



The Municipal Corporation of the
Town of Fort Erie

REGULAR COUNCIL MEETING

MONDAY, MAY 29, 2006

COUNCIL CHAMBERS

MINUTES

1) CALL TO ORDER

The meeting was called to order at 6:11 p.m.

2) INVOCATION

The invocation was read by the Clerk.

3) ROLL CALL

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

ABSENT: Councillor Berry (due to personal reasons)

ALSO

PRESENT: H. Schlange, Chief Administrative Officer
C.J. Kett, Town Clerk
M. Neubauer, Director of Corporate Services
R. Tripp, Director of Infrastructure Services
D. Heyworth, Senior Policy Planner
C. Watson, Legislative Assistant

SUPPORT

STAFF: S. Hansen, Manager Parks and Open Space Development
C. Schofield, Legal Assistant

ABSENT: D. Martin, Regional Councillor (due to prior commitment)

MEDIA

PRESENT: Joel Hoidas, The Times; Tim Spiteri, The Review; COGECO;
Mike Cloutier, The Herald and Stephanie Freeman, Niagara This
Week

MEMBERS OF THE PUBLIC PRESENT: 27

4) **REVIEW OF ADDENDUM/ANNOUNCEMENTS**

Addendum

Correction to Presentations and Delegations from Bernadette Secco to Mike Hebbourn, Vice-Chair/Costa Koutroulakis, Bridgeburg Station Downtown BIA. Additional delegations of Richard and Jane Griffin re Windmill Point Road Allowance and Vaughn Gibbons re Crystal Ridge Landing Draft Plan of Subdivision. Additional Communication item from Ontario Lottery and Gaming Corporation re *Smoke Free Ontario Act* prohibiting smoking at all workplaces and enclosed public places.

Announcements

Mayor Redekop made the following announcements:

- On May 16, 2006 the Mayor along with Mayors from Niagara Falls, Ontario, Niagara Falls, New York and Niagara-on-the-Lake traveled to Ottawa to meet with various Members of Parliament including the Minister of Public Safety and Minister of Labour regarding the Western Hemisphere Travel Initiative. The U.S. Senate passed a resolution to extend the deadline to June 2009 regarding the cost of travel documents and other measures.
- On May 18, 2006 the Town's Youth Advisory Committee held a Youth Forum at the Leisureplex, attended by 120 students from local schools, to identify what is important to youth. The Mayor thanked organizers Deanna Bryant, Dave Simon, Harry Schlange, Russ Wilson, Al Stouffer, Beth Hughes, Bev Bradnam and the Youth Advisory Committee.
- On the evening of May 18, 2006 the Mayor and his wife attended a Recognition Dinner of Vive La Casa, an interfaith organization that assists refugees seeking protection under the Geneva Convention in U.S. and Canada. Fort Erie was recognized with the LCWR Award for its long history of supporting and assisting refugees. The Mayor congratulated Patricia Anzovino who was recognized with the Bonnie Butler Humanitarian Award.
- On May 19, 2006 Eurocopter delivered its 400th helicopter to Great Slave Helicopters.
- On May 20, 2006 the Ridgeway Lions held a dinner to celebrate their 75th Anniversary.
- On May 21, 2006 the Mayor attended the 2006 Season Opening Ceremony of the Buffalo Yacht Club and Commodore Breakfast. It is the only international yacht club in the world.
- On May 25, 2006 the Mayor attended a public meeting regarding the proposed Schooley Road Condominium Subdivision. The meeting was attended by a number of residents, representatives of the developer, Town Staff and Councillor Lewis.

- On June 3, 2006 the 140th Anniversary of the Fenian Raid Re-enactment will be held at the Old Fort. Also, the Battle of Ridgeway Ontario Heritage Plaque Dedication with the former Lieutenant Governor Lincoln Alexander at 1:00 p.m. at the corner of Ridge Road and the Friendship Trail. The Mayor recognized the contributions of Tim Warnick.
- On June 10, 2006 the Town of Fort Erie/YMCA will host the Fort Erie Fitness 5K Run and Fun Walk and Children's 1K Run followed by a barbecue and awards ceremony for categories youth to 70+.
- On June 10, 2006 the Fort Erie Arts Council will host the "Rites of Spring" Literary Festival at the Stevensville Conservation Club from 10:00 a.m.-4:30 p.m. featuring authors and the Niagara Symphony.
- On June 11, 2006 the 2nd Annual 911 Sunday will be held at the Golden Harvest Baptist Church at 10:30 a.m. in appreciation for emergency responders and their families.

5) DISCLOSURES OF PECUNIARY INTEREST AND GENERAL NATURE

(a) Councillor Lewis

Councillor Lewis disclosed a pecuniary interest with respect to New Business item (g) since his employer, Avalon Consulting Professionals of Ontario, provides such services to municipalities in Ontario. Councillor Lewis abstained from discussing or voting on this matter.

- (b) Mayor Redekop disclosed a pecuniary interest with respect to By-law No. 91-06 since Stevensville Lawn Service bid on the project and they are a client of his law firm. Mayor Redekop also disclosed a pecuniary interest with respect to Delegation (f) and New Business item (d) since his daughter is employed by the Peace Bridge Authority. Mayor Redekop abstained from discussing or voting on these matters and vacated the Chair when necessary.

6) ADOPTION OF MINUTES

(a) Regular Meeting of Council – May 8, 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 May 8, 2006, as printed.
(CARRIED)

(b) Special Meeting of Council – May 15, 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 May 15, 2006, as printed.
(CARRIED)

7) PUBLIC NOTICE

NIL

8) PUBLIC MEETING – MUNICIPAL ACT, 2001

- (a) Proposed Amendment to Council Rules of Procedural By-law No. 200-85 – Council-in-Committee Structure and Schedule

Mayor Redekop referenced the Public Meeting with respect to proposed amendments to Council Rules of Procedural By-law No. 200-85 respecting changes to the Council-in-Committee Structure and Schedule. The Mayor noted no one had applied to be heard and invited anyone present to speak to the proposed by-law. No one came forward.

