



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN



COUNCIL MINUTES

MEETING NO. TWO HELD: Monday, February 28, 2011 - Township Administration Building,
318 Canborough Street, Smithville, Ontario - 7:00 p.m.

PRESENT:

Council:

Mayor Douglas Joyner
Alderman Joann Chechalk
Alderman John Glazier
Alderman Eric Leith
Alderman Sue-Ellen Merritt
Alderman Alexander Micallef

Staff:

Derrick Thomson, CAO
Carolyn Langley, Clerk
Brian Treble, Director of Planning & Building
Dennis Fisher, Fire Chief *
Trevor Hall, Director of Public Works & Engineering *
Stephanie Nagel, Director of Finance/Treasurer *
Charlie Street, Cemetery Manager *

Others:

Mary Dinga *
Stan Dinga *
Staff Sergeant Sandro D'Annunzio *
Bernie Hermsen, MHBC Planning Inc. *
Tom Richardson, Sullivan Mahoney *
Ralph Severino *
Steve Ecker *
Cindy Kyle *
3 other Members of the Public *

Media:

Carolyn Goard, West Niagara News *
Amanda Street, Grimsby Lincoln News *
William Kelly, Cogeco *

ABSENT: Alderman Luciano Di Leonardo

* IN ATTENDANCE PART TIME

1. **INVOCATION:**

Alderman Alexander Micallef

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

NOTE: Items for which conflicts were recently declared at Committee:

- (a) Administration/Finance/Fire Committee – February 22 & 23, 2011
1. Mayor Joyner - ITEM A13-11 - RECOMMENDATION B (Fire Department Budget Section – family member is volunteer firefighter)
 2. Mayor Joyner - ITEM A13-11- RECOMMENDATION C (Capital Road Budget – McMurchie Lane Project– Family Member own property at McMurchie Lane)
 3. Mayor Joyner – ITEM A13-11- RECOMMENDATION D (Capital Wastewater Budget – Colver Street Project–Family Member owns property on Colver St.)

3. COMMENTS FROM THE PUBLIC:

There were no comments from the public.

4. CONFIRMATION OF MINUTES:

- (a) Council Minutes – Regular
January 24, 2011

Moved by Alderman Eric Leith and seconded by Alderman Alexander Micallef:

That, the minutes relating to the open session portion of the January 24, 2011 regular Council meeting be accepted without errors or omissions.

- Carried

- (b) Public Meeting under the Planning Act
February 14, 2011 Minutes

Moved by Alderman John Glazier and seconded by Alderman Sue-Ellen Merritt:

That, the minutes of a public meeting held on February 14, 2011 under Sections 17, 34 and 51 of the Planning Act, with respect to:

- (a) Proposed Amendment To The Township Of West Lincoln's Official Plan – Smithville Old Towne Inc. (for the Olde Town Gateway Estates Plan of Subdivision (File Nos. 1701-001-11 (#33)
- (b) Draft Plan Of Condominium, Zoning By-Law Amendment & Official Plan Amendment – DiCarlo Homes Ltd. (1701-007-10 (#31), 1601-007-10, 2000-074-10 CDM)
- (c) Official Plan & Zoning By-Law Amendment – Lincoln Agricultural Society – West Niagara Agriplex

be accepted.

- Carried

5. COMMUNICATIONS:

There were no communications.

6. APPOINTMENTS/PRESENTATIONS:

- (a) Mayor Douglas Joyner
Re: Retired Member of Council – Mary Dinga

Mayor Joyner read from a prepared statement which is attached as Schedule “A” to these minutes. In summary, Mayor Joyner outlined Mary Dinga’s many accomplishments and congratulated her on her retirement from political life and thanked her for her dedication and commitment.

Mayor Joyner also updated Members of the Public on recent good news items in West Lincoln.

