



The Municipal Corporation of the
Town of Fort Erie

REGULAR COUNCIL MEETING

MONDAY, NOVEMBER 14, 2005

COUNCIL CHAMBERS

MINUTES

1) CALL TO ORDER

The meeting was called to order at 6:00 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 (departed 7:40 p.m.)
R. Mostacci, Acting CAO
C.J. Kett, Town Clerk
M. Neubauer, Director of Corporate Services
J. Mrozek, Manager of Development Approvals
S. Saunders, Deputy Clerk
M. Gross, Engineering Division Manager
R. Wilson, Manager, CGDC

MEDIA

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

MEMBERS OF THE PUBLIC PRESENT: 56

4) REVIEW OF ADDENDUM/ANNOUNCEMENTS

Addendum

Deletion under Presentations and Delegations of Marco Magazzeri, Lakeshore Catholic High School concerning an introduction to Niagara Catholic District School Board Extreme Makeover Tech 5 Program and John Papadakis regarding the reconsideration of Chief Administrative Officer's position. Revisions under Delegations to replace Gary Scandlan with Mr. Jamie Cook, Senior Consultant, CN Watson and Associates regarding the presentation of the final report on Bay Beach Economic Impact Analysis Study, to By-law No. 197-05 at page 1, paragraph 3 to By-law No. 206-05 at Page 15, Section 14.3.b. Adding the delegation by Walter Osborne, o/b Fort Erie Native Grandmothers concerning the Fort Erie Native Friendship Centre Compliance Audit, the delegation by Gillian Corney, Manager of Revenue and Collections to review the 2005 Assessment Notices and adding By-law No. 206-05 to the Agenda title pages.

Announcements

Mayor Redekop made the following announcements:

- Remembrance Day Services were held this past week. 2005 is the Year of the Veteran.
- Opening of the Fort Erie Historical Museum Exhibit "Hometown Sacrifices" which talks about Fort Erie during the war years.
- Fort Erie has been chosen to receive funding for a community health centre. The Mayor thanked and recognized the members of the Greater Fort Erie Health Services Board who worked diligently on the application for funding: Chair Shirley Cordiner, Vice-Chair Reverend David Anderson, Ed Feiretag, Glen Finbow, Catherine Mindorff, Kathy Bell and Rick Tarajos. The Mayor advised particulars are still sketchy regarding the location and funding amount. It will serve both Fort Erie and Port Colborne. The Mayor also thanked the Community Health and Wellness sub-committee and Deanna Bryant, the Community Health Co-ordinator.
- The 12th Annual Winterfest opened on Saturday, November 12 with events to be held through to January 8, 2006.
- The Santa Claus parade will be held on Saturday, November 19th at 2:00 p.m. starting at Jarvis Street and ending at the Race Track. The Mayor thanked the Winterfest board, staff and the many volunteers.
- Mayor's Forum on Diversity and Inclusion will be held on Thursday, November 17, 2005 from 8:30 a.m. to 12:30 p.m. at the Old Mentholatum Building. The Multicultural Centre and a number of local organizations are hosting the event and the keynote speaker is Raymond Muriyama, one of Canada's most respected architects and is the current Chancellor of Brock University. The Mayor informed there would be a number of prominent speakers.

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

(a) Councillor Gorham

Councillor Gorham disclosed a pecuniary interest with respect to Delegation 8(e) since he provides educational services to the Fort Erie Native Friendship Centre. Councillor Gorham abstained from discussing or voting on this matter and removed himself from the Council Chambers.

(b) Councillor Lewis

Councillor Lewis disclosed a pecuniary interest with respect to New Business Item (e) concerning the Peace Bridge since he is employed with Avalon Consulting Professionals of Ontario contracted by the Ambassador Bridge Group. It is noted that Councillor Lewis abstained from discussing or voting on this matter.

(c) Mayor Redekop

Mayor Redekop disclosed a pecuniary interest with respect to By-law No. 198-05 since his law firm represents Stevensville Lawn Service. Mayor Redekop abstained from discussing or voting on this matter and vacated the Chair when necessary.

