

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

COUNCIL MINUTES

MEETING NO. FOURTEEN HELD: Monday, September 22, 2008 - Township Administration Building, 318 Canborough Street, Smithville, Ontario - 7:00 p.m.

PRESENT:

Council: Mayor Katie Trombetta
Alderman Mary Dinga
Alderman Norm Johnson
Alderman Douglas Joyner
Alderman Sue-Ellen Merritt
Alderman Mike Rehner *

Staff: Derrick Thomson, CAO
Carolyn Langley, Clerk
Kathy Sipos, Public Works Manager
Brian Treble, Director of Planning

Others: Allard Colyn *
Russell Lowden
Matthew & Stephanie Kikot *
Anne Brooks - Meridian Credit Union *
Kim Bosak, Scotiabank *
Jocelyn Chedore - United Way *
Christine Maloney, Alzheimer Society Niagara *
Olia Skrypka
One other member of the public *

Media: Marcel VanderWier, Grimsby-Lincoln News *
Stephanie Sisler, West Niagara News *
William Kelly, Cogeco

ABSENT: Alderman John Glazier

NOTE: Alderman Rehner left the meeting for approx. 2 minutes at 7:50 p.m.

1. **INVOCATION:** Alderman Douglas Joyner

2. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST:**

There were no disclosures of pecuniary interest/conflicts of interest declared by any Members of Council.

3. **COMMENTS FROM THE PUBLIC:**

There were no comments from the public.

4. CONFIRMATION OF MINUTES:

- (a) Council Minutes – Regular
August 18, 2008

Moved by Alderman Douglas Joyner and seconded by Alderman Sue-Ellen Merritt:

That, the minutes of the August 18, 2008 regular Council meeting be accepted without errors or omissions.

- Carried

- (b) Council Minutes – Special
September 8, 2008

Moved by Alderman Mike Rehner and seconded by Alderman Norm Johnson:

1. That, the minutes of the open session portion of the September 8th, 2008 special Council meeting, be accepted without errors or omissions.

2. That the minutes of the closed session portion of the September 8th, 2008 special Council meeting be accepted without errors or omissions; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- Carried

- (c) Public Meetings under the Planning Act
September 8, 2008 Minutes

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Douglas Joyner:

That, the minutes of a public meeting held on September 8, 2008, under Sections 17 and 34 of the Planning Act, with respect to:

- (1) a Zoning By-law Amendment application – Township of West Lincoln (for 9029, 9047 & 9055 North Chippawa Road)
- (2) an Official Plan Amendment application – Township of West Lincoln (Pre-consultation and Complete Application Policies)
- (3) an Official Plan Amendment application – Township of West Lincoln (Wind Energy Policies)

be accepted.

- Carried

5. COMMUNICATIONS:

There were no communications.

6. APPOINTMENTS/PRESENTATIONS:

- (a) Anne Brooks - Meridian Credit Union, Kim Bosak, Scotiabank, and Jocelyn Chedore - United Way
Re: United Way - Update on Accomplishments

Ms. Brooks and Ms. Bosak took turns reading from a prepared statement (attached as Schedule A to these minutes) regarding United Way, its accomplishments and an update.

Mayor Trombetta thanked Ms. Brooks and Ms. Bosak for attending and commended them for their dedication and commitment to the United Way.

- (b) Mr. John Riediger, Honourary Chair - Alzheimer Society Niagara Foundation
Re: National Annual Fundraiser - The Alzheimer Coffee Break.

Ms. Christine Maloney advised that she was in attendance on behalf of Mr. Riediger and read from a prepared statement (attached as Schedule B to these minutes) regarding the Alzheimer Coffee Break annual fundraiser.

Mayor Trombetta thanked Ms. Maloney for attending and commended her for her dedication and commitment to the Alzheimer Society.

- (c) Matthew & Stephanie Kikot
Re: Rural Cluster Boundary of Abingdon

Mrs. Kikot read from a prepared statement which outlined her position with respect to the Rural Cluster Boundary of Abingdon issue which was being dealt with this evening. Mrs. Kikot's statement is attached as Schedule C to these minutes.

Mayor Trombetta thanked Mrs. Kikot for her presentation and advised her that the issue relating to the boundary for the rural cluster of Abingdon would be dealt with at a later point in the meeting.

7. REPORT OF COMMITTEE:

- (a) Planning/Building/Environmental Committee
Re: September 8, 2008 Minutes

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM P138-08
That, for the reasons outlined in Report PD-107-08, dated September 8, 2008, it is hereby recommended that Zoning Bylaw Amendment 1601-014-08 in the name of The Township of West Lincoln affecting 9029, 9047 and 9055 North Chippawa Road, BE APPROVED.