Mayor Redekop announced the Public Meeting was now concluded.

9) PRESENTATIONS AND DELEGATIONS

- (a) Narges Dardarian, LBC, Coordinator, Niagara Region, VoicePrint Canada

Re: Introduction to services provided for the blind and vision or print restricted individuals

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

Ms. Dardarian stated she was present to introduce Council to VoicePrint Canada, a division of Canada's Broadcast Reading Service which started in 1990 serving over 4.5 million Canadians who are blind, vision or print-restricted. She advised they broadcast published news and information to over 8 million Canadian homes and are supported by more than 800 volunteers working with a staff of 50 through nine regional and local Broadcast Centres coast to coast. Ms. Dardarian stated they are partly funded by government grants, private sector and individual donations.

In closing, Ms. Dardarian announced The Times news full-text is available on line nation-wide: www.voiceprintcanada.com. They are seeking volunteers who can donate 2 hours per week.

- (b) Shirley Cordiner, Chair and Catherine Mindorff, Greater Fort Erie Health Services Corporation

Re: Update on Community Health Centre

Mrs. Cordiner and Ms. Mindorff 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.

Mrs. Cordiner announced the Joint Board of Fort Erie, Port Colborne and Wainfleet has been approved for funding from the Ministry of Health and introduced the Board members. The exact amount of funding is unknown until a final budget for the Community Health Centre is submitted to the Ministry.

Ms. Mindorff stated the project mission of this non-profit organization is to promote and maintain the health and wellness of all members of the community by:

- Providing health education to empower individuals and families in the prevention of illness and the promotion of wellness;
- Providing health maintenance and restoration activities administered by accredited and culturally competent care providers; and
- Undertaking these responsibilities in a dynamic manner that is responsible to the ever-changing needs of the community.

Ms. Mindorff reviewed immediate resource requirements, project approach, funding and background information. In closing, she advised that at some point the Board would be approaching the Town for some form of assistance.

- (c) Eric Pilon, Project Coordinator, Inter-Municipal Specialized Transit, Regional Municipality of Niagara

Re: Update on fare structure and eligibility criteria

Mr. Pilon 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. Pilon indicated he was present to provide Council with a status report on the Region's Inter-Municipal Specialized Transit Service. He stated the Advisory Committee comprised of 15 citizens and 4 Councillors has been formed and the Terms of Reference approved. He reviewed the status of various components of the project including the eligibility criteria, the Eligibility Committee, Appeals Committee, trip purpose, requirements pursuant to the *Accessibility for Ontarians with Disabilities Act*, fare structure and deficit allocation.

- (d) Gary Skerrett, o/b Ontario Shorewalk Association

Re: Proposed by-law to restrict vehicles at Lake Erie Waterfront Road Allowances

A written copy of Mr. Skerrett's presentation is available in the Clerk's Department.

Mr. Skerrett advised the Shorewalk Association is disappointed the proposed by-law does not include the installation of removable bollards on the road allowances. He stated they are also disappointed the Buffalo Road and Prospect Point Road allowances were removed as access points for boat launching and questioned the reason. He further

questioned why the proposed by-law stated only fishing boats could be launched at Stonemill Road and Kraft Road allowances and not other watercrafts. Mr. Skerrett requested Council to change the by-law to include small watercraft for recreational purposes.

Mr. Skerrett stated the proposed by-law references Section 35 of the *Municipal Act, 2001* with respect to common law right of passage on road allowances and suggested the interpretation is unclear. In closing, Mr. Skerrett questioned whether the Town needs a by-law to satisfy complaints of ATV's on the beaches and suggested that would not be in the best interest of the public.

(e) Brigitte Bonner, Development without Destruction

Re: Nesting season in the Crystal Ridge Landing Development

A written copy of Mrs. Bonner's presentation is available in the Clerk's Department.

Mrs. Bonner advised she spoke on behalf of Development Without Destruction about the recent destruction of the 11 acre woodland at Crystal Ridge Landing during nesting season. She indicated there were no conditions placed on tree cutting by the Town. She referred to the Provincial Policy Statement, Section 3 of the *Planning Act* that states "municipalities shall have regard for the natural environment...they must ensure that natural heritage features are protected." Mrs. Bonner suggested the Town had no regard for the natural environment and the Federal Government's *Migratory Bird Convention Act* was also not taken into account. She advised Environment Canada was alerted and an officer conducted an onsite visit.

Mrs. Bonner delivered a power point presentation of Crystal Ridge Landing before and after it had been cleared.

In closing, Mrs. Bonner questioned if Council will change its attitude towards destructive development and requested that Development Without Destruction be advised of their position on the matter.

(f) Mike Hebbourn, Vice-Chair/Costa Koutroulakis, Bridgeburg Station Downtown BIA

Re: QEW Signage for Hwy. #3

A written copy of Mr. Hebbourn and Mr. Koutroulakis's presentation is available in the Clerk's Department.

When it became apparent part of the delegation would be focusing on the Peace Bridge Authority, the Mayor declared a conflict of interest and turned the Chair over to Councillor Gorham.

Mr. Koutroulakis introduced himself as a Director on the Board of the Bridgeburg Station Downtown BIA. He stated the Central Avenue ramp is important to Fort Erie therefore signage must be clear and there must be easy vehicular access. It is also important there is clear signage during the construction of the Peace Bridge Plaza.