6) **ADOPTION OF MINUTES**

(a) Regular Meeting of Council – October 24, 2005

Resolution No. 1
Noyes-Shular

THAT: The Municipal Council of the Town of Fort Erie hereby approves the minutes of the Regular Meeting of Council held October 24, 2005, as printed.

Resolution No. 1A
Lewis-Gorham

THAT: The minutes of the Regular Meeting of Council held October 24, 2005 be tabled for two weeks to permit Councillor Lewis and the Mayor to dialogue with the Clerk regarding proposed changes. (CARRIED)

(b) Special Meeting of Council – November 7, 2005

Resolution No. 2
Shular-Noyes

THAT: The Municipal Council of the Town of Fort Erie hereby approves the minutes of the Special Meeting of Council held November 7, 2005, as printed. (CARRIED)

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

(a) Redivision of Ward Boundaries

By-law No. 196-05 was passed at the Special Council Meeting of November 7, 2005 to redivide the ward boundaries. Any person or agency wishing to appeal to the Ontario Municipal Board shall file with the Town Clerk a Notice of Appeal setting out the objections and reasons in support of the objection by no later than December 22, 2005.

See Public Notice www.forterie.on.ca.

(b) Amendment to Budget

(i) Tender over Budget

Re: Ferndale Park Parking Lot Improvements
(By-law No. 198-05)

(ii) Unbudgeted Expenditure

Re: Purchase of One-Person Total Station Survey Unit
(By-law No. 199-05)

8) **PRESENTATIONS AND DELEGATIONS**

(a) Sylvia Roach, CEO, Fort Erie YMCA

Re: Progress Report on Active 2010 and Summer Participation Program

Ms. Roach presented a power point presentation and a paper copy is available in the Clerk's Department.

Ms. Roach stated she was present to provide Council with a progress report on Active 2010. She stated the major impetus of Active 2010 is to increase physical activity of residents of Ontario and Fort Erie by ten per cent by 2010.

Ms. Roach explained through YMCA Ontario, the Fort Erie YMCA and eight others received funding to support a community roundtable. The roundtable composed of community organizations and individuals have been meeting on a monthly basis and have agreed to meet bi-annually over the next five years to monitor the plan.

Ms. Roach stated through a collection process, the roundtable identified current strengths in Fort Erie including an auditing of health, fitness and recreation facilities, speaking to citizens about their personal activity levels, and building a database listing the assets within Fort Erie. She stated the roundtable's vision is: "Everyone of the community of Fort Erie has opportunities to engage in regular year round physical activities of choice"

Ms. Roach advised the roundtable is targeting low income, women and girls and youth ages 14-18. She added the local Community Health and Wellness Coordinator and the YMCA have driven this initiative.

Deanna Bryant, the Health and Wellness Coordinator briefly spoke of the eight initiatives the roundtable plans to put into action. The initiatives will ensure the physical activity needs of the target groups are met with promotion/awareness and programming/policy as the focuses. She referred to the *Walk Niagara Tool Kit*, the issuance of prescriptions by community doctors to patients for physical activity, and the use of the Dance Dance Revolution (DDR) Arcade Game by youth. Ms. Bryant added local businesses will be encouraged to develop workplace wellness committees and the Town will be encouraged and challenged to make favourable changes to the trails and open spaces in the community through the Parks and Open Spaces Master Plan.

Ms. Roach then introduced Sharon Schilz, the YMCA Acting Aquatics Director to provide Council with a report on the summer participation program. Ms. Schilz advised through the ten weeks of service, 56 hours of programming was delivered through the summer travel camp, 840 hours at the Kinsmen Pool and 1120 hours at the Ferndale & Stevensville wading pools. Two staff worked 640 hours with the summer travel camp and 19 staff worked 3023 hours at the summer outdoor pools. In addition, two YMCA youth leaders ages 14-17 donated 480 hours of service to the summer travel camp and another two donated 500 hours to the summer outdoor pools program.