- (b) ITEM P139-08
- (1) That, Report No. PD-104-08, dated September 8, 2008, relating to the Township of West Lincoln Official Plan Amendment No. 17 Addition of Policies for Complete Applications and By-laws to Mandate Pre-Consultation BE ADOPTED; and,
 - (2) That, the By-law to adopt Amendment No. 17 to the Official Plan for the Township of West Lincoln, BE APPROVED; and
 - (3) That Official Plan Amendment No. 17, Addition of Policies for Complete Applications, be forwarded to the Regional Niagara for approval; and,
 - (4) That, a By-law to require pre-consultation prior to the submission of a planning application, BE APPROVED.
- (c) ITEM P140-08
That, Report No. PD-099-08, dated September 8, 2008, relating to the adoption of Renewable Energy System Policies, BE RECEIVED.
- (d) ITEM P141-08
- (1) That, Report No. PD-103-08, dated September 8, 2008, relating to the approval of boundaries for the rural clusters of Abingdon, Caistor Centre, Fulton and Westbrook Road (implemented through separate by-laws), BE APPROVED; and
 - (2) That, no further public meeting is required pursuant to section 34(17) of the Planning Act as the requested modification to the original mapping is minor in nature.
- (e) ITEM P142-08
That Report PD-106-08, dated September 8, 2008, regarding Proposed Draft Agricultural Policies of the Official Plan – Part of the Five Year Review, be received for information purposes.
- (f) ITEM P143-08
That, Report PD-105-08, dated September 8, 2008, relating to an update of the Spring Creeks Height air quality and environmental impact study, BE RECEIVED for information purposes.
- (g) ITEM P144-08
- (1) That, Report No. PD-102-08, dated September 8, 2008, relating to the proposal to designate the former Veloris and Theda Moot property, now owned by Leslie and Donald Loney, be approved; and
 - (2) That, Notice to Designate be placed in the local newspaper and served to the Ontario Heritage Trust.

- (h) ITEM P145-08
That, the Building Permits Report for August 2008, with an estimated cost (value of construction) of \$5,569,800.00 be received.
- (i) ITEM P147-08
 - (1) That, Report PD-101-08 dated September 8, 2008, regarding a legal matter (By-law Enforcement) be received; and,
 - (2) That, Staff be authorized to proceed as directed in closed session.

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Douglas Joyner:

1. That, the minutes of the open session portion of the Planning/Building/Environmental Committee meeting held on September 8, 2008, be received and that the recommendations contained therein, be approved, with the exception of Item no. P139-08.
2. That the minutes of the closed session portion of the September 8, 2008 Planning/Building/Environmental Committee meeting be received and approved; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- Carried

Item P139-08 – Official Plan Amendment # 17 – Township of West Lincoln

Alderman Rehner left the meeting for approx. 2 minutes at 7:50 p.m.

There was much discussion regarding providing an opportunity for an applicant to object if they did not agree with the required submissions that must accompany their application. Staff was directed to provide a notation in the documentation advising that applicants could appeal the requirements to the CAO if they felt the request was not justified.

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Douglas Joyner:

That, Item P139-08 from the September 8, 2008 Planning/Building/Environmental Committee minutes be approved.

(Item P139-08

- (1) That, Report No. PD-104-08, dated September 8, 2008, relating to the Township of West Lincoln Official Plan Amendment No. 17 Addition of Policies for Complete Applications and By-laws to Mandate Pre-Consultation BE ADOPTED; and,
- (2) That, the By-law to adopt Amendment No. 17 to the Official Plan for the Township of West Lincoln, BE APPROVED; and

- (3) That Official Plan Amendment No. 17, Addition of Policies for Complete Applications, be forwarded to the Regional Niagara for approval; and,
- (4) That, a By-law to require pre-consultation prior to the submission of a planning application, BE APPROVED.)

- Carried **AS AMENDED** (see below)

Moved by Alderman Douglas Joyner and seconded by Alderman Norm Johnson:

That, Item P139-08 of the September 8th, 2008 Planning/Building/Environmental Committee meeting (Official Plan Amendment No. 17, Addition of Policies for Complete Applications) be amended to:

1. Remove the words "along with" under Subsection 11.19.3 of Section 2.2 "DETAILS OF THE AMENDMENT, in PART 2 which is entitled "THE AMENDMENT" and;
2. Replace them with the words "and/or".

