



The Municipal Corporation of the  
Town of Fort Erie

**COUNCIL-IN-COMMITTEE MEETING**

**MONDAY, NOVEMBER 7, 2005**

**COUNCIL CHAMBERS**

---

**MINUTES**

**1) CALL TO ORDER**

The meeting was called to order at 6:20 p.m.

**2) ROLL CALL**

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

ALSO

PRESENT: H. Schlange, Chief Administrative Officer  
C.J. Kett, Town Clerk  
M. Neubauer, Director of Corporate Services  
R. Mostacci, Director of Community and Development Services  
R. Tripp, Director of Infrastructure Services  
J. Mrozek, Manager of Development Approvals  
R. Wilson, Manager, CGDC  
C. Watson, Legislative Assistant

MEDIA

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

MEMBERS OF THE PUBLIC PRESENT: 7

**3) SUSPENSION OF COUNCIL RULES OF PROCEDURE -  
ALTER START TIME OF MEETING**

Recommendation No. 1

Moved by: Councillor Shular

THAT: Section B6 of Council Rules of Procedure By-law No. 200-85, as amended, be and it is hereby suspended in order to alter the start time of the Council-in-Committee meeting after the holding of the Special Council meeting. (CARRIED)

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

(a) Councillor Gorham

Councillor Gorham disclosed a pecuniary interest with respect to Delegation 7(a) and Report No. CDS-135-05 since he is employed by the Fort Erie Native Friendship Centre to provide educational services to one of their groups. Councillor Gorham abstained from discussing or voting on the matter and vacated the Chambers accordingly.

(b) Mayor Redekop

Mayor Redekop disclosed a pecuniary interest with respect to Report No. CDS-136-05 since he represents the mortgagee of an adjacent property, Report No. IS-39-05 since his law firm represents Stevensville Lawn Service, and Closed Session Report No. CS-39-05 since he represented one of the purchasers of a lot in the subdivision. Mayor Redekop abstained from discussing or voting on these matters and vacated the Chair when necessary.

**5) REVIEW OF ADDENDUM/ANNOUNCEMENTS**

Addendum

A revision was made to the recommendation contained in Report No. CDS-134-05 to approve an exception to the by-law by recommendation instead of a by-law for a variance to the fence by-law and the addition of a Closed Session Human Resource matter.

Announcement

Mayor Redekop announced this was the last official Council meeting for Mr. Harry Schlange, the Town's CAO. On behalf of Members of Council, the Mayor expressed appreciation to Mr. Schlange and wished him well in his future endeavours.

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

NIL

**7) COMMUNITY AND DEVELOPMENT SERVICES**

(A) DELEGATIONS

(a) Terry Suess, C.A., Partner, Durward Jones Barkwell & Company LLP Chartered Accountants

Re: Fort Erie Native Friendship Centre – Compliance Audit

Mr. Suess provided an overview of his October 21, 2005 report containing the results of the Compliance Audit of the Fort Erie Native Friendship Centre for the fiscal years 1996, 1997 and 1998.

The audit was conducted in accordance with the bingo lottery rules and regulations of the AGCO as well as by-laws, policies and directives of the Town of Fort Erie as follows:

1. Reviewed lottery revenues as approved by the Town of Fort Erie;
2. Reviewed all lottery records including but not limited to, bank statements, deposit slips, invoices and cancelled cheques;
3. Confirmed the lottery revenues and examined expenditures of the lottery proceeds to ensure that their supporting documentation was adequate, complete and in compliance with the approved budget which resulted in two issues:
  - (i) A number of expenditures were not authorized in the annual budgets however, they could have qualified as eligible disbursements of lottery revenues if they had been approved by the CGDC in the annual budget,
  - (ii) Unable to find any record of any subsequent approved budget amendment authorizing their disbursement;
4. Reviewed capital purchases from bingo lottery funds;
5. Reviewed details surrounding the issuance of a \$3,000 cheque in 1996 to settle a Human Rights Commission complaint that was not authorized;
6. Reviewed 1996 records to identify supporting documentation of a \$5,500 donation to the Douglas Memorial Hospital Auxiliary; and
7. Reviewed 2003 purchase of 54-64 Jarvis Street with respect to the transaction's compliance.