Mr. Hebbourn referred to the meeting with the MTO, Town staff, stakeholders and the PBA with respect to signage along the QEW to Hwy. 3 and at the Central Avenue exit. It was determined the MTO and PBA would meet to further discuss signage at the Central Avenue exit however, that meeting has not occurred. The Bridgeburg BIA has since had discussions with the MTO suggesting the MTO install temporary signage to Hwy. 3 at the Thompson Road exit and that permanent signage for Hwy. 3 and Central Avenue be decided after the MTO reviews the PBA's plans for signage on the bridge and plaza.

An excerpt of a power point presentation by Mr. Rienas, General Manager, Public Bridge Authority (PBA) from the June 21, 2004 Regular Council meeting was delivered.

In closing, Mr. Hebbourn requested Council include the following amendment to the resolution respecting this matter: "installed and completed as part of the Peace Bridge Authority's plaza construction, all of which should be completed this year."

The Mayor resumed the Chair.

(g) Alastair Davis, CEO, Habitat for Humanity Niagara

Re: Conveyance of Town-owned lands – N/E corner of Phipps Street and Dodds Court

A written copy of Mr. Davis's presentation is available in the Clerk's Department.

Mr. Davis introduced himself as CEO of Habitat for Humanity Niagara (HFHN), a non-profit faith-based organization that provides simple, decent and affordable housing solutions. Habitat for Humanity Niagara became an affiliate of Habitat for Humanity in 1993 and has built or renovated 18 homes for 20 families across the Niagara Region.

HFHN sells homes to low-income families with no interest and no profit added based on the cost of construction. Families are expected to contribute in the construction of their home including partner families. Applications are reviewed using three guidelines following a non-discriminatory policy of family selection. HFHN operates a ReStore in St. Catharines that pays administration costs and helps generate funds for building homes through the sale of used or donated construction materials and household items.

(h) John Papadakis, Crystal Beach

Re: Financial support for veterans for the War Memorial Ceremony in Ottawa

NOT IN ATTENDANCE.

(i) Richard and Jane Griffin

Re: Windmill Point Road Allowance

A written copy of Mr. Griffin's presentation is available in the Clerk's Department.

Mr. Griffin advised he lives on Windmill Point Road adjacent to the road allowance and he and his wife object to the plan for the Windmill Point Road allowance. He explained the road allowance is a 66 ft. wide continuation of Windmill Point Road between 15 lots to the east and 15 lots to the west. These lots own in common the beach and water lots on either side of the road allowance and the property owners welcome shore walkers, birders and hunters. Mr. Griffin stated however, this road allowance is not a beach because the water is rock covered and there is no easy access to the beach. He expressed concern the public will then access the small private beach to the west of the road allowance causing the property owners to assert their private property rights. In closing Mr. Griffin requested Council not to spend \$10,000 to develop this road allowance as a beach since it is unsuitable.

(j) Vaughn Gibbons

Re: Crystal Ridge Landing Draft Plan of Subdivision

Mr. Gibbons advised he was present to answer any questions Members of Council may have regarding the Crystal Ridge Landing Subdivision and the recent clearing of same.

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

10) COMMUNICATIONS

(a) Regional Municipality of Niagara

Re: Notice of Intent to cut, burn or destroy trees – Gibbons Contracting Ltd. – Thunder Bay Road and Ridge Road

Reference: Receive and file.

(b) Lupus Foundation of Ontario

Re: Request proclamation of October as “Lupus Awareness Month”
and permission to fly flag

Resolution No. 3
Noyes-Shular

THAT: The Municipal Council of the Town of Fort Erie hereby authorizes the Mayor to proclaim the month of October as “Lupus Awareness Month” within the Town of Fort Erie, and further

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

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

(c) Mr. Robert Everett, Agent, Canada Day Celebration

Re: Request permission to conduct public fireworks display on July 1, 2006 and to close certain Town streets

Reference: By-law to be presented.

(d) Ontario Lottery and Gaming Corporation

Re: *Smoke-Free Ontario Act* prohibiting smoking at all workplaces and enclosed public places

Reference: To Gaming Manager for attention.

(e) Communication Items

Resolution No. 4
Lewis-Gorham

THAT: Communication items (a), (c) and (d) be dealt with according to the agenda references. (CARRIED)

11) REPORTS OF COMMITTEES

(a) Regular Meeting of Council-in-Committee – May 15, 2006

Resolution No. 5
Fell-Noyes

THAT: The Municipal Council of the Town of Fort Erie hereby adopts the minutes of the Regular Meeting of Council-in-Committee held May 15, 2006, as printed. (CARRIED)

(b) Boards and Committees

Resolution No. 6
Gorham-Lewis

THAT: The following board and committee reports be received and filed:
(a) Senior Citizens Advisory Committee – May 3, 2006

- (b) Bridgeburg Station Downtown Business Improvement Area Board of Management – April 19, 2006
- (c) Local Architectural Conservation Advisory Committee – November 29, 2005; May 24, 2006 (CARRIED)

Resolution No. 7
Shular-Fell

THAT: The following board and committee reports be accepted and approved:

- (a) Traffic Coordinating Committee – February 28, 2006
- (b) Street Naming Committee – May 23, 2006
- (c) Community Gaming and Development Corporation – April 26, 2006 (CARRIED)

12) **ENQUIRIES BY MEMBERS**

(a) Regional Councillor Report

RC Martin not be in attendance due to a prior commitment.

