

Clerk's Note: This is a matter of reconsideration of Council's resolution adopted July 14, 2020 that opposed the request from Franca Pheby at 61 Adams Lane for the Town to construct a wood privacy fence adjacent to her property.

Conditional Delegation: Reconsideration of Motion - Request to construct wood privacy fence

- Franca and Wayne Pheby, Attending Via Zoom and Provided Written Submission

Attachments:

Delegation Form – Received April 7, 2021

Matter of Reconsideration - Received March 17, 2021

Administrative Report: Request to Construct Wood Privacy Fence – July 2, 2020

Draft Agreement between Wayne Pheby and Franca Pheby and the Corporation of the Town Of LaSalle – August 2020



Corporation of the Town of LaSalle

5950 Malden Road, LaSalle, Ontario, N9H 1S4
Phone: 519-969-7770 Fax: 519-969-4029

www.lasalle.ca

Delegation Request Form

Please complete this form to speak at a meeting of Town Council or Committee.
Delegations are limited to five minutes.

This form and/or any written submissions **must be received by 12:00 noon the Monday** before a scheduled Council/Committee Meeting. Anything provided beyond this deadline will not be submitted for Council's consideration or form part of the agenda.

Please email to abala@lasalle.ca, fax to (519) 969-4469, drop off or mail to the Department of Council Services, Town of LaSalle, 5950 Malden Road, LaSalle, Ontario N9H 1S4.

Name: WAYNE & FRANCA PHEBY

Organization/Group/Business represented: SELF AS RESIDENTS

Date of Meeting: APRIL 27, 2021

Is this an item on the Agenda? Yes ☒ No ☐

Agenda item Number or Topic (if applicable): _____

I wish to address Council/Committee: Yes ☒ No ☐

Describe in detail the reason for the delegation and what action you will be asking Council/Committee to take (attach separate sheet if necessary):

see attached email relating to PRIVACY FENCE
FOR FRONT RD - TOWN OF LASALLE PROPERTY ABUTTING
61 ADAMS LANE.

Please note that your name may become part of a public record in an electronic and paper format i.e. council agenda, to enable Council to make its decision on the matter.

☒ I Agree ☐ I Disagree

From: [Agatha Robertson](#)
To: [Linda Jean](#); [Anisa Bala](#)
Subject: FW: AD-04-2020 Adams Lane Privacy Fence
Date: Wednesday, March 17, 2021 12:11:40 PM

From: Franca Pheby <phebyfr@gmail.com>
Sent: March 17, 2021 11:26 AM
To: Agatha Robertson <arobertson@lasalle.ca>
Subject: AD-04-2020 Adams Lane Privacy Fence

Town of LaSalle
REFERENCE

177/ 20
Moved by: Councillor Desjarlais
Seconded by: Councillor Riccio- Spagnuolo

That the report of the Deputy Clerk dated July 2, 2020 (AD- 04- 2020) regarding the request from Franca Pheby at 61 Adams Lane for the Town to construct a wood privacy fence adjacent to her property BE RECEIVED, and that Council contribute the cost of a chain link fence to F. Pheby as outlined in this report. Carried.
Opposed: Deputy Mayor Meloche, Councillor Akpata, Councillor Carrick.

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I am submitting this email as a request for Town/Council to reconsider my request for a privacy fence to be constructed at the sole cost of the Town of La Salle for their newly acquired property at 1390 Front Rd.

The motion was passed last year whereby the Town would pay the equivalent cost of a chain link fence, \$3900.76. Due to Covid, contractors were difficult to engage, as well as availability of materials. The unknown factor of what the adjacent Town property would be in the master Waterfront Plan was also a concern.

Therefore an extension was granted. Since that time the Waterfront Development plan was unveiled and detailed future plans, however there is no definitive plan for the adjacent property. The initial plan was for a parking lot and it may very well be one going forward. We indicated in our original request, the validity of a privacy fence for numerous reasons.

Town council alluded to the fact that if the Town of La Salle paid for a privacy fence at our request that it would set a precedent for all other public parkland in La Salle.
No other parkland in La Salle has to contend with a major highway, large commercial trucks, excessive traffic, and the related noise and lights 24/7.

We have a bedroom and family room in our basement that faces the property and currently traffic and lights are disruptive to our quality of life/sleep, let alone the potential of increased lights/noise given the future use of the property.