In closing, Mr. Suess advised a property tax issue was just brought to his attention on this date. He added property taxes were paid in 1996, 1997 and 1998 however, taxes for 1996 and 1997 were not approved as a lottery licencing item. The Native Friendship Centre received a \$77,490 tax refund in 1998 and this amount was not included in the bank deposits. He is investigating the matter to determine if this refund was redeposited in the lottery funds and will report back to Council.

*Council agreed to consider Report No. CDS-135-05 at the end of the delegation and the balance of reports followed in Agenda order, however, the Minutes reflect the order of the Agenda, as printed.*

**(B) REPORT NO. CDS-116-1-05 – NIAGARA PARKS COMMISSION  
MARINA – ADOPTION OF STEERING COMMITTEE TERMS OF  
REFERENCE**

---

Recommendation No. 2  
Moved by: Councillor Shular

THAT: Council adopt the Terms of Reference for the Fort Erie/Niagara Parkway Steering Committee attached as Appendix "2" to Report No. CDS-116-1-05, and further

THAT: The EDTC recommend appointees to the Steering Committee as per the Terms of Reference. (CARRIED)

**(C) REPORT NO. CDS-126-1-05 – EXTENSION OF DRAFT PLAN APPROVAL – ABINO DUNES CONDOMINIUM PLAN OF SUBDIVISION (FORMERLY KNOWN AS BAIRD ESTATE), WEST SIDE OF POINT ABINO ROAD**

---

Recommendation No. 3  
Moved by: Councillor Shular

THAT: Council support an extension of Draft Plan Approval for the Abino Dunes Condominium Plan of Subdivision to September 23, 2007, and further

THAT: The Owners, their Solicitor and the Regional Niagara Planning and Development Department be so advised.

Recommendation No. 4  
Moved by: Mayor Redekop

THAT: The recommendation be amended by changing the extension date of “September 23, 2007” to “August 30, 2006”, and further

THAT: Any additional extensions will be conditional upon the developer conducting a public open house in June or July 2006 when the majority of seasonal residents are present. (CARRIED)

Recommendation No. 5  
Moved by: Councillor Shular

THAT: Council support an extension of Draft Plan Approval for the Abino Dunes Condominium Plan of Subdivision to August 30, 2006, and further

THAT: Any additional extensions will be conditional upon the developer conducting a public open house in June or July 2006 when the majority of seasonal residents are present, and further

THAT: The Owners, their Solicitor and the Regional Niagara Planning and Development Department be so advised. (CARRIED)

**(D) REPORT NO. CDS-134-05 – REQUEST FOR VARIANCE TO FENCE BY-LAW NO. 51-2003 – 201 PHIPPS STREET – SOUTHWEST CORNER OF PHIPPS STREET AND CENTRAL AVENUE**

---

Recommendation No. 6  
Moved by: Councillor Fell

THAT: Council hereby grants a variance to Fence By-law No. 51-2003 to permit a 2.0 metre high fence in the front yard and sight triangle at 201 Phipps Street. (CARRIED)

**(E) REPORT NO. CDS-135-05 – COMPLIANCE AUDIT – FORT ERIE NATIVE CULTURAL CENTRE**

---

Recommendation No. 7  
Moved by: Councillor Fell

THAT: Council hereby receives Report No. CDS-135-05 for information purposes. (CARRIED)

**(F) REPORT NO. CDS-136-05 – EXTENSION OF DRAFT PLAN APPROVAL - VILLAGE CREEK ESTATES PHASE I & II, SOUTH SIDE, WEST MAIN STREET, STEVENSVILLE, PART OF LOT 11, CONCESSION 12 NR**