Ms. Schilz stated the 2005 actuals shows revenues of \$51,042 and expenses of \$67,694 as compared to the 2004 actuals of \$16,065 revenue and expenses of \$113,061.

Ms. Schilz stated recruitment, training and development of all staff and volunteers worked very well and increased efficiencies and staff productivity were witnessed. The early opening for all the Town pools and wading pools was a benefit as well as using the Town parks, open spaces and school board properties.

In conclusion, Ms. Schilz stated the YMCA was proud to deliver these programs and services to the community and serious consideration is being given to programming the outdoor pool again and running the travel camp in 2006. The YMCA will be refunding the Town \$15,170 representing \$9,042 for revenue earned and rebate for the difference of monies not used from the \$42,000 grant requested by the YMCA to deliver the outdoor pool program.

(b) Charlene Nigh, President, Point Abino Lighthouse Preservation Society

Re: Heritage Significance of the Point Abino Lighthouse and Keepers' Dwelling

Ms. Nigh's paper copy of her presentation is available in the Clerk's Department.

As president of the Point Abino Lighthouse Preservation Society, Ms. Nigh advised Council the Society's mandate is to encourage and support the restoration, preservation and promotion of the Point Abino Lightstation.

Ms. Nigh provided historical background of the Lightstation since construction by the Federal Government in 1917. She advised the Keepers' Dwelling was erected in 1921 and was used exclusively to provide a home for keepers of the lighthouse and their families. Over the 84 years, two of the Keepers spent over 65 years at the Lightstation and raised their families in the dwelling

In closing, Ms. Nigh urged Council to recognize the heritage value of the Keeper's Dwelling as a part of the Point Abino Lightstation and to initiate the process of heritage designation under the Ontario Heritage Act.

Resolution No. 1C
Lewis-Noyes

THAT: The order of the Delegations be altered to permit Ms. Gillian Corney followed by Mr. Walter Osborne to speak in advance of the presentations by the two consultants. (CARRIED)

(c) Gillian Corney, Manager of Revenue and Collections, Town of Fort Erie

Re: Review of 2005 Assessment Notices

A power point presentation was delivered and can be accessed in full text by clicking on the presentations link and a paper copy is also available in the Clerks' Department.

Ms. Corney reviewed the 2005 Assessment Notices recently mailed by MPAC. She advised that all properties are assessed under the Current Value Assessment (CVA). The assessed values are based on a recent point in time, namely January 2005. She stated owners can check the accuracy of their assessed value by comparing it to the price they would expect to sell their property on the open market in January 2005. She advised the CVA is a consistent, uniform method of distributing property taxes throughout a municipality.

Ms. Corney explained that while lands and buildings are assessable, chattels and equipment are not. The factors that most impact a residential property assessment are property location, lot size, building size, quality of construction, age and condition of buildings and amenities (such as garage, pool, fireplaces, air conditioning, extra bathrooms, etc.).

Ms. Corney confirmed the average residential change in Fort Erie is a 14.4% increase. The average change by tax class is 14.42% for residential, 8.94% for farm class, 16.55% for multi-residential, 9.35% for commercial properties and 6.63% for industrial.

Ms. Corney stated MPAC can be contacted toll-free by calling 1 866 296 6722. MPAC's website is www.mpac.ca and downloadable forms and

information about the assessment update with links to the Assessment Review Board and the Province of Ontario are available.

In closing, Ms. Corney stated MPAC representatives will hold a Property Assessment “Open House” on Monday and Tuesday, November 28 and 29, 2005 from 12:00 noon to 8:00 p.m. in the Lions Banquet Hall, Leisureplex to answer questions.

(d) Walter Osborne, o/b Fort Erie Native Grandmothers

Re: Fort Erie Native Friendship Centre Compliance Audit

A paper copy of Mr. Osborne’s presentation is available in the Clerk’s Department.