- (b) Mayor Douglas Joyner
Re: Presentation to Corporate Sponsors of West Lincoln’s Family Day Event

Mayor Joyner thanked the sponsors of West Lincoln’s Family Day event and presented a certificate of appreciation to Mr. Ralph Severino of Catalina Excavating Inc. for their contribution. Mayor Joyner noted that other sponsors were unable to attend to receive their certificates however, advised that the sponsors were:

1. Catalina Excavating Inc.
2. V & R Recycling
3. Smithville Home Hardware
4. Green Sums Ltd.
5. Ruber Plumbing
6. McIntyre Electric
7. Tim Hortons

- (c) Staff Sergeant Sandro D’Annunzio
Re: Update

Prior to Staff Sergeant Sandro D’Annunzio’s update, a video provided by the Niagara Regional Police Service was played which outlined the programs, services, statistics and accomplishments of the Niagara Regional Police force.

Staff Sergeant D’Annunzio introduced himself and provided a brief background of his service with the Niagara Regional Police and responded to questions from Members of Council on various matters; including but not limited to damage by ATV’s and snowmobiles, hand held devices while driving, illegal spills, garbage dumping, public parks, etc.

Mayor Joyner thanked Staff Sergeant D’Annunzio for attending the Council meeting.

- (d) Mr. Bernie Hermsen, MHBC Planning Inc
Re: Presentation - Residential Infill/Intensification Study

Mr. Bernie Hermsen reviewed a slide presentation regarding the Residential Infill/Intensification Study which is attached as Schedule "B" to these minutes and then responded to questions from Members of Council.

7. REPORT OF COMMITTEE:

- (a) Planning/Building/Environmental Committee
Re: February 14, 2011 Minutes
NOTE: CONFIDENTIAL MINUTES UNDER SEPARATE COVER

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM P13-11
The Planning/Building/Environmental Committee hereby approve the following Consent Agenda Items:
1. Items 1, 2 & 3 be hereby received and the recommendations contained therein be adopted, with the exception of Items #(s) 1 and 3.
(ITEM P13-11)
 - (1) Recommendation Report No. PD-018-11 – Extension of Draft Plan of Vacant Land Condominium Approval for Shurie Road (Grimsby Classic Homes (1988) Ltd.)
 - (2) Recommendation Report No. PD-019-11 – Exemption from Part Lot Control – Phelps Homes Ltd. – Block 19, Plan 30M-390 – Smithville on the Twenty – South Community (Brookside) Phase 2 Subdivision
 - (3) Recommendation Report – PD-023-11 – Healthy Communities Fund - Funding Opportunity for the Trails and Corridors Master Plan)
- (b) ITEM P13-11 - Item 1
- (1) That, Report No. PD-018-11, dated February 14, 2011, relating to the Extension of Draft Plan of Vacant Land Condominium Approval, Shurie Road (Grimsby Classic Homes (1988) Ltd.), BE RECEIVED; and,
 - (2) That, the conditions of Draft Plan of Vacant Land Condominium, Shurie Road (Grimsby Classic Homes (1988) Ltd.) (2000-070-07 CDM) approval be amended as per Attachment No. 4 to this report; and,
 - (3) That, the Draft Plan of Vacant Condominium approval for Shurie Road (Grimsby Classic Homes (1988) Ltd.) be extended for a period of three years expiring on March 25, 2014; and,
 - (4) That, the agencies responsible for the clearance of conditions be provided with notice of this decision.

(c) ITEM P13-11 - Item 3

RECOMMENDATION #1:

- (1) That, Report No. PD-023-11, dated February 14, 2011, relating to the Healthy Communities Fund – Funding Opportunity for the Trails and Corridors Master Plan, BE RECEIVED; and
 - (2) That, Council supports Township Staff's application for funding through the Healthy Communities fund to conduct a Trails and Corridors Master Plan; and,
 - (3) That, this resolution of support be forwarded to the approval agency prior to ratification by Township Council; and,
 - (4) That, a by-law be passed to authorize the CAO of the Township of West Lincoln to enter into the applicable agreement with the Ministry of Health Promotion and Sport, if approved.
- Carried AS AMENDED (see below).

RECOMMENDATION #2 (AMENDMENT):

That, should the Township's application for funding through the Healthy Communities Fund, to conduct a Trails and Corridors Master Plan be denied, that the cost of undertaking a study be referred to the budget process.