(b) Response to Past Enquiries

The Chief Administrative Officer recited the following responses to past Council enquiries:

- (i) Response to enquiry by Councillor Lewis at the Council-in-Committee meeting of May 15, 2006 regarding decommissioning of the Lighthouse. The Clerk responded the decision to decommission lighthouses across Canada was made by the Federal Government based on economics. Lighthouses have been replaced with buoys. If Council is interested in pursuing the lighting of the Point Abino Lighthouse again, it could direct Mr. Brian Desrosiers, Facilities Manager to follow up on same.
- (ii) Response to enquiry by Councillor Noyes at the Council meeting of September 12, 2005 to investigate the adequacy of the entrance to the subdivision on West Main Street. Mr. Tripp advised the developer has completed curb work and is applying surface course of asphalt on West Main Street along with the entrance to the subdivision back to the median. All required sidewalk repairs have been completed.
- (iii) Response to enquiry by Councillor Noyes at the Council-in-Committee meeting of May 16, 2005 to investigate and repair trip/fall hazards along portions of sidewalk on both Airline Street and May Avenue in Stevensville. Mr. Tripp responded after a poll of affected residents and further meetings with business owners and staff, the following work has been slated as part of the 2006 sidewalk repair tender: The May Avenue sidewalk is to be removed with reinstatement of grass to be completed in 2006. The Airline Street sidewalk will be replaced on the east side (West Main to Foster Street) in 2006. The Airline Street west side sidewalk will be removed and replaced from West Main Street to the front of Bertie Printers, to be completed in 2006.

- (iv) Response to enquiry by Councillor Berry at the Council meeting of May 8, 2006 to find out if the Town had been notified and was present during the telephone conference call respecting the liquor licence application for Rina's Place. The Mayor suggested the Clerk provide background information with respect to the matter including any liquor licence conditions. The Clerk advised, the Town has not received a municipal clearance form for increased capacity for Rina's Place. For additional information, refer to Robert Romanuk's memo dated May 17, 2006 with respect to this matter.

(c) Member Enquiries

(i) Councillor Noyes

Councillor Noyes advised the sidewalks have been replaced on Airline Street up to Bertie Printers and expressed appreciation for the care shown to preserve the trees.

Councillor Noyes referred to the residential development on West Main Street, and expressed appreciation for the quick response for the restoration of both the asphalt road and concrete sidewalks.

(ii) Councillor Lewis

Councillor Lewis questioned when a new home is built in Thunder Bay does the applicant have to pay \$300 for trees. Mr. Tripp advised he could not confirm the amount but a tree deposit is required. Councillor Lewis stated he will provide a letter from a resident on Jewell Avenue regarding the tree deposit and planting of a tree. The property owner waited from December 2004 to December 2005 and has been told it has been deferred until next Fall. They want to know when it will be planted or they want their deposit refunded. Councillor Lewis requested information on how many people did not have their trees planted. Mr. Tripp advised Town staff wait until there is a sufficient number of trees to be planted and then put out a tender however, there have been delays in the most recent tree planting tender. He added they are comprising a comprehensive list and plan to rectify the matter as soon as possible. The Mayor requested Mr. Tripp to provide information to Council on June 12, 2006.

Councillor Lewis advised he recently learned of a CBIA meeting held at the Crystal Beach Tennis and Yacht Club of which he was unaware as well as numerous other CBIA meetings. He indicated this issue came up in 2003 and 2004. He further indicated when asked how he was notified of the meeting, he was told by a certain person that it was by email. In the past, a notice would bounce back advising the email was not received. He advised this did not happen in this case. He added at other times, members asked where he was and they said they didn't know. He requested the Clerk's Department to follow-up.

He questioned how many meetings a member of a board can miss. The Clerk responded three (3) consecutive meetings without the permission of the board. The Mayor requested the Clerk to check with the CBIA on how they communicate with Councillor Lewis.

Councillor Lewis also asked the Clerk to follow-up with inactive members on the board. He indicated there are a number of new businesses in the Derby Road area who have expressed an interest to sit on the board who can replace some of the inactive members. Councillor Lewis stated in 2003 Council was told that it would be a transition for the CBIA to become a registered BIA. The Mayor requested the Clerk to obtain information from the CBIA in this regard.

Councillor Lewis recalled when the CBIA was looking into becoming a business improvement area. The Clerk responded the Crystal Beach BIA is a bona fide business improvement area but they do not collect a levy nor do they have a set budget. The CBIA conducted a survey of the area businesses to determine if they wanted to become a contributing business improvement area. The results were sent to the Clerk and reported back to the board. Councillor Lewis questioned if they are a bona fide BIA why are some members not business owners. He suggested we need to communicate with them to see where they stand. The Mayor stated it is not a bona fide BIA. The Clerk responded she believed the by-law was passed pursuant to the provisions of the *Municipal Act*. However, at the time, the boundaries were expanded to include the core business area up to Farr Avenue in order to capture the businesses outside of the core business area. Creativity was applied in this regard which resulted in the inclusion of residential areas in order to capture other businesses with the ultimate goal of improving Crystal Beach.

In terms of organizational practices, Councillor Lewis referred to the two similar groups, one being the Friends of Crystal Beach and the other being the CBIA. He questioned the need for both organizations and believed there was a transition period of three (3) years. The Mayor advised he would ask the Clerk to pull out information since he recollected there was not enough businesses that wanted to contribute to a levy.

Councillor Lewis stated he could not recall seeing recent CBIA minutes and questioned same.

Councillor Lewis also understood that a levy does not have to occur. It is correct that the CBIA does not have a budget. However, there is the ability to use bingo funds of the Friends of Crystal Beach. He indicated he didn't see the money would change but how the two organizations work together.

(iii) Councillor Fell

Councillor Fell advised he wanted to bring to the attention of the Clerk recent developments at the former Rudy's Bar. He enquired if the by-law enforcement officers could remind the new owner of Crescent Beach Grill & Bar that his liquor licence has five conditions attached to it. He received complaints from area residents that on last Friday and Saturday night there was loud music, the doors and windows were open, screeching of tires, car doors slamming and the police were called. Mr. Schlange advised he will speak to the by-law enforcement officers regarding the matter.