Mr. Osborne referred to the compliance audit recently presented to Council by Durwood, James and Barkwell concerning the Fort Erie Native Friendship Centre. He stated the ultimate goal of the United Native Grandmothers is for the completion of a full forensic audit since 1982 of the Fort Erie Native Cultural Centre. Mr. Osborne questioned the validity of statements made by the CGDC and its manager that since the creation of the CDGC unauthorized expending and ineligible usage of lottery funds as were so rampant in 1996-98 are now detected and corrected quickly and efficiently. He stated the initial request to the Alcohol and Gaming Commission was flawed since it did not include analysis of the Jarvis Street transaction. Mr. Osborne added of significant importance was an abundance of abuses of bingo proceeds by the repeated transfer of interest income from the lottery fund account to the general fund account. He then listed several non-compliance issues.

In closing, Mr. Osborne stated the United Native Grandmother’s original request was for a full forensic audit but the compliance audit was for lottery proceeds only and did not include other funding sources from the provincial and federal governments. Mr. Osborne added the investigations conducted to date by the United Native Grandmothers are equally suspect for those other sources of funding.

(e) Hugh Handy, GSP Group and Fred Galloway, FJ Galloway & Associates

Re: Progress Report on Parks & Open Space Master Plan Study

A power point presentation was delivered and can be accessed in full text by clicking on the presentations link and a paper copy is also available in the Clerks’ Department

Mr. Hugh Handy advised Council the intent of the Master Plan is to develop a comprehensive plan to guide improvements and investments in parks and open space facilities. The Plan will serve as a guide to management and service standards and contain promotional and partnership strategies, development standards and policies and management and fiscal strategy. He outlined the stages of study and spoke of the public consultation process that involved interviewing focus

groups, conducting telephone surveys and the holding of a public forum in October.

Mr. Fred Galloway explained in depth the results from the community telephone survey.

In closing, the consultants stated Fort Erie has a high value and use of its parks and open spaces. The trail and waterfront are highly valued and require increased investment and focus. Underserved areas related to senior and teen needs. A dominant topic at the public forum was the need for vandalism control. Maintenance standardization across the community is required as well as neighbourhood and playground renewal and enhancements.

(f) Mr. Jamie Cook, Senior Consultant, CN Watson and Associates

Re: Presentation of Final Report on Bay Beach Economic Impact Analysis Study

A power point presentation was delivered and can be accessed in full text by clicking on the presentations link and a paper copy is also available in the Clerks' Department

Mr. Cook stated the study objectives were to prepare an economic impact assessment of Bay Beach property and to assist the Town in clarifying which development concept plan will provide the greatest overall positive economic benefit for the Town and the community. Mr. Cook advised as part of the study process, interviews were held with local stakeholder groups to provide input into the economic impact of each proposed concept plan. The three concepts are outlined below:

CONCEPT 1, NORTHERN DEVELOPMENT FOCUS: Develop the north property intensively, Open Space on the south property with limited additional development. Beach area remains in public ownership.

CONCEPT 2, SOUTHERN DEVELOPMENT FOCUS: Create parking on the north property, intensive development on the south property with limited open space. Beach area remains in public ownership.

CONCEPT 3, PUBLIC OPEN SPACE AND PARKING: Create parking on the north property, open space on the south property. Beach area remains in public ownership.

The stakeholders included the Crystal Beach Residents Group, Crystal Beach Improvement Area and the Friends of Crystal Beach. Interviews were also held with other Ontario beachfront and tourism communities to identify challenges and opportunities related to growth and development. He explained consideration must be given to permanent and seasonal population growth in Crystal Beach, community lifestyle and quality of life, impact on local assessment values, local temporary and permanent employment and economic potential from tourism in Crystal Beach.

Mr. Cook recommended concept 1 to develop the north property intensively, to limit additional development on the south property and to have the beach area remain in public ownership. It offers:

- A relatively balanced mix or proposed building uses;
- Increased opportunities for desirable and marketable residential development (permanent and seasonal);
- Potential for increase in events geared to a broad demographic group of local and tourist population;
- Relatively less potential negative impact on Crystal Beach Central Business District, as compared to Concept 2; and
- The potential to enhance parkland and recreational facilities at Bay Beach.

