mayor congratulated the organizers and sponsors of the event.
- This weekend a Regional synchronized skating competition was held at the Leisureplex. The Mayor will provide further information on the results of the competition at the Council meeting of February 13, 2006.
- On January 30, 2006 the Mayor along with Rino Mostacci, Ron Tripp and Margaret Neubauer attended the Standing Committee on Finance in Niagara Falls with respect to this year's provincial budget. They presented a power point presentation that highlighted Fort Erie's efforts to make improvements to the Bowen Road, Gilmore Avenue and QEW highway interchanges.
- Warrant Officer, Second Class (WO2) Marc Thebaud of the 337 Squadron Air Cadets received Tri-Service Veterans Medal (Anavets) for the top athletic instructor. He also received the Ian McCallum Family Trophy for attaining the highest proficiency in physical and recreational training at the six-week athletic instruction course held in Kingston.
- Chelsea Ashworth, Grade 12 student, FESS was invited to participate in a global leadership program this summer in Washington, D.C. based on the results of the SAT scores, a set of academic test results, American colleges and university look at when considering applications.
- Jim Sunners was named Triathlete of the Year by the Ontario Association of Triathletes for the 2005 season.
- Jordin Downing, a Fort Erie gymnast finished in 3<sup>rd</sup> place in the St. Catharines Energy Provincial Qualifier.

#### **5) DISCLOSURES OF PECUNIARY INTEREST AND GENERAL NATURE**

##### (a) Councillor Lewis

Councillor Lewis disclosed a pecuniary interest with respect to Communication item (h) and Delegations (g) and (h) since he is employed by Avalon Consulting Professionals of Ontario contracted by

the Ambassador Bridge Group. Councillor Lewis abstained from discussing or voting on these matters and vacated the Council Chambers when necessary.

(b) Councillor Gorham

Councillor Gorham disclosed a pecuniary interest with respect to Resolution No. 13 since the CGDC minutes reference the Fort Erie Native Cultural Centre audit and he provides educational services to the Centre. Councillor Gorham abstained from discussing or voting on this matter.

**6) ADOPTION OF MINUTES**

(a) Regular Meeting of Council – January 16, 2006

Resolution No. 1  
Noyes-Shular

THAT: The Municipal Council of the Town of Fort Erie hereby adopts the minutes of the Regular Meeting of Council held January 16, 2006, as printed. (CARRIED)

(b) Special Meeting of Council – January 23, 2006

Resolution No. 2  
Shular-Noyes

THAT: The Municipal Council of the Town of Fort Erie hereby adopts the minutes of the Special Meeting of Council held January 23, 2006, as printed. (CARRIED)

**7) PUBLIC NOTICE - MUNICIPAL ACT, 2001**

(a) Proposed Increase in Water and Sewer Rates

Council intends to consider a by-law at its meeting of February 13, 2006 to increase the water and sewer rates. Any person who wishes to speak at the public meeting may register by no later than 1:00 p.m. on Friday, February 10, 2006.

See Public Notice [www.forterie.on.ca](http://www.forterie.on.ca).

(b) Proposed Increase of Arena Ice Time Rental Rates

A public meeting has been scheduled for the Council Meeting of February 6, 2006. Any person who wishes to speak at the public meeting may register by no later than 1:00 p.m. on Thursday, February 2, 2006.

See Public Notice [www.forterie.on.ca](http://www.forterie.on.ca).

**8) PUBLIC MEETING – MUNICIPAL ACT, 2001**

(a) Proposed Restricted Snowmobile Use By-law

- (i) Steve Ruch, Resident of Fort Erie
- (ii) Brad Pettit, Resident of Fort Erie
- (iii) Jason Armstrong, Resident of Fort Erie
- (iv) Brent Symonds, Staff Sergeant, Niagara Regional Police Service

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of a Public Meeting as provided for under the *Municipal Act, 2001* with respect to the proposed by-law to restrict snowmobile use in the Town of Fort Erie.

The Mayor indicated the Committee would now hear from those persons who registered to speak to the matter.

(i) Steve Ruch, Resident of Fort Erie

Mr. Ruch advised he read Report No. CS-05-06 and indicated there are a few discrepancies. He referred to where the report states at present the Niagara Parks Commission (NPC) prohibits the use of snow vehicles on all Commission owned lands. He clarified snowmobiles are permitted to ride on NPC property except during the hours of 10:00 p.m. to 6:00 a.m. when they are prohibited. Mr. Ruch suggested it is premature to restrict a ban without more input from the general public. Mr. Ruch further suggested the real problem is noise and as of 2005 snowmobiles must adhere to extreme regulations for noise and emissions therefore the newer models will be less noisy. He suggested the \$100 fine on the Friendship Trail is not realistic and added perhaps it should be \$1,000.

(ii) Brad Pettit, Resident of Fort Erie

Mr. Pettit stated he would like to see more debate with respect to the matter. He owns 75 acres of farmland in Ridgeway and uses a snowmobile as a farm tool. In 1977 when there was a storm, he used his snowmobile to assist others. He suggested the ban has been generated because of noise issues. He added the Friendship Trail is for bicycles but perhaps the snowmobile club could organize a snowmobile day on the Friendship Trail and promote snowmobile use. Mr. Pettit stated he is in favour of increasing fines and seizure of vehicles from those who are irresponsible.

(iii) Jason Armstrong, Resident of Fort Erie

Mr. Armstrong advised he has lived in Douglstown for 5 years and has been a snowmobiler for 13 years. He is not opposed to a ban from 10:00 p.m. to 6:00 a.m. but he is opposed to a total ban. He indicated most complaints in and around the Friendship Trail are valid. He lives close to the Niagara Parkway and there is continuous noise of cars, motorcycles, small boats day and night. This ban appears to be singling out one sport. Mr. Armstrong stated the sport only lasts 1 to 2 months depending on weather conditions.