- Carried

- (b) Administration/Finance/Fire Committee
Re: September 15, 2008 Minutes

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM A97-08

1. That, Report RFD-C-17-08 "Meeting Schedule-December 2008", dated August 12, 2008, be received; and,

2. That, the regular meeting schedule be altered for the month of December, 2008, and confirmed as follows, to accommodate the Christmas holidays:

Mon. Dec. 1/08	Planning/Building/Environmental Cmty(6:30p.m.)
Mon. Dec. 8/08	Administration/Finance/Fire Cmty (6:30 p.m.)
Mon. Dec. 8/08	Public Works/Recreation/Arena Cmty (following Admin Mtg)
Mon. Dec. 15/08	Council Meeting (7:00 p.m.)

- (b) ITEM A98-08

(1) That, Report RFD-F-09-08 regarding "Development Charge Background Study", dated September 15, 2008, be received; and,

(2) That, the purchasing policy requirement for a public tender be waived; and,

(3) That, the Treasurer/Director of Finance be authorized to accept the proposal for the Development Charge Background Study from Watson and Associates dated August 20, 2008.

(c) ITEM A99-08
RECOMMENDATION# 1:

- 1) That, _____ be appointed to serve as the liaison on the West Lincoln Chamber of Commerce for the Township of West Lincoln for the period from September 1, 2008 to November 2010; and,
- 2) That By-law 2006-157 be amended accordingly.

RECOMMENDATION # 2 – REFERRAL:

That, Item A100-08 (Appointment to West Lincoln Chamber of Commerce) be referred to the September 22, 2008 Council Meeting.

Moved by Alderman Mary Dinga and seconded by Alderman Norm Johnson:

That, the minutes of the Administration/Finance/Fire Committee meeting held on September 15, 2008, be received and that the recommendations contained therein, be approved.

- Carried

(c) Public Works/Recreation/Arena Committee
Re: September 15, 2008 Minutes

SUMMARY OF RECOMMENDATIONS:

(a) ITEM PW117-08

That, the correspondence from Mr. Jim Brennan dated September 3, 2008 regarding:

- (1) concerns relating to traffic and parking along Colver Street near South Lincoln High School, and
 - (2) requesting a no parking zone on a portion of Colver Street to be enforced daily, and
 - (3) opening Wade Road at the footbridge to vehicular traffic (build a bridge),
- be received and referred to staff.

(b) ITEM PW118-08

That, the correspondence from the Children's Rights Interest Group of Niagara dated July 16th, 2008 regarding their annual request for donation of one hour of ice time at a cost of \$147.00 in recognition of National Child Day, to be held November 23, 2008 from 1:00 p.m. – 2:00 p.m. at the West Lincoln Arena, be received and expensed to the Corporate Sponsorship Account.

(c) ITEM PW119-08

RECOMMENDATION#1:

1. THAT, report RFD PW – 48/2008, re: 2008 Christmas Decoration Purchase, dated September 15, 2008, be received; and,

2. THAT, staff be authorized to purchase 630 blue replacement bulbs for the existing 18 Shooting Star Christmas decorations at a cost of \$800.00; and,
3. THAT, staff be authorized to purchase 18 Shooting Star Christmas decorations and 5 Northern Brilliance Christmas decorations at a cost of \$18,997.00.

RECOMMENDATION# 2- REFERRAL:

That, Report RFD PW-48/2008- 2008 Christmas Decoration Purchase be referred to the September 22, 2008 Council meeting in order for staff to obtain additional information regarding a season's greeting display.

- (d) ITEM PW121-08
THAT, report RFI PW – 51/2008, re: 2008 Bridge Construction Program, dated September 15, 2008, be received for information.
- (e) ITEM PW122-08
 1. THAT, report RFD PW–52/2008, re: 2008 Sidewalk Tender Results, dated September 15, 2008, be accepted; and,
 2. THAT, Council accept the tender submitted by All The Best Paving for the construction and replacement of sidewalks, in the amount of \$121,250.00; and,
 3. THAT, a by-law be passed to authorize the Mayor and Clerk to execute an agreement for contract with All The Best Paving; and,
 4. THAT, this project be funded through various accounts as determined in the 2008 road and sidewalk budget.
- (f) ITEM PW123-08
 1. THAT, report RFD PW–53/2008, re: Wood Chipper Replacement Tender Results, dated September 15, 2008, be accepted; and,
 2. THAT, Council accept the tender submitted by Vermeer Canada Inc for the replacement of a 1992 Wood Chipper, in the amount of \$40,600.00; and,
 3. THAT, a by-law be passed to authorize the Mayor and Clerk to execute an agreement for contract with Vermeer Canada Inc; and,
 4. THAT, this project be funded by the equipment reserve fund.
- (g) ITEM PW124-08
That, the Public Works September 2008 Update Memo dated September 15, 2008, be accepted.