In closing, Mr. Cook advised it is important to acknowledge that while the development of the Bay Beach site will provide a positive economic impact to the Town, it will not address all of the broad challenges related to economic development within the Crystal Beach area.

Resolution No.1D
Fell-Shular

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

At this point, Council recessed for a ten minute period.

9) **COMMUNICATIONS**

(a) Winterfest of Greater Fort Erie

Re: Request waiving of Hawkers & Pedlars Licencing Fee for craft show – November 26-27, 2005 – Fort Erie Race Track

Resolution No. 3
Shular-Noyes

THAT: The Municipal Council of the Town of Fort Erie hereby waives the licencing fee for the year 2005 under Hawkers & Pedlars Licencing By-law No. 102-88, as amended for the Winterfest of Greater Fort Erie craft show to be held November 26 and 27, 2005 at the Fort Erie Race Track, provided the organizers obtain Health and Fire Department approvals and any other approvals deemed necessary by any relevant government body or agency.
(CARRIED)

(b) Marianne Tykolis-Casey

Re: Notice of resignation from Communities-in-Bloom Committee

Resolution No. 4
Lewis-Gorham

THAT: The Municipal Council of the Town of Fort Erie hereby accepts, with regret, the resignation of Marianne Tykolis-Casey from the Communities-in-Bloom Committee, and further

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

THAT: The Clerk proceed to advertise to fill the vacancy. (CARRIED)

(c) Regional Municipality of Niagara, Planning and Development

Re: Updating the Tree Conservation By-law: A Draft Forest Conservation By-law

Reference: To Director of Community and Development Services for report and recommendation.

(d) Regional Municipality of Niagara

Re: Notice of Intent to cut, burn or destroy trees – Bosma Greenhouses, 2594 Dominion Road between Windmill Point Road and Centralia Road

Reference: Receive and file.

(e) URS Canada Inc.

Re: Intention to Submit – Niagara to GTA Corridor EA Terms of Reference

Reference: To Director of Infrastructure Services for report and recommendation.

(f) Association of Municipalities of Ontario

Re: OMERS - Bill 206

Resolution No. 5
Noyes-Shular

THAT: The Municipal Council of the Town of Fort Erie hereby supports the position of the Association of Municipalities of Ontario with respect to Bill 206 and hereby petitions the Government of Ontario to reconsider the advisability of proceeding with Bill 206 in its current form for the reasons set out in the Association of Municipalities of Ontario model resolution, and further

THAT: The Town of Fort Erie hereby objects to the Government's current reengineering of the OMERS pension fund program as set out in Bill 206, and further

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

(g) City of Niagara Falls

Re: Notice of Appointment for Examination by Engineer – Wiebe Engineering Group Inc. - Boyer's Creek Drain

Reference: To Drainage Superintendent for action.

(h) Communication Items

Resolution No. 6
Gorham-Berry

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

10) REPORTS OF COMMITTEES

(a) Special Meeting of Council-in-Committee – Closed Session – October 24, 2005

Resolution No. 7
Berry-Gorham

THAT: The Municipal Council of the Town of Fort Erie hereby approves the minutes of the Special Meeting of Council-in-Committee – Closed Session held October 24, 2005, as printed. (CARRIED)

(b) Regular Meeting of Council-in-Committee – November 7, 2005

Resolution No. 8
Gorham-Berry

THAT: The Municipal Council of the Town of Fort Erie hereby approves the minutes of the Regular Meeting of Council-in-Committee held November 7, 2005, as printed. (CARRIED)

(c) Boards and Committees

Resolution No. 9
Fell-Noyes

THAT: The following board and committee minutes be received and filed:

- (a) Fort Erie Public Library Board – October 18, 2005
- (b) Bridgeburg Station Downtown Business Improvement Area Board of Management – October 13, 2005
- (c) Fort Erie Cemetery Advisory Committee – October 27, 2005 (CARRIED)

Resolution No. 10
Gorham-Berry

THAT: The minutes of the Traffic Coordinating Committee meeting held October 25, 2005 be accepted and approved. (CARRIED)

11) ENQUIRIES BY MEMBERS

(a) Regional Councillor Report

Regional Councillor Martin was present earlier in the meeting but had to leave due to a prior commitment.