(iv) Staff Sergeant Brent Symonds, Niagara Regional Police Service

*A written copy of Staff Sgt. Symonds presentation is available in the Clerk's Department.*

Staff Sgt. Symonds advised he was asked by Town staff to provide an opinion concerning the current by-law which addresses the use of snowmobiles in the Town of Fort Erie from a policing perspective. He reviewed the legislation as it relates to the use of snowmobiles including the police "calls for service" complaints regarding snowmobiles and discussed the issue with a number of snowmobile enthusiasts including police officers. On December 12, 2005 he provided the Town with a letter outlining his opinion and rationale behind same. Briefly stated, it is his opinion, after taking all of the factors into account, there is no place for snowmobiles on public roads in the Town of Fort Erie except during a declared emergency such as a weather related event.

Staff Sgt. Symonds provided an overview of the applicable legislation and the documentation required by snowmobilers. He stated another important factor is the legislation governing police officers with respect to "suspect apprehension pursuits" and he reviewed the process the officers must follow. He further reviewed the "calls for service" with respect to snowmobiles over the past two winter seasons during which they received 44 snowmobile complaints. The vast majority were for alleged speeding and he added 21 of the 44 complaints were for snowmobiles on the Friendship Trail. He read a cross section of complaints citing dates and times received from residents in all areas of the Town.

In closing, Staff Sgt. Symonds stated in his opinion, it is the casual user that is the "problem snowmobiler" not the enthusiast who has invested thousands of dollars in equipment and gear. The vast majority of snowmobile enthusiasts are law-abiding citizens who have made a considerable investment in the sport.

Mayor Redekop announced a report will come forward at the Council-in-Committee meeting of February 20, 2006 that will take into consideration the comments from the public meeting.

Mayor Redekop announced the Public Meeting was now concluded.

(b) Alteration of Council-in-Committee Meeting Structure and Schedule

*No one has applied to be heard.*

(c) Change in Residency Requirement for Appointments to Boards and Committees

*No one has applied to be heard.*

## 9) **PRESENTATIONS AND DELEGATIONS**

(a) Regional Councillor Smeaton

Re: Presentation of Smarter Niagara Award for the Crystal Beach Neighbourhood Plan Project

*A copy of Regional Councillor Smeaton's written presentation is available in the Clerk's Department.*

RC Smeaton advised since 2005 the Region of Niagara has made a strong commitment to the principles of Smart Growth as a foundational strategy for the renewal and revitalization of Niagara communities and neighbourhoods. Provincial initiatives such as Places to Grow and the Greenbelt Acts have further reinforced the need for such a strategy. He indicated old buildings are being recycled, contaminated lands are being remediated, neighbourhoods are being revitalized, agricultural lands and sensitive environmental areas are being protected, new tax revenues are being created and the development community is realizing a healthy return on investment.

RC Smeaton advised last year Regional Chair Partington established a Smart Growth Awards Program to honour and recognize individuals, projects and programs that are leading the way. Nominations for this prestigious award were sought in 6 categories: Brownfield Redevelopment; Infill Project; Adaptive Reuse; Greenfield Development, Overall Excellence and Pioneering Leadership. In 2004, the Town of Fort Erie began a Neighbourhood Plan Program to provide detailed land use planning at the "grass roots level" involving local citizens in the planning process. Crystal Beach was chosen as the first detailed Neighbourhood Plan to be undertaken due to the economic challenges the community faced in the past two decades.

RC Smeaton announced the winner of the 2005 Niagara Community Design Award is the Crystal Beach Neighbourhood Plan. He recognized the project team members: Rino Mostacci, Tom Villella, David Heyworth, Joe Mrozek, Signe Edgecombe, Councillor Lewis and Mayor Redekop. RC Smeaton extended his congratulations and presented Mayor Redekop, Councillor Lewis and Mr. Mostacci with the award designed by a local artisan.

(b) Corwin T. Cambray, Commissioner of Planning and Development

Re: Regional Urban Design Guidelines

*Mr. Cambray delivered a power point presentation which can be accessed in full text by clicking on the presentations link and a paper copy is also available in the Clerk's Department.*

Mr. Cambray introduced the Niagara Model Urban Design Guidelines for 2005 advising the context includes provincial initiatives i.e. Growth Plan and Provincial Policy Statement; Regional Smart Growth Policies and local updates to plans and regulations. He explained why the guidelines are important, how they can be used and divided them into two sections: public realm and private realm. Mr. Cambray further explained each section, the main design principles and sustainability.

In closing, Mr. Cambray advised an interactive version of the Guidelines is available on the web at: [http://www.regional.niagara.on.ca/urban-design/base\\_fs.htm](http://www.regional.niagara.on.ca/urban-design/base_fs.htm).

(c) Paul Kassay and Rick Doan, Canadiana Group

Re: Presentation and unveiling of historical plaque

Mr. Kassay advised he and Rick Doan initiated the Canadiana monument display at the Crystal Beach Waterfront Park and unveiled the SSS Canadiana commemorative plaque that will also be erected at the park. He added they are planning a formal presentation and unveiling of the historical plaque this spring. Mr. Kassay showed a five-minute video to explain their next initiative for the Light Vessel (LV) No. 82.

Mr. Kassay asked Council for their support and requested them to pass a resolution to allow the Canadiana Group to erect another plaque at the Crystal Beach Waterfront Park to commemorate LV No. 82 and to support fundraising initiatives. He explained that he along with Rick Doan and John Robbins have established the LV No. 82 Memorial Fund to which he and Mr. Doan have each pledged \$200. He indicated no funding is required from the Town.

(d) Bailey Feeney-Dallingwater

Re: Africa Trip with the “Free the Children Group” and “Leaders Today Group”

Miss Feeney-Dallingwater introduced herself as a Senior at Lakeshore Catholic High School. She explained she learned of a program through Mr. Craig Kilberger, Journey to Africa who took on a world stance, Youth Making a Difference. She also learned the Toronto Catholic School Board had partnered with Leaders of Today for the Children and had planned a trip to Africa in 2005. She submitted an application and was accepted. She held various fundraising events over the next few months and raised over \$5,000 towards her trip. The first supply she purchased was a pair of construction boots since she was going to help build a school. She also learned some Swahili, the local language.