Resolution No. 7A
Shular-Gorham

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

13) MOTIONS

(a) COMMITTEE-OF-THE-WHOLE

Resolution No. 8
Noyes-Shular

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

(A) REPORT NO. CS-17-06 - REQUEST TO PURCHASE TOWN-OWNED LANDS – N/E CORNER OF PHIPPS STREET AND DODDS COURT (HABITAT FOR HUMANITY NIAGARA) (CARRIED)

Resolution No. 9
Shular-Noyes

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

THAT: The lands at the northeast corner of Phipps Street and Dodds Court, being Block B, Plan M-66, be and they are hereby declared surplus, and public notice shall be given accordingly, and further

THAT: The lands be exempt from Disposition of Real Property By-law No. 44-95, and further

THAT: A by-law be submitted to Council to authorize the entry into an Agreement of Purchase and Sale with Habitat for Humanity Niagara for the sale of the lands for a nominal consideration of \$1.00, conditional upon Habitat for Humanity Niagara acquiring the abutting property to the east and the property merging in title with the purchaser's abutting property, and further

THAT: A by-law be submitted to Council deeming Block B, Plan M-66, not to be a lot in a Registered Plan.

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Resolution No. 9A
Lewis-Shular

THAT: The resolution be amended by inserting at the end of paragraph 4 the words "and that the property be constructed upon by Habitat for Humanity Niagara." (CARRIED)

Resolution No. 9B
Shular-Noyes

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

THAT: The lands at the northeast corner of Phipps Street and Dodds Court, being Block B, Plan M-66, be and they are hereby declared surplus, and public notice shall be given accordingly, and further

THAT: The lands be exempt from Disposition of Real Property By-law No. 44-95, and further

THAT: A by-law be submitted to Council to authorize the entry into an Agreement of Purchase and Sale with Habitat for Humanity Niagara for the sale of the lands for a nominal consideration of \$1.00, conditional upon Habitat for Humanity Niagara acquiring the abutting property to the east and the property merging in title with the purchaser's abutting property and that the property be constructed upon by Habitat for Humanity Niagara, and further

THAT: A by-law be submitted to Council deeming Block B, Plan M-66, not to be a lot in a Registered Plan. (CARRIED)

(b) Councillor Noyes

Re: Fort Erie Mobile Services

Resolution No. 10
Noyes-Shular

THAT: Council support that all users of the Fort Erie Mobile Services be properly restrained by seatbelts.

Resolution No. 10A
Redekop-Fell

THAT: The resolution be amended by inserting after the word "seatbelts" the words "unless medically authorized not to wear one." (CARRIED)

Resolution No. 10B
Noyes-Shular

THAT: Council support that all users of the Fort Erie Mobile Services be properly restrained by seatbelts, unless medically authorized not to wear one. (CARRIED)

(c) Councillor Lewis

(i)

Re: Parks and Beaches

Resolution No. 11
Lewis-Gorham

THAT: Staff be directed to prepare a brief report showing what parks and beaches in the Town of Fort Erie may be made pet-friendly and accessible for dog owners and their dogs. (CARRIED)

(ii)

Re: Council Agenda Online

Resolution No. 12
Lewis-Gorham

THAT: Staff be directed to include the complete Council Agenda including letters of correspondence and reports (excluding confidential and Human Resources Reports) to be made available online for members of the public. (CARRIED)

(d) Mayor Redekop

Re: Reconsideration of Report No. IS-34-06 – Leisureplex Leases

The Mayor advised he would defer this matter to the June 12, 2006 Council-in-Committee Meeting per the request of Councillor Berry.

Resolution No. 13

THAT: Council receive Report No. IS-34-06 regarding the lease agreements for the provision of food and lounge services in the Leisureplex, and further

THAT: Council approve a ten (10) year extension of the term of the lease agreement with McDonald's Restaurants of Canada Limited, in accordance with By-law No. 203-94, and further

THAT: Council approve a ten (10) year extension of the term of the lease agreement with 1118184 Ontario Inc. (Madison's Pub) in accordance with By-law No. 186-95, and further

THAT: Staff be directed to prepare the necessary by-laws authorizing the Mayor and Clerk to execute the new lease agreements on behalf of the Town of Fort Erie, commencing July 19, 2006 and ending July 19, 2016.

Resolution No. 14

THAT: This matter be tabled to the June 12, 2006 Council-in-Committee meeting in order for staff to provide further information relative to the rate that should be charged for the two leases, utility costs and issues regarding kitchen and serving equipment for McDonald's Restaurants of Canada Limited and furnishing replacement for Madison's Pub.

14) NOTICE OF MOTION

NIL

15) CONSIDERATION OF BY-LAWS

Resolution No. 14A
Gorham-Fell

THAT: By-law Nos. 89-06, 91-06 and 93-06 be removed from the by-law package and dealt with separately. (CARRIED)

Resolution No. 15
Fell-Noyes

THAT: The by-law package containing:

- (a) By-law No. 86-06: To adopt the 2006 Accessibility Plan for the Town of Fort Erie and to repeal By-law No. 90-05
- (b) By-law No. 87-06: To amend By-law No. 217-03 (Appointments of Persons to Various Boards and Committees of the Town of Fort Erie) and to amend By-law No. 210-04 (To appoint Members to the Community Health and Wellness Advisory Committee)
- (c) By-law No. 88-06: To award tenders for the purchase of vehicles under 2006 Fleet Replacement Plan
- (d) By-Law No. 90-06: To accept a tender for the supply and installation to replace 5 HVAC Units and repair 3 HVAC Units on Town facilities
- (e) By-law No. 92-06: To authorize an amending Development Agreement - Abino Dunes Condominium Plan of Subdivision
- (f) By-law No. 94-06: To temporarily close certain Town streets during the 2006 Canada Day Celebration Fireworks Display
- (g) By-law No. 95-06: To amend Council Rules of Procedure By-law No. 200-85 to alter the Council-in-Committee meeting structure and to repeal By-law No. 10-06
- (h) By-law No. 96-06: To authorize the execution of a Letter of Engagement with Cantec Security Services Inc. for Bay Beach
- (i) By-law No. 97-06: To authorize the ratification of a Memorandum of Settlement with the Canadian Union of Public Employees and its Local #714
- (j) By-law No. 98-06: To request to purchase Town-owned lands – N/E corner of Phipps St & Dodds Crt (Habitat for Humanity Niagara)
- (k) By-law No. 99-06: To deem a certain registered plan of subdivision not to be a registered a plan of subdivision, Block B, Plan M-66 – Town-owned lands on the north east corner of Phipps St and Dodds Crt.