Recommendation No. 8

Moved by: Councillor Fell

THAT: Council support an extension of Draft Plan Approval for Village Creek Estates Phase I and Phase II Revised Draft Plan of Subdivision to May 1, 2007, and further

THAT: The Owner and Regional Niagara Planning and Development Corporation be so advised. (CARRIED)

**(G) REPORT NO. CDS-137-05 – PROPOSED MODEL HOME AGREEMENT – CRYSTAL RIDGE LANDING DRAFT PLAN OF SUBDIVISION**

Recommendation No. 9

Moved by: Mayor Redekop

THAT: A by-law be submitted to Council authorizing an agreement to permit up to three model homes in the Crystal Ridge Landing Draft Plan of Subdivision. (CARRIED)

**(H) NEW BUSINESS/ENQUIRIES**

NIL

**(I) BUSINESS STATUS REPORT**

N/C

**8) INFRASTRUCTURE SERVICES**

**(A) DELEGATIONS**

NIL

**(B) REPORT NO. IS-39-05 – AWARD OF TENDER FOR FERNDAL PARK – PARKING LOT IMPROVEMENTS**

Recommendation No. 10

Moved by: Councillor Gorham

THAT: Council award the tender for the Ferndale Park – Parking Lot Improvements Project, Contract No IS.05FERN, at the tendered amount of \$46,492.74, including g.s.t. to Stevensville Lawn Service, Stevensville, Ontario, and

THAT: Council authorize the re-allocation of \$22,000 from the Ott Road Soccer Field Drainage Improvements Project to the Ferndale Park – Parking Lot Improvements Project, and further

THAT: Staff be authorized to prepare the necessary by-law authorizing the Mayor and Clerk to execute the contract on behalf of the Town of Fort Erie. (CARRIED)

**(C) REPORT NO. IS-40-05 – PURCHASE OF A NEW ONE-PERSON TOTAL SURVEY UNIT AND RELATED EQUIPMENT**

Recommendation No. 11  
Moved by: Councillor Gorham

THAT: The Council authorize the purchase of a new one-person total station survey unit (Trimble 5603 Robotic Total Station) and related equipment, in the amount of \$42,032.50 (including taxes), and further

THAT: Council authorize this expenditure from the Capital Roads Refurbishing Reserve. (CARRIED)

**(D) NEW BUSINESS/ENQUIRIES**

NIL

**(E) BUSINESS STATUS REPORT**

N/C

**9) CORPORATE SERVICES**

**(A) DELEGATIONS**

NIL

**(B) REPORT NO. CS-38-05 – BUDGET AMENDMENT PROCESS**

Recommendation No. 12  
Moved by: Councillor Shular

THAT: Council hereby receives Report No. CS-38-05 for information purposes. (CARRIED)

**(C) REPORT NO. CS-40-05 – TOWN ISSUED CELLULAR PHONES**

Recommendation No. 13  
Moved by: Councillor Gorham

THAT: Council direct staff to prepare a by-law to adopt the cellular phone usage and justification policy attached as Appendix "A" to this report. (CARRIED)

**(D) REPORT NO. CS-41-05 – ALLOCATION OF CAPITAL PROJECT SURPLUSES AND DEFICITS**

Recommendation No. 14  
Moved by: Councillor Shular

THAT: Net capital surpluses and deficits on completed capital projects totaling \$710,368.31 be allocated to Reserve Funds in accordance with the summary distribution attached as Appendix "A" to this report.