In August 2005, Miss Feeney-Dallingwater arrived in the Kipsigi Village in Kenya. She read entries from her journal about the children and people in the village and presented a slide show of her trip. Miss Feeney-Dallingwater remarked it was an amazing journey and she urged the youth of Fort Erie to get out and make a difference.

(e) Mike Daniels, Chair – Communities-in-Bloom Committee

Re: Update relative to 2006 Budget Request - **WITHDRAWN**

(f) Karen Minhas, Longshotz 2, 33 Princess Street

Re: Request exemption to Development Charges By-law for addition to LongShotz 2, 33 Princess Street

*A written copy of Ms. Minhas presentation is available in the Clerk's Department.*

Ms. Minhas stated she owns a building with a bar and ten low-income single apartments. She does not rent out the apartments because it is difficult to rent apartments that are on top of a bar. The non-smoking by-law has made it difficult for her business to survive. She invested money in a smoking room because she was told they would be grandfathered and now she has been advised smoking rooms will be closed by May 31<sup>st</sup>, 2006 which will make it difficult for her survival once again.

Ms. Minhas advised her Plan B would be to rent out the 10 single apartments provided she could build an addition to the bar area and move the seating area to where the music is and customers congregate. This would cut down on the noise to renters. When she presented this plan to the Building Department she was told she would have to pay approximately \$20,000 in development and zoning charges.

Ms. Minhas advised the banks and trust companies have turned her down because no one lends money to a bar. She has come up with the money for the renovations but not the \$20,000. She has paid approximately \$60,000 in property taxes over the past six years. If the Town would waive the development and zoning charges and allow her to build the addition, she indicated the Town will make this money back in property taxes. Ms. Minhas appealed to Council to exempt her from these development and zoning charges.

(g) Mike English, Applicant for Crescent Beach Grill & Bar

Re: Proposed Liquor Licence Application – 1383 Dominion Road

Mr. English remarked he is in agreement with the conditions contained in the resolution to authorize his proposed liquor licence application and responded to the following conditions:

1. No patio - he understands the patio was in violation and does not intend to have one;
2. All parking to be confined in the establishment area - he advised the lot next door is owned by the property owner who has allowed him to use the 40 parking spots;
3. Noise by-laws - he advised there will be no outdoor patio or outside speakers;

4. Doors and windows to be shut - he advised the windows do not open and the main doors are auto close and are double doors;
5. It will be a sports bar and will have large TV's;
6. Occupancy load - the number he got from the Building Inspector was 134 for the former Nan Hai Restaurant;
7. Residents to receive notice with 1,000 ft. of the establishment – agrees and then residents will not miss the notice in the newspapers;
8. A Town staff member should be present at liquor licence hearing – he personally thinks a Town staff member should be present at all liquor licence hearings.

Resolution No. 2A  
Berry-Noyes

THAT: The Municipal Council of the Town of Fort Erie hereby permits an additional delegation by Ms. Bernadette Secco, Executive Director of Fresh Air Coalition regarding the endorsement of the bridge design.  
(CARRIED)

(h) Bernadette Secco, Executive Director, Fresh Air Coalition

Re: Endorsement of Bridge Design

Ms. Secco stated, on behalf of Fresh Air Coalition, she would like to bring to Council's attention that the simple resolution presented by Mr. Rienas to support the bridge design was out of sequence to the environmental process. A second bridge is only an option. She clarified through the environmental process it defines the impacts, options, needs and mitigation and if a new bridge is a viable option, i.e. how it affects the environment, health and local economy. All impacts and options have to be examined and that has not been done. She reiterated Council is being asked to support a bridge design when the Canadian and American Environmental Studies have not been done.

Ms. Secco questioned why the PBA has asked Council to approve the bridge design now and outside of the process. She suggested the FHWA would have paid for the design and jury. She remarked that Councillor Shular, Rino Mostacci and Carolyn Kett were part of the Bridge Design Jury selection panel and were present when comments were made that this was out of sequence, not knowing where the bridge or plaza were going to be located and if it was approved by the FHWA.

Ms. Secco stated Fresh Air Coalition urged Council not to approve the resolution unless it is contingent on the results of the Canadian Environmental Assessment Study. She suggested to do otherwise could subject the Town to litigation.

Resolution No. 2B  
Berry-Noyes

THAT: The Municipal Council of the Town of Fort Erie hereby permits an additional delegation by Mr. Ron Rienas, General Manager, Buffalo and Fort Erie Public Bridge Authority to respond to Ms. Secco's delegation.  
(CARRIED)

- (i) Ron Rienas, General Manager, Buffalo and Fort Erie Public Bridge Authority

Re: Endorsement of Bridge Design

Mr. Rienas stated the reason for proceeding with the bridge design jury process was to basically deal with the issues within the partnering group related to moving forward with the milestones. The City of Buffalo and the Town of Fort Erie agreed with the first milestone, the Scoping Document, the location of the bridge within the existing Peace Bridge corridor. Mr. Rienas explained the second milestone was to agree on the DEIS and then move forward with a parallel track with the bridge design jury to build community consensus. That is why the PBA recommended the bridge design jury. He advised all of this was discussed very carefully with the FHWA and they agreed.

Mr. Rienas advised the resolution was crafted very carefully so as not to interfere with the DEIS process. They intended to create a simple process. On the matter of litigation, he advised that would not be a concern of Fort Erie but it would be for the PBA.