Additionally given the fact the current basketball court will remain, bears consideration of a privacy fence to mitigate noise and the related increase of activity to that parcel of land, given easy access as well as possibly the only access to the courts once Phase 2A construction starts on tennis courts and volleyball area.

I invite any member of council to view both the traffic and basketball courts and experience first hand the level of noise. The Mayor commented in the council meeting when our request was presented-the noise from the park has always been there and will continue to be there- YES, however a privacy fence will function as a sound barrier, for traffic while at the same time afford privacy from all the courts especially with the increased activity with potential for parking, congregation of youth and car fumes.

Also it is currently quite popular with condo owners using it as a dog wasteland!

Points for council consideration:

Major highway- Large commercial vehicles(transport trucks), reverberates in home, excessive traffic with loud motors, lights, noise and environmental pollution.

Lights/shadows of traffic shining into bedrooms/basement-disrupts sleep/quality of life.

Basketball court-excessive noise, loud music, swearing, screaming. no privacy, no adherence to 10 pm curfew.

Quality of life is affected.

Thank-you for your consideration.



Franca Pheby
Sales Representative
LC Platinum Realty Inc.

■ [519-972-3888](tel:519-972-3888) | [519-551-6380](tel:519-551-6380)

■ phebyfr@gmail.com



The Corporation of the Town of LaSalle

To: Mayor and Members of Council
Prepared by: Kevin Miller, Deputy Clerk
Department: Administration
Date of Report: July 2, 2020
Report Number: AD-04-2020
Subject: Request to construct wood privacy fence – F. Pheby

Recommendation

That the report of the Deputy Clerk dated July 2, 2020 (AD-04-2020) regarding the request from Franca Pheby at 61 Adams Lane for the Town to construct a wood privacy fence adjacent to her property BE RECEIVED, and that Council:

1. Contribute the cost of a chain link fence to F. Pheby as outlined in this report, OR
2. The municipality construct a chain link fence in accordance with standard municipal practice.

Report

As Council will recall, the Town purchased property municipally known as 1310 Front Road in 2019 (refer to Figure 1). Subsequent to the purchase, a tender was released and the dwelling was demolished leaving the land currently vacant. Following the demolition, F. Pheby contacted the Town with a number of concerns, including the request for the Town to install a new privacy fence. It was explained to her that municipal practice is to install a chain link fence where Town property abuts private property. As outlined in the emails received, F. Pheby indicates that a chain link fence is not acceptable and is requesting that Council deviate from its normal practice and construct a wooden privacy fence.

The Parks division of Public Works has confirmed that only chain link fencing is installed by the municipality in parks and other locations. Chain link fencing is less costly compared to privacy fencing to install and is less costly to maintain. In the past, there has been instances where property owners have requested to pay the difference between the two types of fence. Under this arrangement, the Town would agree to

contribute to the homeowner the cost of the chain link fence, and the homeowner would then hire a company to install a wood privacy fence of their choice (on their own property) and be responsible to pay the difference. In this manner, the fence would become the property of the homeowner for future maintenance. In the event that F. Pheby does not wish to pursue this option, then it is recommended that the Town install a chain link fence as per the usual practice on municipal property. It is noted that there is a chain link fence along the rear of the homes on Adams Lane (together with privacy fences on private property) save and except the vacant land at 31 Adams Lane.

At this point in time, it is unclear how this property will be incorporated into the overall Riverfront Park. It is anticipated that this will become more solidified as the public consultation process unfolds and the overall site plan is finalized. This is likely to occur over the next 6 to 12 months.

It is noted that due to COVID-19, there are no public delegations permitted at this time. Administration has explained this to F. Pheby and rather than wait she has elected to have this matter placed before Council recognizing that she will not be in a position to directly speak to the matter. Attached to this report is a copy of emails received from F. Pheby regarding this matter for Council's review and consideration.

Consultations

Public Works

Financial Implications

No additional financial implications for either option presented.