Recommendation No. 15  
Moved by: Mayor Redekop

THAT: The Adventures in Archaeology Capital Project be removed from the report and dealt with during the 2006 budget deliberations. (CARRIED)

Recommendation No. 16  
Moved by: Councillor Shular

THAT: Net capital surpluses and deficits on completed capital projects totaling \$531,060.98, as amended, be allocated to Reserve Funds in accordance with the summary distribution attached as Appendix "A" to this report.  
(CARRIED)

**(E) NEW BUSINESS/ENQUIRIES**

(a) Councillor Lewis

Councillor Lewis referred to his Notice of Motion at the previous Council meeting that staff be directed to meet a 15% decrease in the 2006 budget deliberations when the Mayor ruled him out of order. Councillor Lewis questioned what would have to be done in order to get staff to prepare a report itemizing by department what programs/staff could be cut from the budget and why, in order to look for a tax decrease. Councillor Noyes responded that is done during the budget process when each budget line item is presented and reviewed. She suggested Councillor Lewis bring his comments forward respecting each department's budget at that time. Mrs. Neubauer added prior to budget deliberations, staff were given guidelines and consideration for a 6% increase across the board.

(b) Councillor Berry

Councillor Berry referred to a recent newspaper article on Regional Chair Partington's recent visit to Asia to drum up new business for the Region and requested information on particulars of the trip i.e. cost, contacts, results. Councillor Noyes suggested he might also want to request similar information from Mr. Thibert, EDTC since he was on the trip as well. Mayor Redekop advised a report was made available to Regional Council respecting the Regional Chair, Regional staff and the Niagara Tourism Development Corporation's trip and he will provide a copy of same to Members of Council. Councillor Berry enquired if this information could be included in this week's Agenda package. The Mayor advised the Regional Chair's report has been prepared and he will request the information from Mr. Thibert.

(c) Councillor Lewis

Councillor Lewis enquired if they could also include justification of the cost of the trip versus video conferencing. The Mayor responded the economic development opportunities were with companies from Japan, China and Korea. The initial contact was to establish a relationship with those individuals.

Councillor Lewis questioned if he could also be provided with the results of a similar trip a previous Manager of the EDTC made a few years ago in order to provide a benchmark. The Mayor advised that trip was directly related to a teleport initiative which is not the same industry. Mr. Thibert focused on automobile manufacturers and manufacturers of parts and components.

**(F) BUSINESS STATUS REPORT**

N/C

**10) 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) Access to Health Care – Tuesday, November 8, 2005 at 6:00 p.m. – Community Health and Wellness Office.
- (c) Infrastructure Services Sub-Committee – Tuesday, November 15, 2005 at 3:00 p.m. – Conference Room #3.
- (d) Mayor’s Forum on Diversity – Thursday, November 17, 2005 at 6:00 p.m. at 20 Lewis Street.

**11) CLOSED SESSION**

Recommendation No. 17

Moved by: Councillor Gorham

THAT: Council-in-Committee does now go into closed session to discuss the following:

(a) Legal Matter

Re: Burleigh Road Subdivision (Confid. Report No. CS-39-05)

(b) Human Resource Matter

Re: Provisions for Acting Pay – Management and Supervisory Staff (CARRIED)

Recommendation No. 18

Moved by: Councillor Gorham

THAT: Council-in-Committee does now rise and reconvene with the following reports:

THAT: 1. A by-law be submitted to Council to amend By-law No. 149-92 being a by-law to connect properties to the Thunder Bay Area Contract No. 15 Sanitary Sewer and By-law No. 127-88 being a by-law to connect properties to the Thunder Bay Area Contract No. 13 Sanitary Sewer such that the special service charges are apportioned over the newly created lots in the Burleigh Road Subdivision starting in the 2006 tax year. (CARRIED)

THAT: 2. A by-law be submitted to Council to amend the Management and Supervisory Staff Policy by altering the Acting Pay provisions pursuant to the information received by Council. (CARRIED)

**12) ADJOURNMENT**

Recommendation No. 19  
Moved by: Councillor Lewis

THAT: Council-in-Committee does now hereby adjourn at 9:11 p.m. (CARRIED)

---

MAYOR

---

CLERK