*At this point, Council recessed for ten (10) minutes.*

## 10) COMMUNICATIONS

- (a) Cameron Buttigieg, Canterbury Horse and Carriage

Re: Request permission to operate carriage service in the Town of Fort Erie

Resolution No. 3  
Gorham-Lewis

THAT: The Municipal Council of the Town of Fort Erie hereby grants permission to Mr. Cameron Buttigieg, Canterbury Horse and Carriage to operate a carriage service on the highways under the control of the Town of Fort Erie under a Niagara Regional Police Services caleche license subject to:

- Obtaining a municipal business licence, and
- Providing public liability insurance in the amount of Two Million Dollars (\$2,000,000) naming the Town as additional insured, and
- Leaving the roads in a clean and tidy state at all times, and
- Obtaining permission from the Niagara Parks Commission and Region of Niagara in the event the highways under their control will be utilized by the service, and further

THAT: The Niagara Regional Police Services Board be so notified of this action. (CARRIED)

- (b) Ontario Lottery and Gaming Corporation

Re: Slot revenues allocated to Town of \$625,662 for period October 1 – December 31, 2005 (Total to date: \$24,541,321)

**Reference:** Receive and file.

(c) Madison's Pub

Re: Notice to exercise option to extend lease at Leisureplex for additional 10-year term

**Reference:** To Facilities Manager for report and recommendation.

(d) Town of Pelham

Re: Request support of resolution to petition the Region to continue its commitment to physician recruitment

Resolution No. 4  
Fell-Noyes

THAT: The Municipal Council of the Town of Fort Erie hereby supports the Town of Pelham's resolution to petition the Region to continue its commitment to physician recruitment throughout the Region of Niagara by approving the funds required to deliver the Physician Recruitment Program with a full time coordinator position for a five year period with a re-evaluation in 2011, and further

THAT: The appropriate persons be so notified of this action. (CARRIED)

(e) Elaine Renshaw

Re: Notice of resignation from Accessibility Advisory Committee

Resolution No. 5  
Noyes-Fell

THAT: The Municipal Council of the Town of Fort Erie hereby accepts, with regret, the resignation of Elaine Renshaw from the Accessibility Advisory Committee, and further

THAT: The Clerk be directed to express Council's appreciation to Ms. Renshaw for her volunteer efforts in serving the Town of Fort Erie, and further

THAT: Due to the last year of the term, that Council Rules of Procedure By-law No. 200-85, as amended, be and they are hereby waived respecting advertising and instead, the Committee members are encouraged to seek out nominations to the Committee for the period ending November 30, 2006. (CARRIED)

(f) Bowen Road Women's Institute

Re: Request proclamation of "Women's Institute Week" – February 19-25 2006 and permission to fly flag at Town Hall

Resolution No. 6  
Berry-Lewis

THAT: The Municipal Council of the Town of Fort Erie hereby authorizes the Mayor to proclaim February 19-25, 2006 as "Women's Institute Week" within the Town of Fort Erie, and further

THAT: Permission is hereby granted to fly their flag at Town Hall during the aforesaid week, and further

THAT: The Bowen Road Women's Institute be so notified they may place proclamations in any of the local papers at their expense. (CARRIED)

(g) Regional Municipality of Niagara

Re: Draft Growth Plan for the Greater Golden Horseshoe - "Places to Grow"

**Reference:** To Director of Director of Community & Development Services for attention.

*At this point, Council recessed for three (3) minutes.*

(h) Buffalo and Fort Erie Public Bridge Authority

Re: Endorsement of Bridge Design

Resolution No. 7  
Shular-Noyes

**WHEREAS** the Town of Fort Erie, the City of Buffalo and the Buffalo and Fort Erie Public Bridge Authority are members of the Partnering Group for the Peace Bridge Expansion Project, and

**WHEREAS** a public jury recommended by the Mayor of Fort Erie and Buffalo, involving public agencies, were charged with considering all of the bridge concepts developed during the Bi-National Integrated Environmental Process and to provide a recommended bridge design for evaluation in the Draft Environmental Impact Statement as part of build alternatives under consideration along with the null alternative, and

**WHEREAS** the Jury recommended a 2-Tower Cable Stayed Companion Bridge Concept, designated as Concept Number 6, and

**WHEREAS** the Jury was also charged with recommending enhancements to the recommended bridge concept for consideration, and

**WHEREAS** the Jury delivered a report of their recommendations including a record of their deliberations to the Partnering Group on December 13, 2005;

**NOW THEREFORE BE IT RESOLVED** by the Municipal Council of the Town of Fort Erie that it hereby endorses the recommended Companion Bridge Concept Number 6 for inclusion in the Draft Environmental Impact Statement as the preferred build alternative bridge type for evaluation and comparison against the null alternative and for consideration by the public and involved agencies, should it be demonstrated that a companion bridge is necessary to meet the purpose and need of the project, and further

THAT: The Municipal Council of the Town of Fort Erie hereby endorses the enhancements recommended by the Jury so that if a bridge build alternative is selected in the environmental process the enhancements may be given due consideration in the final design of the recommended bridge concept. (CARRIED)

(i) The Town of Niagara-on-the-Lake

Re: Funding for Public Libraries in Ontario

Resolution No. 8  
Shular-Noyes

THAT: The Municipal Council of the Town of Fort Erie hereby supports the resolution of the Town of Niagara-on-the-Lake to call upon the Premier of Ontario, the Minister of Municipal Affairs and Housing and the Minister of Culture to review the impact of public libraries across Ontario, to provide increased provincial funding for public libraries, and base the Provincial library grant on an updated and sustainable indexing model, and further

THAT: The appropriate persons be so notified of this action. (CARRIED)

(j) Mike Goodale, A/Assistant Deputy Minister, Ministry of Transportation

Re: Q.E.W. Signage at Peace Bridge to Garrison Road

**Reference:** Receive and file.  
(Meeting to be scheduled)(c.c. Stakeholders)

(k) Communication Items

Resolution No. 9  
Lewis-Berry

THAT: Communication items (b), (c), (g) and (j) be dealt with according to the agenda references. (CARRIED)

## 11) REPORTS OF COMMITTEES

(a) Regular Meeting of Council-in-Committee – January 23, 2006

Resolution No. 10  
Berry-Lewis

THAT: The Municipal Council of the Town of Fort Erie hereby adopts the minutes of the Regular Meeting of Council-in-Committee held January 23, 2006, as printed.