(d) ITEM P14-11

RECOMMENDATION #1:

- (1) That, Report No. PD-014-11, dated February 14, 2011, regarding Olde Town Gateway Estates Redline Revision to the Draft Approved Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment, be received; and
- (2) That, a By-law to Implement Amendment No. 33 to the Official Plan for the Township of West Lincoln, BE APPROVED; and
- (3) That, the proposed redline revisions to the draft approved plan of subdivision, File 2T-05001, Township of West Lincoln, as per Attachment No. 2 to this report as evaluated in accordance with the provisions of the *Planning Act* and regulations thereunder subject to the revised conditions contained in Attachment No. 1 (as amended by PD-014-11), BE APPROVED; and
- (4) That, Zoning By-law Amendment Application 1601-014-10 submitted by Smithville Old Towne Inc, BE APPROVED; and,
- (5) That, the Director of Planning and Building, or the Township Clerk, be authorized to endorse the proposed redline revisions to the draft approved plan of subdivision; and

- (6) That, notice of decision to redline revise the Olde Town Gateway Estates Draft Approved Plan of Subdivision, Official Plan Amendment #33 and rezoning be circulated in accordance with the *Planning Act*, and
 - (7) That, the applicant be advised that the Township's redline approved draft plan of subdivision will lapse three years after the approval date, unless Township Council grants an extension of the approval period. If an extension is requested, an updated review and revisions to the conditions of approval may be necessary at that time.
- Carried AS AMENDED (see below).

RECOMMENDATION #2 (AMENDMENT):

That, Schedule A to Official Plan Amendment No. 33 (Attachment No. 2 to Report PD-014-11) be amended by changing the medium density residential designation as shown in the legend to accurately reflect the northerly lands as designed as medium density residential on the map.

- (e) ITEM P15-11
That, Report No. PD-021-11, dated February 14, 2011, relating to Smithville Safety Study - Regional Road 20 from Townline Road to South Grimsby Road 6, BE RECEIVED for information.
- (f) ITEM P16-11
 - (1) That, Report No. PD-017-11, dated February 14, 2011, relating to applications for Plan of Condominium, Official Plan Amendment and rezoning by DiCarlo Custom Homes, be received; and
 - (2) That, a By-law to Implement Official Plan Amendment No. 31 to the Official Plan for the Township of West Lincoln, BE APPROVED and that notice of approval be provided in accordance with the *Planning Act*; and
 - (3) That, the applications for Draft Plan of Vacant Land Condominium and Rezoning on behalf of DiCarlo Custom Homes, be deferred until a future date.
- (g) ITEM P17-11
That, Report No. PD-015-11, dated February 14, 2011, relating to an application for Rezoning and Official Plan Amendment, BE RECEIVED; and, that a recommendation report will be provided at a later date.
- (h) ITEM P18-11
That, staff be and are hereby authorized to send a letter to Labreche, Patterson & Associates Inc. (Agent for Rogers Communications Inc.) advising of the Township of West Lincoln Council's objection to their tower proposal at 3422 Concession 1 Road; and,

That, staff be and are hereby authorized to write a letter to Health Canada and Industry Canada advising of the Township of West Lincoln Council's objection to the Rogers Communication Inc. tower proposal at 3422 Concession 1 Road as well as the objections put forward by the residents; and,

That, if Industry Canada approves the Rogers Communication Inc.'s application, the approval be subject to the following conditions:

1. That the public's concerns regarding health issues relating to the installation of cell towers be addressed through a formal review of Safety Code 6; and,
2. That, the site plan be revised to address the drainage concerns of Jason Beamer and the privacy and security fencing concerns of John Olesiuk; and,
3. That, Rogers Communication be required to obtain a building permit from the Township of West Lincoln prior to construction of the tower.

(i) ITEM P19-11

- (1) That, Report No. PD-022-11, dated February 14, 2011, relating to the Employment Land Development Strategy and Smithville Intensification Study (Draft) as part of the Township of West Lincoln Growth Management Work, BE RECEIVED; and,
- (2) That, the consultant, MHBC Planning, make a brief presentation on the findings and recommendations to this report at the February 28, 2011 Council meeting.