be hereby introduced and given first and second reading.
(CARRIED)

Resolution No. 15B
Shular-Fell

THAT: Schedule "A" to By-law No. 98-06 be and it is hereby amended by inserting the following: "This offer is further conditional upon Habitat for Humanity Niagara constructing a residential building(s) on the subject lands, and that Schedule "A" to the Agreement of Purchase and Sale be amended accordingly." (CARRIED)

Resolution No. 16
Gorham-Lewis

THAT: The by-law package containing:

- (a) By-law No. 86-06
- (b) By-law No. 87-06
- (c) By-law No. 88-06
- (d) By-law No. 90-06

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- (e) By-law No. 92-06
- (f) By-law No. 94-06
- (g) By-law No. 95-06
- (h) By-law No. 96-06
- (i) By-law No. 97-06
- (j) By-law No. 98-06, as amended
- (k) By-law No. 99-06

be hereby given third and final reading, be signed by the Mayor and the Clerk and the corporate seal affixed thereto.

(CARRIED)

Resolution No. 16A
Fell-Noyes

THAT: By-Law No. 89-06: To award the quotation for the supply and installation of a barrier free washroom facility for the Fort Erie Tennis Club be hereby introduced and given first and second reading. (CARRIED)

Resolution No. 16B
Gorham-Lewis

THAT: By-law No. 89-06 be hereby given third and final reading, be signed by the Mayor and the Clerk and the corporate seal affixed thereto.

(CARRIED)

Resolution No. 16C
Fell-Noyes

THAT: By-law No. 93-06: To restrict vehicular access for certain unopened Lake Erie Waterfront Road Allowances and to designate certain waterfront lands as parkland be hereby introduced and given first and second reading. (CARRIED)

Resolution No. 16D
Shular-Noyes

THAT: Section 1(c) of By-law No. 93-06 be and it is hereby amended by deleting the word "fishing" in Line 1 and the words "the purpose of fishing only" in Line 2, and that the words "recreational purposes only" be inserted after the word "for" in Line 2 thereof. (CARRIED)

Resolution No. 16E
Fell-Noyes

THAT: Section 5 of By-law No. 93-06 be and it is hereby amended by deleting the word "fishing" in Line 1 thereof. (CARRIED)

Resolution No. 16F
Shular-Lewis

THAT: Section 1(a) of By-law No. 93-06 be and it is hereby amended by deleting the words "abutting the road allowances described in Section 2 below." in Line 4 thereof and inserting "waterfront" after the words "private" in Line 3 thereof. (CARRIED)

At this point, Council recessed for five (5) minutes.

Resolution No. 16G
Fell-Lewis

THAT: Section 4 of By-law No. 93-06 be and it is hereby amended by adding the following at the end of Line 2 thereof "to or arrangements with the Town of Fort Erie where access is physically restricted." and by deleting the balance thereof. (CARRIED)

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Resolution No. 16H
Lewis-Fell

THAT: By-law No. 93-06 be and it is hereby amended by adding "Prospect Point Road" in Section 5 thereof. (CARRIED)

Resolution No. 16D
Gorham-Lewis

THAT: By-law No. 93-06, as amended, be hereby given third and final reading, be signed by the Mayor and the Clerk and the corporate seal affixed thereto. (CARRIED)

Mayor Redekop turned the Chair over to Councillor Shular, due to his pecuniary interest.

Resolution No. 16E
Fell-Noyes

THAT: By-Law No. 91-06: To accept a tender for the Bay Beach Parking Lot Improvements Project be hereby introduced and given first and second reading. (CARRIED)

Resolution No. 16F
Gorham-Lewis

THAT: By-law No. 91-06 be hereby given third and final reading, be signed by the Mayor and the Clerk and the corporate seal affixed thereto. (CARRIED)

Mayor Redekop resumed the Chair.

Resolution No. 17
Lewis-Gorham

THAT: By-law No. 100-06 (Ratification of Minutes) be hereby introduced and given first and second reading. (CARRIED)

Resolution No. 18
Noyes-Shular

THAT: By-law No. 100-06 be given third and final reading, be signed by the Mayor and the Clerk and the corporate seal affixed thereto. (CARRIED)

16) NEW BUSINESS

(a) Approval of Various Community Events

- Re: (i) Crystal Beach Improvement Area/Friends of Crystal Beach – Concerts at Crystal Beach Waterfront Park – May 28 & June 25, 2006
- (ii) Bert Miller Nature Club – Shagbark Trail Planting Event – June 10, 2006 or such other suitable date
- (iii) Crystal Beach Improvement Area/Friends of Crystal Beach – 5K Run – October 7, 2006

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Resolution No. 19
Gorham-Lewis

THAT: The Municipal Council of the Town of Fort Erie hereby grants permission to the following organizations to hold community events on Town owned property, as follows:

- (i) Crystal Beach Improvement Area/Friends of Crystal Beach – Concerts at Crystal Beach Waterfront Park – May 28 & June 25, 2006 (and such other dates for the 2006 Summer Season subject to advance notice provided to the Town)
- (ii) Bert Miller Nature Club – Shagbark Trail Planting Event (Home Depot and Niagara District School Board sponsorship) – June 10, 2006 or such other suitable date
- (iii) Crystal Beach Improvement Area/Friends of Crystal Beach – 5K Run – October 7, 2006, according to the route submitted, and further

THAT: The Bert Miller Nature Club be required to obtain waivers from any high school students participating in the event, and further

THAT: Town staff are hereby authorized to provide services and materials accordingly, and further

THAT: The appropriate persons be so notified of these events. (CARRIED)

(b) Fort Erie Arts Council

Re: Authorize Town services and materials - “Rites of Spring” –
Stevensville Conservation Club – June 10, 2006

Resolution No. 20
Fell-Noyes

THAT: The Municipal Council of the Town of Fort Erie hereby grants permission for Town staff to provide services and materials (picnic tables, garbage receptacles and snow fencing) for the Fort Erie Arts Council “Rites of Spring” event to be held on June 10, 2006 at the Stevensville Conservation Club. (CARRIED)

(c) John Tsiatalos - Request use of Town lands for Refreshment Vehicle

Re: Denial of request to operate on unopened road allowance east of
Albany Road during Friendship Festival

Resolution No. 21
Shular-Noyes

THAT: The Municipal Council of the Town of Fort Erie hereby denies the request by John Tsiatalos to utilize Town owned property, being the unopened road allowance east of Albany Road, during the 2006 Friendship Festival since the zoning of the road allowance does not permit commercial retailing and all vending should be contained within the Friendship Festival grounds as part of their revenue stream to offset the costs of the Festival. (CARRIED)

Mayor Redekop turned the Chair over to Councillor Gorham, due to his pecuniary interest.

(d) QEW Signage for Hwy. #3

Re: Approval of Action Plan

Resolution No. 22
Shular-Noyes

THAT: The Municipal Council of the Town of Fort Erie hereby supports the erection of temporary signage for Hwy. #3 at the Q.E.W./Thompson Road exit by the Ministry of Transportation in time for the 2006 tourist season and that discussions occur with the Region of Niagara for wayfinding signage at the corner of Thompson Road and Garrison Road for the business districts, and further

THAT: In the meantime, staff and the MTO shall collaborate, including stakeholders, to examine the feasibility of providing signage for Hwy. #3 at the Q.E.W./Central Avenue exit and to determine the central business area, once the Peace Bridge Authority Plaza has been completed, all of which should be finalized well in advance of the 2007 tourist season, and further

THAT: Such undertaking shall also include local wayfinding signage for the various business districts in the Town of Fort Erie.

Resolution No. 22A
Shular-Fell

THAT: The resolution be split into two resolutions and dealt with separately.
(CARRIED)

Resolution No. 22B
Shular-Noyes

THAT: The Municipal Council of the Town of Fort Erie hereby supports the erection of temporary signage for Hwy. #3 at the Q.E.W./Thompson Road exit by the Ministry of Transportation in time for the 2006 tourist season and that discussions occur with the Region of Niagara for wayfinding signage at the corner of Thompson Road and Garrison Road for the business districts.
(CARRIED)

Resolution No. 22C
Fell-Noyes

THAT: The resolution be amended as submitted by the Bridgeburg Station Downtown BIA.
(CARRIED)

Resolution No. 22D
Shular-Noyes

THAT: In the meantime, Staff and the MTO shall collaborate, including stakeholders, to examine the feasibility of providing signage for Hwy. #3 at the Q.E.W./Central Avenue exit so that signage is installed and completed as part of the Peace Bridge Authority's plaza construction, all of which should be completed this year, and further

THAT: Staff and the MTO shall collaborate, including stakeholders to determine the central business area and that signage should be finalized well in advance of the 2007 tourist season, and further

THAT: Such undertaking shall also include local wayfinding signage for the various business districts in the Town of Fort Erie.
(CARRIED)

Mayor Redekop resumed the Chair

(e) Western Hemisphere Travel Initiative

Re: Industry Action Plan (Passports)

Resolution No. 23
Fell-Noyes

THAT: The Municipal Council of the Town of Fort Erie advise all parties currently engaged in working on matters related to the Western Hemisphere Travel Initiative that it is deeply concerned about the risk to the economic health of the Town of Fort Erie and other communities in both the U.S. and Canada associated with the implementation of the Western Hemisphere Travel Initiative in advance of the availability to both Canadian and American citizens travelling by air and sea as well as land, of an alternative document to the passport that is secure (including biometrics), provides proof of identity and citizenship, is in a convenient format (wallet-sized), and is inexpensive and easily obtainable. Preferred solutions are based on enhancing the security and citizenship information on current widely-carried forms of identification; and further

THAT: The Municipal Council of the Town of Fort Erie hereby expresses its appreciation to the American Senators who voted to change the WHTI's implementation date to July 1, 2009 and that the Senators be urged to complete a comprehensive economic impact study which includes comparison of enhancements to existing forms of identification as well as new options, and implementation processes and budgets including field trials for pilot testing at key border crossings along the 49th parallel, involving input from the governments of the United States and Canada and consultation with state and provincial governments and bi-national tourism and industry leaders, and further

THAT: The appropriate U.S. government officials, elected and appointed, be advised that the Town of Fort Erie supports the position being expressed, and further

THAT: The Municipal Council of the Town of Fort Erie advise that it supports the position being expressed by the Binational Tourism Alliance and BESTT Coalition partners requesting amendments to the existing legislation that include (i) a single WHTI implementation date for all forms of travel; (ii) an exemption for children; (iii) further development of alternative travel documents, including REAL ID, by a bi-national industry working committee; (iv) the expansion and improvements to existing "trusted traveller" programs, such as NEXUS and FAST, including the expedited implementation of supporting technology and infrastructure; (v) the undertaking of a broad and ongoing communications program clarifying the travel documents currently available and required and encouraging the public to acquire the required travel documents; and (vi) improved training for all border service personnel to ensure consistent customer service as it relates to identification requirements at border crossings; and further

THAT: A copy of this resolution be provided to all of the appropriate persons set out in communications from the Bi-National Tourism Alliance.