(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 Noyes at the Council-in-Committee Meeting of October 3, 2005 regarding general questions concerning neighbourhood planning practices in other municipalities. The Neighbourhood Planner provided Council with a chart indicating municipalities of like size or growth-oriented communities either have dedicated staff or their policy sections handle neighbourhood planning. In addition, some municipalities utilize consultants. The salary range for the policy planner in Niagara Falls is between \$50,000 to \$58,000 annually. Mr. Mostacci advised page 75 of the Neighbourhood Plan outlines the general timetables for completion of the outstanding studies for the Crystal Beach Neighbourhood Plan. Mr. Mostacci advised the anticipated cost of the Neighbourhood Plan for Bridgeburg and Fort Erie (based on the scope of the plan being similar to Crystal Beach) is approximately \$45,000. The Spears/High Pointe Master Servicing Study is the most identifiable recommendation contained in that Neighbourhood Plan. It led to the Frenchman's Creek Sanitary Sewer Project. No development may occur in the Neighbourhood until completion of this sewer project.

(c) Member Enquiries

(a) Councillor Shular

Councillor Shular questioned if anyone had heard anything from the Niagara Health System regarding critical care beds and staffing. Mayor Redekop responded he had discussions with Tracey MacDonald as well as three doctors. The shortage is caused by a shortage of specialized nurses. The Mayor explained Mrs. MacDonald has a solution to maintain the beds on a temporary basis. She is working towards at least two of the beds remaining open until they find a longer term solution. The doctors have made recommendations but it seems the NHS is reluctant to move in that direction, i.e. to hire temporary service nurses, part-time nurses, recent retirees and utilizing float nurses.

The Mayor indicated to Mrs. MacDonald that the Fort Erie Community Health and Wellness Committee would be able to assist to bring nurses to Fort Erie. There is a job fair in January. There are nurses and doctors at the hospital who are very concerned about this situation. The Mayor indicated he advised Mrs. MacDonald to get more information out to the public to inform them what she has been doing about the problem. The Mayor stated he expects to speak with Mrs. MacDonald tomorrow and one of the doctors. He undertook to keep Council informed of any progress in this matter.

(b) Councillor Noyes

Councillor Noyes questioned when the Spears/High Pointe Master Servicing Study was completed. Mr. Mostacci replied it was done in 2001 and may have been adopted in 2002. He stated the servicing plan was prepared and adopted in 2002. Councillor Noyes asked if a neighbourhood plan was needed to tell us that the sewer system needed to be upgraded. Mr. Mostacci responded that he recalled the basis for proceeding with the Neighbourhood Plan was that a number of people living in the area were having consternation about the proposed development (Allison Woods). These concerns related to street layouts, type of development, scale, where the storm water facilities would be located, loss of tree cover and habitat in the area. Mr. Mostacci advised the Neighbourhood Plan was set-up so the residents would have some input into the future layout and design of the area. The completion of the servicing plan was a recommendation of the Neighbourhood Plan. Through that process, the Town learned that servicing was problematic with growth pressures in the area i.e. Walmart and servicing constraints in Crescent Park. Mr. Mostacci further explained that the Town did not need the Neighbourhood Plan but it facilitated the servicing study and allowed the Town to advance the Frenchmen's Creek project to the Region.

(c) Councillor Berry

Since Regional Councillor Martin was absent, Councillor Berry posed various questions relative to Regional issues. Councillor Berry made reference to the paving project on Dominion Road between Prospect Point Road and Burleigh Road. He questioned if the Region put in a proper base.

Councillor Berry made reference to a recent letter to the editor in the Niagara news regarding the City of Niagara Falls and regional issues. Eleven Regional Councillors went on a trip to Newfoundland with their companions. He requested information on who attended, reasons for the trip and the cost of same. Lastly, in the same letter to the editor, Councillor Berry advised reference was made to a golf working session that apparently cost the Region \$1,500. He would like information on this as well.