(j) ITEM P22-11

That, Report PD-020-11, dated February 14, 2011, regarding Identifiable Individuals and Possible Litigation, BE RECEIVED for information purposes.

SUMMARY OF RECOMMENDATION FROM CONSENT AGENGA ITEMS (P13-11) NOT EXTRACTED ABOVE:

ITEM P13-11(2) Recommendation Report No. PD-019-11 – Exemption from Part Lot Control – Phelps Homes Ltd. – Block 19, Plan 30M-390 – Smithville on the Twenty – South Community (Brookside) Phase 2 Subdivision

- (1) That report PD-019-11, dated February 14, 2011, regarding the Exemption from Part Lot Control (Phelps Homes Ltd.) for Block 19, Plan 30M-390, Smithville on the Twenty – South Community (Brookside) Phase 2 Subdivision, BE RECEIVED; and
- (2) That the By-law to remove Part Lot Control on land described as Block 19, Registered Plan 30M-390 (Smithville on the Twenty – South Community (Brookside) Phase 2 Subdivision), BE APPROVED.

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman John Glazier:

That, the minutes relating to the open session portion of the Planning/Building/Environmental Committee meeting held on February 14, 2011, be received and that the recommendations contained therein, be approved.

That the confidential minutes of the closed session portion of the February 14, 2011 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

- (b) Administration/Finance/Fire Committee (includes 2011 Budget deliberations)
Re: February 22 & February 23, 2011 Minutes
NOTE: CONFIDENTIAL MINUTES UNDER SEPARATE COVER

SUMMARY OF RELEVANT RECOMMENDATIONS:

- (a) ITEM A13-11- RECOMMENDATION # A (as amended):
1. That, the Treasurer Report RFD-T-02-11, regarding the "2011 Budget", dated February 22, 2011 be received; and,
 2. That, the tax levy increase for general purposes be approved at ~~4.16~~-2.16%; and,
 3. That the 2011 Capital Program, attached as Schedule A to this report, be approved; and,
 4. That the Five Year Capital Plans as presented in the 2011 Budget Document be approved; and,
 5. That, the Deputy Treasurer be authorized to submit the 2011 Capital Roads and Bridges Projects to AMO as required under Schedule C of the Federal Gas Tax Revenue Program.
 6. That the following identified items/projects be extracted and voted on separately due to conflicts:
 1. Fire Department Budget (as contained on pages 29 through 39)
 2. McMurchie Lane Project (as contained on pages 52 and 56)
 3. Colver Street Project under Wastewater Five Year Capital Plan (as contained on page 91)

AMENDMENT TO REDUCE TAX LEVY INCREASE:

That, the contribution to the Contingency Reserve as contained in the 2011 Budget (Operating & Capital) be reduced by \$84,000 which represents a 2% decrease to the proposed tax levy increase, bringing the tax levy increase down from 4.16% to 2.16%.

CONFLICT ITEMS TO BE VOTED ON SEPARATELY:

- (b) ITEM A13-11 - RECOMMENDATION B (Fire Department Budget Section - Mayor Joyner – Conflict Item):

That, the Fire Department Budget as contained in the 2011 Draft Operating & Capital Budget (Pages 29 to 39), be approved.

(c) ITEM A13-11- RECOMMENDATION C (Capital Road Budget – McMurchie Lane Project – Mayor Joyner – Conflict Item):

That, the McMurchie Lane project as contained in the Road Five Year Capital Plan as noted on Page 52 and 56 of the 2011 Draft Operating & Capital Budget, be approved.

(d) ITEM A13-11- RECOMMENDATION D (Capital Wastewater Budget – Colver Street Project – Mayor Joyner – Additional Conflict Item):

That, the Colver Street Project as contained in the Wastewater Five Year Capital Plan as noted on Page 91 of the 2011 Draft Operating & Capital Budget, be approved.

(e) ITEM A13-11- RECOMMENDATION E (2010 SURPLUS):

That, the uncommitted 2010 surplus be transferred to the Reserve for Contingency.