Prepared By:



Deputy Clerk

Kevin Miller

Link to Strategic Goals

	Enhancing organizational excellence
	Sustain strong public services and infrastructure
	Strengthen the community's engagement with the Town
	Grow and diversify the local economy
	Build on our high-quality of life

Communications

Yes	Not applicable
	Website
	Social Media
	News Release
	Local Newspaper
	Bids & Tenders
	Notification pursuant to the Planning Act

Notifications

Name	Address	Email
Franca Pheby		

Report Approval Details

Document Title:	Request to construct wood privacy fence - F. Pheby 61 Adams Lane.docx
Attachments:	<ul style="list-style-type: none">- Figure 1 Pheby report.pdf- April 1, 2020.pdf- June 9, 2020.pdf- June 22, 2020.pdf
Final Approval Date:	Jul 6, 2020

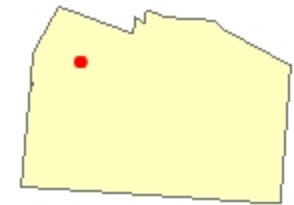
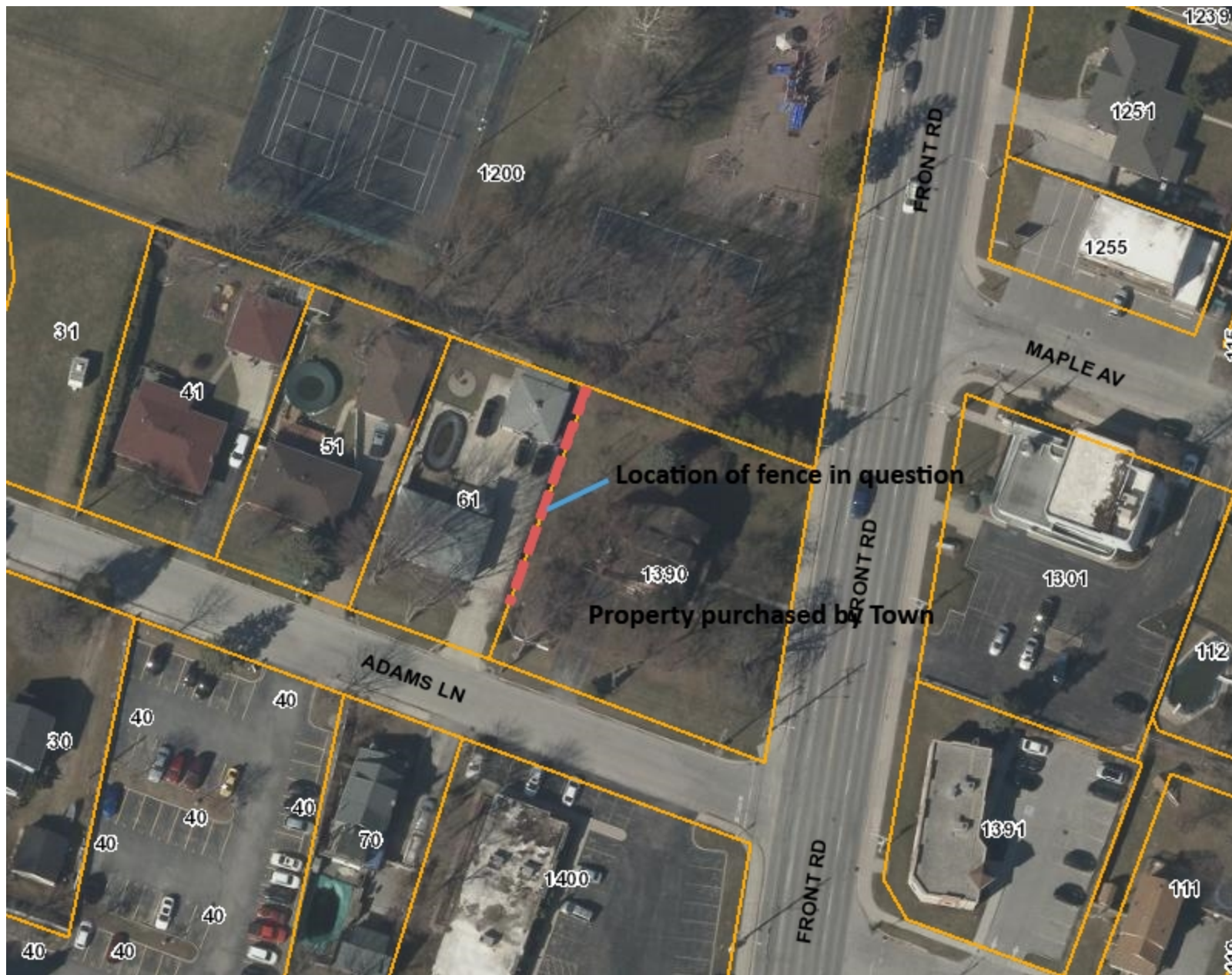
This report and all of its attachments were approved and signed as outlined below:



Chief Administrative Officer

Joe Milicia

Figure 1



Legend

- Essex Terminal Railway
- Water Features
- Addresses
- Parcels

Scale: 1: 874



0 15

29 Meters

Printed: 7/3/2020

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT A LEGAL SURVEY

Notes

From: Franca Pheby <[REDACTED]>
Sent: April 1, 2020 3:19 PM
To: Kevin Miller <kmiller@lasalle.ca>
Subject: Front Rd property

Hi Kevin,
Thank you for taking my call today. As per our conversation I am requesting a privacy fence on the former D'Asti property that is now part of the Town of La Salle revitalization plan. This property is adjacent to my home at 61 Adams Lane.

My biggest concern with the chain link fence is that my sons bedroom is located on that side of the property and he works shift work. With a planned parking lot and or parkland, this would be very disruptive to quiet enjoyment and his ability to sleep.

Numerous other concerns need to be addressed.

Our right to privacy. This has been our home for 27 years. We had lobbied council when we first moved here for many issues dealing with the Front Rd park. At the time the youth centre building was located there. We put up with vandalism, kids drinking and smoking pot, and sexual activity on the side of the building. Additionally parents using the side of the building for their children to have an outdoor washroom as there is no access to a washroom in playground. The Town of La Salle planted cedar trees as a solution. (said trees are now dying due to the amount of water).

Now we, as well as our neighbors have to contend with the La Salle hangout and the disrespectful behaviour of some of the kids. They smash the free donated food on the street, break bottles, smoke pot openly and on the side of the Edward Jones investments and throw their trash on the streets and adjacent properties. I am concerned about the level of activity and noise they will create with the new plan for Front Rd and hang out there with their bikes, skateboards, and in general "hanging out:"

La Salle park has a 10 pm curfew, that is never enforced.

When we purchased our home, it was quiet with the D'Asti home. Now we have to deal with highway traffic noise and pollution. Many transport trucks use Highway 18 and our house shakes now and we can hear the trucks as the rumble by. A sound barrier is needed.

Other concerns are fumes from cars, especially if the property becomes a parking lot.

I appreciate your attention to my concerns. If necessary I would like an appointment to meet with council to address these concerns.

I feel we are strongly within our right to request a privacy fence in light of these issues.

Thank-you. Hope to hear from you soon.

My home number is [REDACTED]. Cell [REDACTED]

Regards

Franca Pheby

From: Franca Pheby <[REDACTED]>
Sent: June 9, 2020 9:01 PM
To: Kevin Miller <kmiller@lasalle.ca>
Subject: Re: council meeting

Thanks Kevin,
You beat me to the email. Thank-you.

I misunderstood your message. If you are waiting for council to resume, then I will present myself. I thought this was something you could address outside a council meeting. If not put me on the agenda and I will present.

I have spoken to the Mayor and all the councillors and forwarded them a copy of my original email.

Further to my original email, a few concerns that warrant quick action now that the property is vacant.

We no longer have privacy and this is affecting the safety and quiet enjoyment of our property. My original letter, detailed our right to privacy, mainly as our basement windows-bedroom and family room face the Front Rd property.

Now we have to deal with noise pollution from traffic, dust and lights. My son works various hours and this interrupts his ability to sleep.

The young kids have taken to riding bikes through the property and hanging out in the secluded corner at Front Rd and the current park-basketball area. They are drinking and using that area as a public washroom as there is not one available. If distance was an issue they wouldn't use it anyway. Quicker in the dark on an empty lot.

The fence is in a terrible state of disrepair and it's a free for all to look through.

I have witnessed the following: people with their dogs, allowing them to do their business with total disregard for poop and scoop. An individual with a metal detector searching for his pot of gold. Cars parking on the property.

Hang out kids screaming, and carrying on.

These are just a few of the latest developments from 1390 Front RD

All we are seeking is the right to privacy and quiet enjoyment that we had before the Town of La Salle purchased this property,

A privacy fence is not unreasonable and also within my rights as a tax payer, abutting a commercial property. Regardless, we entitled to safety and quiet enjoyment.

I appreciate your acceptance and review of this matter.

Please keep me updated to when I can address council.

Thanks Kevin

From: Franca Pheby <[REDACTED]>
Sent: June 22, 2020 10:59 AM
To: Kevin Miller <kmiller@lasalle.ca>
Subject: Re: Council meeting June 23

Ok. That's fine. Can you send me the link for zoom meeting or info on how to follow along.