Moved by Alderman Norm Johnson and seconded by Alderman Mike Rehner:

That, the Public Works/Recreation/Arena Committee minutes of a meeting held on September 15, 2008, be received and that the recommendations contained therein, be approved.

- Carried

8. RECONSIDERATION:

There were no items for reconsideration.

9. NOTICE OF MOTION:

There were no notices of motion.

10. OTHER BUSINESS:

- (a) Director of Planning
Re: Report RFD-PD-110-08 – Recommendation Report – Exemption from Part Lot Control – Lot 103, Registered Plan 30R-372 – Windspear Homes

Moved by Alderman Douglas Joyner and seconded by Alderman Sue-Ellen Merritt:

That report PD-110-08, dated September 22, 2008 regarding the Exemption from Part Lot Control (Windspear Homes) for Lot 103, Registered Plan 30M-372 in the Anastasio Estates Phase 4 Subdivision, BE RECEIVED; and

That the By-law to remove Part Lot Control on land described as Lot 103, Registered Plan 30M-372, BE APPROVED.

- Carried

- (b) Appointment to West Lincoln Chamber of Commerce
Re: Item A100-08 - Appointment of Council Representative
(Referred from Sept. 15, 2008 Administration/Finance/Fire Cmty meeting)

In response to a request from Mayor Trombetta, Alderman Joyner again declined to be appointed as the Chamber of Commerce representative. No other Member or Council's name was put forward for this appointment and the matter was referred to the next Administration/Finance/Fire Committee meeting.

Moved by Alderman Norm Johnson and seconded by Alderman Mary Dinga:

That, _____ be appointed to serve as the liaison on the West Lincoln Chamber of Commerce for the Township of West Lincoln for the period from September 1, 2008 to November 2010; and,

That By-law 2006-157 be amended accordingly.
- REFERRED (see below)

Moved by Alderman Douglas Joyner and seconded by Alderman Mary Dinga:

That, the recommendation relating to an appointment to West Lincoln Chamber of Commerce be referred to the next Administration/Finance/Fire Committee Meeting.
- Carried

- (c) Public Works Manager
Re: Item PW119-08-Report RFD PW-48/2008-2008 Christmas Decoration Purchase (Referred from Sept. 15, 2008 Public Works/Recreation/Arena Cmty meeting)

Moved by Alderman Douglas Joyner and seconded by Alderman Sue-Ellen Merritt:

- (1) THAT, report RFD PW – 48/2008, re: 2008 Christmas Decoration Purchase, dated September 15, 2008, be received; and,
- (2) THAT, staff be authorized to purchase 630 blue replacement bulbs for the existing 18 Shooting Star Christmas decorations at a cost of \$800.00; and,
- (3) THAT, staff be authorized to purchase 18 Shooting Star Christmas decorations and 5 Northern Brilliance Christmas decorations at a cost of \$18,997.00.

- Carried

- (d) **AMENDMENT TO BUDGET**

Public Works Manager

Re: Report RFD PW-54/2008-2008 Christmas Light Purchase (Season Greeting Sign)

Concern was raised regarding the cost and portability of the sign and there was some discussion regarding alternate options.

Moved by Alderman Mike Rehner and seconded by Alderman Norm Johnson:

AMENDMENT TO BUDGET

1. THAT, report RFD PW – 54/2008, re: 2008 Christmas Light Purchase, dated September 22, 2008, be accepted; and,
2. THAT, the Public Works Manager be authorized to purchase Christmas Decorations outlined under Option 2 at a cost of \$7,540.00 plus taxes to be funded from CIDB.

- LOST

(e) **AMENDMENT TO BUDGET**

Public Works Manager

Re: Report RFD PW-55/2008-Hard Top Surface Repairs – Gas Tax

Moved by Alderman Mary Dinga and seconded by Alderman Norm Johnson:

AMENDMENT TO BUDGET

1. THAT, Report RFD PW-55/2008, re: Hard Top Surface Repairs – Gas Tax, dated September 22, 2008, be received; and,

2. THAT, funds in the amount of \$250,000.00, be allocated to hard surface road repairs and financed by the Gas Tax Revenue.

- Carried

(f) CAO

Re: October, 2008 Meeting Schedule

The CAO explained that the October Planning/Building/Environmental Committee meeting fell on the same night as voting for the recently called Federal election and therefore, he was proposing an alternate meeting schedule for October to accommodate the election.