Resolution No. 10A  
Gorham-Fell

THAT: The minutes be and they are hereby amended under Section 6(a)(iii), page five by deleting the words “and advised the proposed improvement of the channel east of Thompson Road through Mr. Miller’s property” and inserting in lieu thereof “and advised the proposal by Mr. Miller to fill in the channel east of Thompson Road through his property.”  
(CARRIED)

Resolution No. 10B  
Berry-Lewis

THAT: The Municipal Council of the Town of Fort Erie hereby adopts the minutes of the Regular Meeting of Council-in-Committee held January 23, 2006, as printed and amended. (CARRIED)

(b) Boards and Committees

Resolution No. 11  
Gorham-Berry

THAT: The following board and committee reports be received and filed:  
(a) Fort Erie/Niagara Parkway Marina Steering Committee –  
January 10, 2006  
(b) Community Health & Wellness Advisory Committee – October  
19, 2005; December 20, 2005; January 18, 2006  
(CARRIED)

Resolution No. 12  
Noyes-Fell

THAT: The minutes of the Budget-in-Committee Meeting #4 held January 10,  
2006 be accepted and approved. (CARRIED)

Resolution No. 13  
Shular-Noyes

THAT: The minutes of the Community Gaming and Development Corporation  
meeting held November 23, 2005 and January 11, 2006 be accepted  
and approved. (CARRIED)

## 12) ENQUIRIES BY MEMBERS

(a) Regional Councillor Report

RC Martin advised he also attended the Standing Committee on Finance in Niagara Falls this date with Regional Chair Partington and CAO Trojan regarding deficiencies in funding for a number of services provided by regions and the \$3 billion gap. They also addressed the concern of manufacturing jobs being lost in Niagara and reinstating the Mid-Peninsula Corridor plans. RC Martin advised he was also there as Vice-Chair of the Police Services Board regarding border patrol and court costs.

RC Martin addressed Communication item (d) on the Agenda respecting the Town of Pelham resolution to petition the Region to continue its commitment to physician recruitment. RC Martin advised the Region's plan was to put in \$50,000 hoping that the Niagara Health System (NHS) would contribute as well. That plan did not materialize. The service will be put back in the budget to be fully funded by the Region as it has done so for the past two years.

RC Martin informed the police budget was passed last week for an overall increase of approximately 5%. They will be able to hire thirty (30) new police officers at no extra cost due to provincial grants. RC Martin referred to comments made over the years regarding the escalating cost of police servicing and he demonstrated in 1991, there were 592 officers, in 1998 515 officers and in 2005 634 officers. RC Martin explained the rationale for the decline and increase in authorized strength. He advised the Police Services budget has now been passed and forwarded to Regional Council for approval.

He advised the Region has made its first go around with the budget resulting in a .9% increase resulting in approximately \$1.4 million and of that, \$1.3 million of it split between community services and EMS. For the non-governmental departments, the increase is 1.1% resulting in an increase of \$1.7 million and of that, \$1.3 million is for Smart Growth initiatives and an increase in MPAC services.

RC Martin further explained together, the Regional share is an increase of \$3.9% and of that, \$3.1 million was for debt charges and social programs. RC Martin advised factoring in the Police and Regional budgets, the total increase is 4.4% and deducting assessment growth, it equals a \$2.8 million increase and of that, \$1.3 million is for Police and \$1.5 million is for the Region.

Councillor Berry questioned who is OCOPS. RC Martin responded they are an arms length appointed board known as the Ontario Civilian Commission on Police Services who hear disputes and concerns respecting policing. The province sets down programs and the number of individuals involved to provide effective policing in Niagara and if the Police Services Board doesn't recommend that, they go to OCOPS. Councillor Berry questioned if a number of the members are retired police officers. RC Martin responded he was not sure of the makeup of the Board. Councillor Berry requested RC Martin if he could find out who sits on the Board, not necessarily names but whether or not they are civilians or retired police officers. RC Martin confirmed he would obtain the information.

Councillor Berry stated it has been four years since he has been asking about the turning lane at the corner of Dominion Road and Gorham Road. He questioned if the work will be done this year. RC Martin responded in the affirmative and that preliminary work is underway with a signalized intersection.

Councillor Fell indicated he was speaking with a resident who owns property on the westerly portion of Garrison Road and he asked if he had received a number of calls regarding the Region taking over a number of properties along Hwy. 3 for road widenings. Councillor Fell asked if RC Martin knew what he was talking about. RC Martin responded he believed that was part of the Regional plan sent out sometime ago, notice for future development and the need to widen the road. He indicated he was not sure of the status. The Mayor added it is a report before Public Works this Wednesday. It is part of a number of reports that this Council responded to. He advised the only item included in the Agenda is for OP No. 187 and there is nothing included of the Town's comments for the road allowance policy. Councillor Fell questioned if the Mayor was referring to the Regional Public Works Committee meeting and indicated the Fort Erie Council has not received the report. The Mayor responded that it was the Regional Public Works Committee meeting. He added

Council did receive a copy of the report and comments were provided to the Region. Fort Erie's position was not to expropriate land without paying for it.

Councillor Fell advised this resident indicated that there would be a public meeting on Wednesday. The Mayor replied there may well be a public meeting at the Region on Wednesday. There was a public meeting at three to four locations throughout the Region with respect to this matter. Mr. Mostacci added the way the legislation works is that the Region is not able to take road widenings unless it is mentioned in the Regional Official Plan. Hence the amendment and public meeting regarding the Official Plan amendment. The public can attend and it can be appealed. The Mayor advised the meeting that he is attending includes the revised road allowance policy which takes into account road widenings.

Councillor Fell explained this particular resident had some concerns that if the Region widened the road per their policy, it would create a 6-lane road rather than a 4-lane road and it would be in his backyard. He questioned if he can advise him of this meeting and when. RC Martin responded the report is a final recommendation for the Regional Road Allowance Policy which will be considered this Wednesday. He indicated he will be at the meeting as well for water and sewer budget purposes. He undertook to get the report and provide it to Councillor Fell. Councillor Fell added the resident wishes to go on record as being opposed to the policy.