Thanks again

On Mon, Jun 22, 2020 at 10:38 AM Kevin Miller <kmiller@lasalle.ca> wrote:

Technically, in the absence of delegates no will "present" your request. Your emails will be attached to an administrative report and members will discuss your request as an item on the agenda. As noted you can follow the meeting and the discussion.

Kevin

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Franca Pheby <[REDACTED]>
Date: 2020-06-22 9:59 AM (GMT-05:00)
To: Kevin Miller <kmiller@lasalle.ca>
Subject: Re: Council meeting June 23

Thanks Kevin

Go ahead and do it ASAP. How does the process work if I can't speak to it. Who presents it.

Thanks.

On Mon, Jun 22, 2020 at 9:57 AM Kevin Miller <kmiller@lasalle.ca> wrote:

Good morning,

I would note that the June 23 council meeting has been cancelled. The next meeting is the second Tuesday of July. That in all likelihood will be a zoom council meeting. Well I can have your request put on that agenda....you will not be able to speak to the matter. Public delegations are not being allowed at this time. You could see the discussion of council, but not be able to participate. If you want to actually speak to the matter....it would need to be deferred until such time as the province and council deem it appropriate to hold open public council meetings.

Let me know which course you would like to follow.

Regards,

Kevin

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Franca Pheby <[REDACTED]>

Date: 2020-06-21 8:22 AM (GMT-05:00)

To: Kevin Miller <kmiller@lasalle.ca>

Subject: Council meeting June 23

Hi Kevin

Is there a meeting or Zoom meeting on the 23rd. Is the fence request on the agenda. Would you like to look at this mess all day. Thank you



THIS AGREEMENT made this day of August, 2020.

B E T W E E N:

WAYNE PHEBY AND FRANCA PHEBY

hereinafter called **THE OWNERS**

OF THE FIRST PART

- and -

THE CORPORATION OF THE TOWN OF LASALLE

hereinafter called **THE CORPORATION**

OF THE SECOND PART

WHEREAS the Owners have agreed to accept payment from the Corporation towards the construction of a fence located on the property legally described as Part of Lot 3, Lot 4 and Part of Block E, Registered Plan 1174 (part alley closed by LS2467) as in R1152652; LaSalle, and municipally described as 61 Adams Lane (the "Property");

AND WHEREAS the Corporation shall pay to the Owners by way of cheque a total consideration of **\$3,900.76**, representing the cost estimate of a chain link fence along that easterly border of the Property and land owned by the Corporation to the east of the Property;

AND WHEREAS the Owners shall install and maintain, at their sole expense, a fence in the style of their choosing fully within the boundaries of the Property and both parties acknowledge that the fence shall not be deemed a mutual fence;

AND WHEREAS the Owners shall install the fence in compliance with the Corporation's Fence By-law, however Corporation acknowledges that the Owners may install fencing up to the height of no greater than 1.8 metres (6 feet) above the effective ground level along the easterly border of the Property from the rear of the Property to a point parallel to the front corner of the residence located on the Property, while any further front yard fencing shall be no greater than 1.2 metres (4 feet) above the effective ground level, which fence shall be of open type construction, and which fence shall be constructed no closer to the Adams Lane road allowance than the front boundary line of the lot;

AND WHEREAS the Corporation agrees to remove, at its sole expense, the existing fence along the easterly border of the Property prior to construction of the new fence;

AND WHEREAS the Owners acknowledge that if the new fence is not installed prior to December 31, 2020 or by a mutually agreed upon extension date, the

consideration noted in this Agreement shall be deemed to be a debt to the Corporation in accordance with section 398 of the Municipal Act, 2001, and that amount shall be added to the tax roll of the Property;

NOW THEREFORE in consideration of **\$3,900.76** and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owners hereby agree to the terms set out herein and relieve the Corporation of any future obligations or liabilities thereto.

IN WITNESS WHEREOF the Owners have hereunto set their hands, and the Corporation has hereunto affixed its corporate seal under the hands of the appropriate officers.

SIGNED, SEALED & DELIVERED

in the presence of:

as to the signature of Franca Pheby

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)
)
)

FRANCA PHEBY

as to the signature of Wayne Pheby

WAYNE PHEBY

**THE CORPORATION OF
THE TOWN OF LASALLE**

MAYOR – M. BONDY

DEPUTY CLERK – L. JEAN