(CARRIED)

(f) Waiving of Fees for Head Injury Association of Fort Erie

Re: Use of Leisureplex – Mayor's Cup

Resolution No. 24
Noyes-Fell

WHEREAS during the 2006 Budget deliberations, staff were instructed to maximize revenues for the operation of the Leisureplex to offset costs, and

WHEREAS the Head Injury Association of Fort Erie hosted a fundraising event on March 31, 2006 at the Leisureplex known as the Annual Mayor's Cup, and

WHEREAS the Head Injury Association of Fort Erie has requested that the Banquet Hall rental fee in the amount of \$700.00 be waived since half of its proceeds were donated to the Katrina Relief Effort;

NOW THEREFORE be it resolved by the Municipal Council of the Town of Fort Erie that it hereby (approves/denies) the waiving of the Banquet Hall rental fees in the amount of \$700.00 associated with the Head Injury Association of Fort Erie Annual Mayor's Cup held on March 31, 2006.

Resolution No. 24A
Gorham-Fell

THAT: This matter be tabled to the Council-in-Committee Meeting of June 12, 2006 to permit staff to submit a report for a policy with respect to rebates or the waiving of fees. (CARRIED)

(g) Petition Governments to Develop New Sustainable Infrastructure Funding Program

Resolution No. 25
Fell-Gorham

WHEREAS the Canadian – Ontario Municipal Rural Infrastructure Fund (COMRIF) was established to enhance and renew Ontario's aging infrastructure, improve the quality of the environment, protect the health and safety of citizens, support long term economic growth and build strong sustainable communities by giving municipalities the tools they need, and

WHEREAS most small municipalities go to great lengths and expense to utilize consultants and limited municipal resources in building a strong business case to meet the goals and objectives of COMRIF, and

WHEREAS during the first two rounds of COMRIF announcements, the majority of submissions were not supported because of limited funding, and

WHEREAS the selection process for COMRIF is to be seamless and non political, and

WHEREAS there are some communities who have had their applications approved for round one and round two of COMRIF, and

WHEREAS those communities that have met the COMRIF criteria, but whose projects were not approved because of limited funding are at a disadvantage as they will have to fund their projects by raising municipal taxes, and

WHEREAS the existing methodology of selecting projects eligible for funding pursuant to the COMRIF program does not provide for sustainability of aging infrastructure for the majority of rural communities in Ontario, and

WHEREAS Ontario municipalities through their respective Councils are more than capable of identifying aging infrastructure in their community, and

WHEREAS Ontario municipalities could upgrade their aging infrastructure and develop long range plans if a program was developed which provided funding to all municipalities on a yearly basis;

NOW THEREFORE be it resolved that the Municipal Council of the Town of Fort Erie hereby requests AMO and the federal and provincial governments to develop a program that will support infrastructure sustainability by providing a yearly stream of funding to all rural municipalities without the municipality having to expend funds and exhaust limited resources in developing businesses cases, and further

THAT: A copy of this resolution be forwarded to the appropriate persons, including the Area Municipalities. (CARRIED)

(h) Support of Fort Erie/Niagara Parkway Marina Proposal

Resolution No. 26
Gorham-Lewis

THAT: The Municipal Council of the Town of Fort Erie hereby supports a public/private partnership for development of the Niagara Parks Marina provided there is a public, open and transparent process regarding any such development. (CARRIED)

(i) Lake Erie Waterfront Road Allowances

Resolution No. 27
Fell-Shular

THAT: Staff be directed to provide further options with respect to waterfront road allowances. (CARRIED)

(j) Niagara Region, VoicePrint Canada

Resolution No. 28
Fell-Noyes

THAT: The Town of Fort Erie express its support for VoicePrint Canada and encourages its citizens to volunteer their time to this worthwhile undertaking. (CARRIED)

17) SCHEDULING OF MEETINGS

- (a) Fort Erie Museum Board – Tuesday, May 30, 2006 at 1:00 p.m. – Town Hall
- (b) Friendship Trail Meeting – Tuesday, May 30, 2005 at 5:30 p.m. – Town Hall
- (c) Financing Your Way To and Through College or University by Niagara College and hosted by Community Health and Wellness – Tuesday, May 30, 2006 6:00-7:00 p.m. and 8:00-9:00 p.m. and Freeland Foundation Scholarship Program – 7:00-8:00 p.m. – Town Hall
- (d) Stevensville Springfest – Saturday, June 3, 2006 starting at 10:00 a.m. – Stevensville Community Hall.
- (e) Traffic Coordinating Committee – Tuesday, June 6, 2006 1:00-2:30 p.m. – Conference Room #3
- (f) Infrastructure Services Sub-Committee Meeting – Tuesday, June 6, 2006 3:00-4:30 – Conference Room #3
- (g) Friendship Trail Phase 3 Ribbon Cutting – Saturday, June 17, 2006 at 11:00 a.m. – Gorham Road and Friendship Trail
- (h) Court of Revision – Niagara River Parkway and Cairns Crescent Watermain Extension Project at 6:00 p.m. – Council Chambers

18) ADJOURNMENT

Resolution No. 29
Lewis-Gorham

THAT: The Municipal Council of the Town of Fort Erie hereby adjourns at 12:01 a.m. to reconvene into Regular Meeting of Council on Monday, June 19, 2006 at 6:00 p.m.

MAYOR

CLERK