Councillor Noyes referred to the Regional physician recruiter and the NHS physician recruiter. She expressed concern that the Regional recruiter be maintained. RC Martin responded that is his concern as well. The Region still wants to liaison with NHS but they do not want to turn the entire recruitment process over to them. At the last budget meeting it was mentioned there have been 41 new doctors in the Niagara Region in the last 1-2 years through this program. The Region identified \$50,000 up front to see if the NHS would contribute. The Region has now put the funding back in its budget and they will continue to liaison with the NHS.

(b) Response to Past Enquiries

The Acting Chief Administrative Officer recited the following response to a past Council enquiry:

1. Response to enquiry by Councillor Shular at the Council-in-Committee Meeting of December 19, 2005 requesting staff look into an emergency response plan at the Leisureplex. The Facility Manager has been in contact with the Leisureplex security camera contractor to assess the feasibility of installing two more camera to monitor the walking track in the Kinsmen Arena. A television monitor would be located in the Administration Office for viewing by the Leisureplex receptionist. In the extreme case of emergency, a patron who is utilizing the walking track and is experiencing a life threatening difficulty, would pull one of the fire alarm panels which would activate emergency response from the arena staff and the fire department.

(c) Member Enquiries

(i) Councillor Shular

Councillor Shular referred to receipt of a letter with the Town of Fort Erie letterhead and questioned if this was within the normal protocol and whether or not Councillors can use Town letterhead. The Town Clerk responded the Town does not have a policy regarding the use of letterhead by a Town Councillor. A Councillor could develop his/her own letterhead indicating it is "from the Desk of Councillor *name*, Ward *number*." The Clerk suggested Council could consider a policy on the matter if it was a problem. The Clerk indicated her office conducted a survey of a number of small, medium and large municipalities last week. Although there are practices in place there is no policy.

Councillor Berry questioned the distinction between a Councillor writing a letter on letterhead and the Mayor writing a letter on letterhead. The Mayor responded if you have the authority to use it, so be it. The Mayor indicated in the past Councillor Berry has written correspondence on his own letterhead. The Mayor stated the letterhead was fabricated from somewhere and that it was inappropriate.

Councillor Berry questioned the rules for the Deputy Mayor. The Clerk responded the Acting Mayor fills in during the absence of the Mayor. Councillor Berry questioned if he could then start the meeting as the Deputy Mayor when the Mayor is late. He questioned his rights. The Mayor suggested that he look in the Procedural By-law.

Councillor Noyes questioned whether or not business cards have the letterhead. The Mayor responded there is a distinction between a logo and letterhead. Council is authorized to receive business cards.

Councillor Berry questioned where did the copy of the letter come from since he did not copy Mayor and Council or the Clerk. The Mayor responded the Public Bridge Authority who would have been contacted with respect to the issue.

(ii) Councillor Lewis

Councillor Lewis questioned the process for exemptions of areas under the Development Charges By-law. Mr. Mostacci responded that whenever a building permit is issued and it falls within the defined area per the schedule of the Development Charges By-law, the fee is not charged. Councillor Lewis questioned if notice

could be included in the water and sewer billings to advise affected people of the exemption. The Mayor suggested it could be advertised using maps. Mr. Mostacci advised there are schedules. The by-law and exemption areas are posted on the Town's website. People are told when they come in to Planning and Building if they are so affected, which is at the Town level and perhaps not at the Regional level. The Mayor questioned if staff could put an ad in the paper to highlight the exempted areas with a brief explanation. Mr. Mostacci responded in the affirmative. The proposal to require an exemption for Stevensville will require a public meeting and he stated that can serve for this year.

(iii) Councillor Shular

Councillor Shular questioned if the old south end, from the Niagara Boulevard to Bertie Street to Walnut Street, whether or not it is currently part of the core area. Mr. Mostacci responded the approach with the development charges study was to exempt the areas that had a BIA and not extend it to those areas without a BIA. The forthcoming report will address the merits of expanding the area.

Resolution No. 13A  
Shular-fell

THAT: The hour of adjournment be extended beyond the hour of 9:30 p.m. (CARRIED)

(iv) Councillor Berry

Councillor Berry questioned if someone has to be part of the BIA in order to get exemptions from the Development Charges By-law in the south end. The Mayor responded that is the way the by-law reads and the Region has the same thing. He added that is why the resolution was passed two weeks ago.

Councillor Berry enquired what could be done in the near future to assist the delegate this evening. Mr. Mostacci responded they are awaiting the direction of Council i.e. report and recommendation. He suggested he could perhaps incorporate that as part of the overall development charges report that is still evolving. The Mayor indicated Councillor Berry is concerned with the short term. Mr. Mostacci advised staff would have to do some research. However, their position generally is that a "one off" exemption is not a good practice. There should be an incentive i.e. historical preservation, architectural features and some objective to be met to give the exemption. In addition, he stated other businesses that have to pay the development charges may not agree that Council is giving them on the spot. He recommended that Council allow staff to prepare a report and recommendation.

Councillor Berry referred to his request a few months ago for comparator information amongst the area municipalities regarding inside versus outside workers for the Public Works Departments. He acknowledged the reply but stated it was insufficient. He requested numbers for outside workers and inside workers. The Mayor questioned if it was for Public Works Departments only to which Councillor Berry replied in the affirmative.

### 13) **MOTIONS**

(a) **Councillor Berry**

Re: Allotment of parking spaces on commercial property

Resolution No. 14  
Berry-Lewis

THAT: Under Town of Fort Erie by-laws that developers be permitted to lease on a year-to-year basis land for parking spaces and that they be permitted to use Town and Regional property in order to accumulate the required number of parking spaces.