Councillor Berry referred to the two lengthy delegations by the consultants regarding the Parks & Open Space and Bay Beach. He noted both delegations went well over the customary ten minutes and he asked why these delegations were not made at a Council-in-Committee Meeting. The Mayor advised the delegations were 21 minutes and 30 minutes respectively and acknowledged he should have obtained Council's permission to extend the time limit. Mayor Redekop advised the two issues were important to the community and a televised Council meeting provided the information to the community. Mayor Redekop

added that staff customarily advises delegates of the time constraints. Councillor Berry requested in the future, consultant delegations get to the 'nuts and bolts' of the issue and not include the fluff.

12) MOTIONS

NIL

13) NOTICE OF MOTION

(a) Councillor Noyes

THAT: Based on the concerns raised by the Native Grandmothers regarding misuse of resources from other sources including Gaming by the Fort Erie Native Friendship Centre and based on the results of the Compliance Audit, that the Town of Fort Erie seek funding sources to undertake a Forensic Audit.

(b) Councillor Berry

THAT: Based on the information received from the Native Grandmothers, the Municipal Council of the Town of Fort Erie hereby calls for the resignations of: Ms. Lucienne Robillard, President of the Privy Council; The Honourable Gerry Phillips, Minister of Government Services; Mr. Rheal Dorval, Ottawa Compliance Division, Federal Government; Mr. Tony Wong, Forensic Division of the Alcohol and Gaming Commission; Detective Sgt. Unit Commander Marshall Ricker, AGCO, Niagara Falls, Ontario.

14) CONSIDERATION OF BY-LAWS

Resolution No. 10A
Gorham-Shular

THAT: By-law No. 198-05 be removed from the by-law package and dealt with separately. (CARRIED)

Resolution No. 11
Fell-Noyes

THAT: The by-law package containing:

- (a) By-law No. 197-05: To amend Zoning By-law No. 129-90 – Bay Beach Woods Subdivision (Muni and Vinny Hetram) – north side of Smalls Road, west of Lakewood Avenue – Part of Lot 27 and Part of Lot 28, Broken Front Concession LE (Removal of Holding Provision)
- (b) By-law No. 199-05: To authorize the purchase of a One-Person Total Station Survey Unit
- (c) By-law No. 200-05: To amend By-law No. 217-03 (Appointment of persons to various boards and committees of the Town of Fort Erie)
- (d) By-law No. 201-05: To authorize the entry into an agreement with 1372708 Ontario Inc. and Ravenda Homes Ltd. for model homes – Crystal Ridge Landing Draft Plan of Subdivision
- (e) By-law No. 202-05: To adopt a Cell Phone Use and Justification Policy for the Town of Fort Erie

- (f) By-law No. 203-05: To amend By-law No. 270-89 – Management and Supervisory Personnel Policy (Provision for Acting Pay)
- (g) By-law No. 204-05: To authorize the sale of undersized Town-owned lands on the south side of Highland Avenue, west of Robinson Street (Part of Block P, Plan 24, NP Plan 525), (John Edgar Bilinskis)
- (h) By-law No. 205-05: To establish Fort Erie/Niagara Parkway Marina Steering Committee
- (i) By-law No. 206-05: To authorize the entry into a Municipal Funding Agreement with the Association of Municipalities of Ontario for the transfer of federal gas tax revenues

be hereby introduced and given first and second reading.

(CARRIED)

Resolution No. 12
Gorham-Berry

THAT: The by-law package containing:

- (a) By-law No. 197-05
- (b) By-law No. 199-05
- (c) By-law No. 200-05
- (d) By-law No. 201-05
- (e) By-law No. 202-05
- (f) By-law No. 203-05
- (g) By-law No. 204-05
- (h) By-law No. 205-05
- (i) By-law No. 206-05

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

At this point, the Chair was turned over to Councillor Shular due to the Mayor's conflict of interest.