Moved by Alderman Norm Johnson and seconded by Alderman Mary Dinga:

That, the October 14, 2008 Planning/Building/Environmental Committee meeting and Planning Public Meetings, be rescheduled to Monday, October 20, 2008 commencing at 6:30 p.m. and 7:00 p.m. respectively; and,

That, the October 20, 2008 Administration/Finance/Fire Committee and Public Works/Recreation/Arena Committee meetings be cancelled and that urgent related matters be forwarded directly to the October 27, 2008 Council meeting.

- Carried

(g) Members of Council

Re: Other Business Items

1. Alderman Mike Rehner
Re: Election Signs

In response to Alderman Rehner's concern regarding election signs on road allowances, the Clerk was directed to investigate the matter and take necessary action in that regard.

2. Alderman Merritt
Re: AMO Bulletin regarding Intake Building Canada Fund

In response to Alderman Merritt's inquiry regarding the AMO Bulletin regarding the funding opportunity available under the Building Canada Fund, the CAO advised that the program was being reviewed by senior

staff and a report to establish priorities would be coming to Council in that regard.

3. Alderman Merritt
Re: Caistorville Gas Station

In response to Alderman Merritt's concern regarding the former Caistorville Gas Station property, the CAO advised that staff was reviewing the matter and would report back.

4. Alderman Merritt
Re: Condition of John Street

In response to Alderman Merritt's concern regarding the condition of John Street, the Public Works Manager advised that John Street would be resurfaced before December, 2008.

11. BY-LAWS:

Moved by Alderman Douglas Joyner and seconded by Alderman Sue-Ellen Merritt:

That, leave be granted to introduce the following by-laws and the same be now read a first time:

- (a) By-law 2008-113 To confirm proceedings of August 18, 2008 regular and September 8, 2008 special Council meetings.
- (b) By-law 2008-114 Zoning Amendment – Township of West Lincoln (affecting 9029, 9047 and 9055 North Chippawa Road)
- (c) By-law 2008-115 Zoning By-law Amendment–Rural Cluster of Abingdon,
- (d) By-law 2008-116 Zoning By-law Amendment–Rural Cluster of Caistor Centre
- (e) By-law 2008-117 Zoning By-law Amendment–Rural Cluster of Fulton
- (f) By-law 2008-118 Zoning By-law Amendment–Rural Cluster of Westbrook Road
- (g) By-law 2008-119 To adopt Amendment No. 17 to the Official Plan for the Township of West Lincoln (Addition of Policies for Complete Applications)
- (h) By-law 2008-120 To require pre-consultation on certain planning applications in the Township of West Lincoln
- (i) By-law 2008-121 To exempt certain lands from Part Lot Control (Windspear Homes - Anastasio Estates Phase 4)

- Carried

Moved by Alderman Douglas Joyner and seconded by Alderman Sue-Ellen Merritt:

That, By-laws 2008-113, 2008-114, 2008-115, 2008-116, 2008-117, 2008-118, 2008-119, 2008-120 and 2008-121 just read a first time be now read a second and third time and finally passed and that the Mayor and Clerk do sign and seal the same, any rule of this Council to the contrary notwithstanding.

- Carried

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Douglas Joyner:

That, leave be granted to introduce the following by-laws and the same be now read a first time:

- (a) By-law 2008- 122 To authorize an agreement between the Corporation of the Township of West Lincoln and All The Best Paving Ltd. for the 2008 Sidewalk Program.
- (b) By-law 2008- 123 To authorize an agreement between the Corporation of the Township of West Lincoln and Vermeer Canada Inc. for the purchase of a Vermeer Trailer Mounted Drum Chipper.

- Carried

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Douglas Joyner:

That, By-laws 2008-122 and 2008-123 just read a first time be now read a second and third time and finally passed and that the Mayor and Clerk do sign and seal the same, any rule of this Council to the contrary notwithstanding.

- Carried

NOTE: By-law 2008-124 To amend Schedule D of By-law 2006-157 which confirms various appointments to boards, committees and municipal positions of the Township of West Lincoln (Schedule D – West Lincoln Chamber of Commerce -Liaison)

BY-LAW 2008-124 WITHDRAWN

12. CONFIDENTIAL MATTERS:

There were no confidential matters.

13. ADJOURNMENT:

Moved by Alderman Mike Rehner and seconded by Alderman Norm Johnson:

That, this Council meeting does now adjourn at the hour of 8:57 p.m. and if a special meeting is required it will be at the call of the Mayor.

- Carried