Resolution No. 14A  
Berry-Lewis

THAT: This matter be tabled to permit staff to request the Region to designate no parking on both sides of Dominion Road in the vicinity of Rina's Place. (CARRIED)

(b) **Councillor Noyes**

Re: Amendment to Development Charges By-law for Stevensville Core Area

Resolution No. 15  
Noyes-Fell

THAT: Council hereby amends the Development Charges By-law to include an exemption for the Stevensville Core Area subject to a staff report advising on same. (CARRIED)

(c) **Councillor Lewis**

Re: 2006 Budget Deliberations

Resolution No. 16  
Lewis-Noyes

THAT: Staff be and they are hereby directed to include in the 2006 budget deliberations a breakdown of where Council can entertain a 3% tax decrease.

A Registered Vote was called by Councillor Lewis, the results of which are as follows:

AYS  
Councillor Berry  
Councillor Lewis

NAYS  
Councillor Fell  
Councillor Gorham



Councillor Noyes  
Councillor Shular  
Mayor Redekop

Resolution No. 16 LOST, due to a vote of five Nays and two Ays.

(d) **COMMITTEE OF THE WHOLE**

Resolution No. 17  
Noyes-Shular

THAT: Council does now go into Committee-of-the-Whole to discuss the following:

(A) **REPORT NO. CS-04-06 – MUNICIPAL ELECTIONS 2006 – POLLING SUBDIVISIONS**

(CARRIED)

Resolution No. 18  
Shular-Noyes

THAT: Council does now rise from Committee of the Whole with the following report:

THAT: This report be received for information purposes.

(CARRIED)

**14) NOTICE OF MOTION**

NIL

**15) CONSIDERATION OF BY-LAWS**

Resolution No. 18A  
Fell-Gorham

THAT: By-law Nos. 9-06 and 11-06 be removed from the by-law package and dealt with separately. (CARRIED)

Resolution No. 19  
Fell-Noyes

THAT: The by-law package containing:

- (a) By-law No. 10-06: To alter the Council-in-Committee Meeting Structure and to amend Council Rules of Procedure By-law No. 200-85
- (b) By-law No. 12-06: To authorize the entry into of an Authorized Requester Agreement with Her Majesty the Queen in right of the Province of Ontario represented by the Minister of Transportation under the Municipal Parking Tag Program
- (c) By-law No. 13-06: To amend the Employment Agreement with Harry Schlange as Chief Administrative Officer
- (d) By-law No. 14-06: To amend By-law No. 40-2002 to extend agreement with Niagara Health System for the Firefighter Defibrillation Program

be hereby introduced and given first and second reading.

(CARRIED)

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Resolution No. 20  
Berry-Lewis

THAT: The by-law package containing:  
(a) By-law No. 10-06  
(b) By-law No. 12-06  
(c) By-law No. 13-06  
(d) By-law No. 14-06

be hereby given third and reading, be signed by the Mayor and the Clerk  
and the corporate seal affixed thereto (CARRIED)

Resolution No. 20A  
Fell-Noyes

THAT: By-law No. 9-06 To provide for construction of the Thompson Road  
Municipal Drain be hereby introduced and given first and second  
reading. (LOST)

Resolution No. 20B  
Fell-Noyes

THAT: By-law No. 11-06 To amend Council Rules of Procedure By-law No.  
200-85 be hereby introduced and given first and second reading.  
(CARRIED)

Resolution No. 20C  
Berry-Lewis

THAT: By-law No. 11-06 be hereby given third and final reading, be signed by  
the Mayor and the Clerk and the corporate seal affixed thereto.  
(CARRIED)

Resolution No. 21  
Lewis-Berry

THAT: By-law No. 15-06 (Ratification of Minutes) be hereby introduced and  
given first and second reading. (CARRIED)

Resolution No. 22  
Berry-Lewis

THAT: By-law No. 15-06 be hereby given third and final reading, be signed by  
the Mayor and the Clerk and the corporate seal affixed thereto.  
(CARRIED)

**16) NEW BUSINESS**

(a) Liquor Licence Application

Re: Crescent Beach Grill and Bar, 1383 Dominion Road

Resolution No. 23  
Fell-Noyes

**WHEREAS** the premises located at 1383 Dominion Road, Fort Erie,  
Ontario was formerly occupied and operated by Nan Hai Restaurant for  
several years which did not impact on the neighbourhood, and

**WHEREAS** in recent years the aforesaid premises have been split into two units, one as a small licenced restaurant, with little or no impact on the neighbourhood and the other side as a restaurant/bar formerly known as Rudy's Roadhouse, which had a significant impact on the neighbourhood, resulting in several complaints to the Alcohol and Gaming Commission and the Town of Fort Erie, and

**WHEREAS** the Town of Fort Erie is in receipt of a liquor licence application submitted by Michael English on behalf of Crescent Beach Grill and Bar located at 1383 Dominion Road which includes an indoor and outdoor area, and

**WHEREAS** in an effort to minimize the impact of this new liquor licence application on the neighbourhood, certain conditions are required;

**NOW THEREFORE** be it resolved by the Municipal Council of the Town of Fort Erie that it hereby respectfully requests that the Alcohol and Gaming Commission impose the following conditions on the new liquor licence application for Crescent Beach Grill and Bar at 1383 Dominion Road, as follows:

1. No outdoor patio shall be permitted pursuant to the Town's Planning comments dated January 19/06;
2. All parking for the establishment shall be confined to the property limits of 1383 Dominion Road, highways where permitted and the licensee shall ensure that patrons do not utilize private property for parking unless consented to by such private property owner;
3. The licensee shall comply with the Town's Noise By-law at all times and contravention of same shall result in charges and demand for recovery of costs incurred by the Town of Fort Erie in the matter;
4. The licensee shall ensure that the outside doors and windows of the establishment are closed at all times;
5. The occupancy load for the entire building (including the two units) shall be no greater than that which existed at the time for Nan Hai Restaurant. (134 persons)

AND FURTHER the Commission is hereby requested to send notice of the application and the Town's request for conditions to all property owners within 1000' of the establishment, and further