Resolution No. 12A
Fell-Noyes

THAT: By-law No. 198-05: To accept a tender for Ferndale Park Parking Lot Improvements be hereby introduced and given first and second reading. (CARRIED)

Resolution No. 12B
Gorham-Berry

THAT: By-law No. 198-05: To accept a tender for Ferndale Park Parking Lot Improvements be hereby given third and final reading, be signed by the Mayor and the Clerk and the corporate seal affixed thereto. (CARRIED)

At this point, Mayor Redekop resumed the Chair.

Resolution No. 13
Berry-Gorham

THAT: By-law No. 207-05 (Ratification of Minutes) be hereby introduced and given first and second reading. (CARRIED)

Resolution No. 14
Lewis-Gorham

THAT: By-law No. 207-05 be hereby given third and final reading, be signed by the Mayor and the Clerk and the corporate seal affixed thereto. (CARRIED)

15) NEW BUSINESS

(a) CN Watson and Associates

Re: Final Report on Bay Beach Economic Impact Analysis Study

Resolution No. 15
Shular-Noyes

THAT: The Municipal Council of the Town of Fort Erie hereby directs staff to submit a report and recommendation to Council-in-Committee regarding the Final Report on the Bay Beach Economic Impact Analysis Study.
(CARRIED)

(b) Involvement of Provincial Development Facilitator

Re: Niagara River Golf Course Development Application and new Provincially Significant Wetland impacts on key industrial/commercial properties

Resolution No. 16
Berry-Gorham

THAT: The Municipal Council of the Town of Fort Erie hereby supports the involvement by Alan Wells, Provincial Development Facilitator, to work collaboratively with the Town on the following land use planning matters, at no cost to the Town:

1. Development Application for the Niagara River Golf Course; and
2. New Provincially Significant Wetland designations and their impact on key industrial/commercial properties.

Resolution No. 16A
Berry-Fell

THAT: This matter be tabled for one week to permit staff to advise the Niagara River Area Property Owners Group of this intended resolution.
(CARRIED)

(c) Support of City of Thorold opposition - Toronto Garbage

Resolution No. 17
Berry-Shular

THAT: The Municipal Council of the Town of Fort Erie hereby supports the resolution of the City of Thorold opposing the diversion of Toronto and area garbage to landfill sites located near Thorold or anywhere in the Niagara Region.
(CARRIED)

(d) Relocation of Train Station to Ridgeway

Resolution No. 18
Berry-Noyes

THAT: Staff be directed to prepare a brief report on the cost to move the train station located on Central Avenue, back to Ridgeway. (LOST)

(e) Peace Bridge Issues

Resolution No. 19
Berry-Noyes

THAT: Council invite Councillor Nick Bonafacio from the City of Buffalo to appear before Council as a delegation for information purposes only regarding Peace Bridge issues on the U.S. side of the border. (LOST)

16) SCHEDULING OF MEETINGS

- (a) Budget Committee Meetings - Tuesday November 22, 2005 - Capital Projects; Tuesday November 29, 2005 - Water & Sewer; Tuesday December 6, 2005 - Boards & Committees; Tuesday January 10, 2006 - General Budget; Tuesday January 17, 2005 - Conference Room # 1 - 6:00 - 9:00 p.m.
- (b) Community and Development Services Sub-Committee - Thursday, November 17, 2005 at 4:00 p.m. - Conference Room #3
- (c) Infrastructure Services Sub-Committee - Tuesday, November 15, 2005 at 3:00 - Conference Room #3
- (d) Mayor's Forum on Diversity and Inclusion - Thursday, November 17, 2005 from 8:30 a.m. to 12:30 p.m. - Old Mentholatum Building

17) ADJOURNMENT

Resolution No. 20
Lewis-Gorham

THAT: The Municipal Council of the Town of Fort Erie hereby adjourns at 11:33 p.m. to reconvene into Regular Meeting of Council on Monday, November 28, 2005 at 6:00 p.m. (CARRIED)

MAYOR

CLERK