THAT: Staff of the Town of Fort Erie be and they are hereby directed to attend the liquor licence hearing to advocate the Town's position in this matter.  
(CARRIED)

(b) Easter Seals Society of Ontario

Re: Request proclamation of March as "Easter Seals Month"

Resolution No. 24  
Noyes-Shular

THAT: The Municipal Council of the Town of Fort Erie hereby authorizes the Mayor to proclaim March as "Easter Seals Month" within the Town of Fort Erie, and further

THAT: The Easter Seals Society of Ontario be so notified they may place proclamations in any of the local papers at their expense.  
(CARRIED)

(c) Watertight: The Case for Change in Ontario's Water & Wastewater Sector

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Resolution No. 25  
Fell-Noyes

THAT: The Municipal Council of the Town of Fort Erie hereby supports the principles of the report entitled WATERTIGHT: The Case for Change in Ontario's Water and Wastewater Sector, prepared by Ontario Water Strategy Expert Panel and submitted to Ministry of Public Infrastructure Renewal on July 22, 2005, excluding Recommendation 4.9, and further

THAT: Council hereby supports the current two-tier arrangement for the delivery of water and wastewater service in the Region of Niagara, and further

THAT: Council hereby supports co-operative initiatives with the Regional Municipality of Niagara and all other local municipalities to strengthen and improve the current two-tier system of water and wastewater service delivery model, and further

THAT: The Regional Municipality of Niagara and all other local municipalities in the Region of Niagara be so notified regarding this position, and further

THAT: The Minister of Infrastructure Renewal, Mr. David Caplan, be so notified regarding this position. (CARRIED)

(d) Appointment of Councillor to Communities-in-Bloom Committee

Resolution No. 26  
Gorham-Lewis

THAT: The Municipal Council of the Town of Fort Erie hereby appoints Councillor Fell as the council representative to the Communities-in-Bloom Committee.

Resolution No. 26A  
Gorham-Lewis

THAT: The resolution be amended to include Councillor Shular as the alternate Council member. (CARRIED)

Resolution No. 26B  
Gorham-Lewis

THAT: The Municipal Council of the Town of Fort Erie hereby appoints Councillor Fell as the Council representative to the Communities-in-Bloom Committee with Councillor Shular as the alternate Council member. (CARRIED)

(e) Beth O'Brien

Re: Notice of Resignation from Communities-in-Bloom

Resolution No. 27  
Lewis-Berry

THAT: The Municipal Council of the Town of Fort Erie hereby accepts, with regret, the resignation of Beth O'Brien from the Communities-in-Bloom Committee, and further

THAT: The Clerk be directed to express Council's appreciation to Mrs. O'Brien for her volunteer efforts in serving the Town of Fort Erie, and further

THAT: Due to the last year of the term, that Council Rules of Procedure By-law No. 200-85, as amended, be and they are hereby waived respecting advertising and instead, the Committee members are encouraged to seek out nominations to the Committee for the period ending November 30, 2006. (CARRIED)

(f) Amendment to Development Charges By-law for Exemption for South End Business Area

Resolution No. 28  
Shular-Gorham

THAT: A report be submitted to Council with respect to amending the Development Charges By-law to include an exemption for the south end business area from the Niagara Boulevard, to Bertie Street to Walnut Street. (CARRIED)

(g) Amendment to Development Charges By-law for Exemption for Garrison Road Business Area

Resolution No. 29  
Shular-Berry

THAT: A report be submitted to Council with respect to amending the Development Charges By-law to include an exemption for the Garrison Road business area from Central Avenue to Thompson Road. (LOST)

(h) Request for Exemption from Development Charges By-law – Longshotz 2, 33 Princess Street

Resolution No. 30  
Berry-Fell

THAT: Staff submit a report to Council respecting the request by Longshotz 2 for an exemption under the Development Charges By-law for the addition at 33 Princess Street. (CARRIED)

(i) Request for Staff Comparator Information

Resolution No. 31  
Berry-Noyes

THAT: Staff submit a report to Council setting out comparator information between the area municipalities regarding the number of inside and

outside workers for all departments (i.e. 100 administrative staff and 30  
outside workers). (CARRIED)

(j) Question on Ballot to opt out of Regional Government

Resolution No. 32  
Berry-Lewis

THAT: The Minister of Municipal Affairs and Housing be advised that the Town of Fort Erie intends to put a question on the ballot to opt out of Regional Government. (LOST)

(k) Fundraising for Light Vessel No. 82

Resolution No. 33  
Noyes-Fell

THAT: The Municipal Council of the Town of Fort Erie hereby encourages fundraising activities for a plaque to commemorate the Light Vessel No. 82. (CARRIED)

(l) Use of Town Letterhead by Councillors

Resolution No. 34  
Berry-Lewis

THAT: Council Rules of Procedure be waived to permit the matter of a policy for the use of Town letterhead by Councillors to be considered at this meeting as opposed to a Notice of Motion. (CARRIED)

Resolution No. 35  
Shular-Fell

THAT: Staff submit a report to Council respecting a policy for the use of Town letterhead by Councillors. (CARRIED)

**17) SCHEDULING OF MEETINGS**

- (a) Wednesday February 15, 2006 – General Budget - Conference Room # 1 - 6:00 - 9:00 p.m.
- (b) Senior Citizens Advisory Committee Meeting – Lions Senior Centre - Wednesday, March 1<sup>st</sup>, 2006 – 10:00 a.m.
- (c) Public Meeting regarding Black Creek/Shagbark Lane Bridge Replacement Project - Black Creek Community Centre – Tuesday February 7 – 6:00 p.m. - 8:00 p.m.

**18) ADJOURNMENT**

Resolution No. 36  
Shular-Noyes

THAT: The Municipal Council of the Town of Fort Erie hereby adjourns at 11:30 p.m. to reconvene into Regular Meeting of Council on Monday, February 13, 2006 at 6:00 p.m. (CARRIED)

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MAYOR

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CLERK