(f) ITEM A14-11 (Report RFD-C-02-11 – Road allowance Transfer – Brent Bocek):

1. That, Deputy Clerk report RFD-C-02-11, regarding “Road Allowance Transfer – Brent Bocek (between Concessions 1 and 2, Part of Lot 16 & 17, former Township of Caistor, Township of West Lincoln)”, dated February 22, 2011, be received; and,
2. That, the portion of road allowance (Part 3 on Registered Plan 30R-13650 as shown on Attachment #1) between Concessions 1 & 2, former Township of Caistor, now the Township of West Lincoln, be and is hereby declared surplus and is approved for transfer to the owner of Parts 1 and 4 on Plan 30R-13650 (the “Property Owner”)(Mr. Brent Bocek), subject to the following conditions:
 - (a) That, a by-law be passed authorizing the transfer of the portion of road allowance between Concession 1 and 2, Part Lot 16 & 17, more specifically being Part 3 of Registered Plan 30R-13650, to the Property Owner of Parts 1 and 4 on Plan 30R-13650; and,
 - (b) That it be a condition of the transfer that Parts 1, 3 and 4 on Registered Plan 30R-13650 be merged in title and that the Property Identification Numbers (PINS) for parts 1, 3 and 4 of Plan 30R-13650 be consolidated; and,
 - (c) That the Property Owner provide an undertaking that the PINS for parts 1, 3 and 4 on Plan 30R-13650 will be consolidated once the conveyance is completed, and will provide satisfactory evidence of the consolidation to the Township; and,

- (d) That, the Property Owner and/or the Property Owner's Solicitor (Nicholas Palios) confirm receipt, in writing, of Planning Staff's memorandum dated January 27th, 2011 which outlines potential natural severance concerns (refer to Attachment #2) and future zoning/building permit issues/obstacles and undertakes to provide this memorandum to any subsequent purchaser; and,
 - (e) That, all legal, administrative and survey costs be paid by the applicant; and,
3. That, notwithstanding the provisions of By-law 95-31 and the "Policy for Closing, Declaring Surplus and Selling a Highway or Portion Thereof", that the requirement for an appraisal and the requirement for public notice be and are hereby waived due to the fact that the subject road allowance was stopped up and closed and was to be conveyed to the abutting landowners in 1967.

Moved by Alderman John Glazier and seconded by Alderman Sue-Ellen Merritt:

That, the minutes of the open session portion of the Administration/Finance/Fire Committee meeting held on February 22, 2011 and February 23, 2011, be received and that the recommendations contained therein, be approved, with the exception of Item no(s). A13-11(B), A13-11(C), A13-11(D).

That the confidential minutes of the closed session portion of the February 23, 2011 Administration/Finance/Fire 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

MAYOR JOYNER's CONFLICTS:

Mayor Joyner declared a conflict of interest relating to (1) the Fire Department Budget (immediate family member on the force) and (2) the McMurchie Lane Project as contained in the Roads Five Year Capital Plan (immediate family own property at McMurchie Lane) and,. (3) the Colver Street project (from Canborough Street to Wade Road) as contained in the Wastewater Five Year Capital Plan, (parents own property on Colver Street). Mayor Joyner noted that he would not be leaving the room but would not be participating in discussions nor voting with respect to these matters.

Mayor Joyner stepped down from the position of Chair at approximately 8:08 p.m. and Alderman Sue-Ellen Merritt assumed the position of Chair to deal with the items for which Mayor Joyner had a conflict.

Moved by Alderman Eric Leith and seconded by Alderman Alexander Micallef:

That, Items A13-11(B), A13-11(C), A13-11(D) from the February 22 and February 23, 2011 Administration/Finance/Fire Committee (includes 2011 Budget) meeting, be approved:

(ITEMS A13-11(B)

That, the Fire Department Budget as contained in the 2011 Draft Operating & Capital Budget (Pages 29 to 39), be approved.

(ITEM A13-11(C)

That, the McMurchie Lane project as contained in the Road Five Year Capital Plan as noted on Page 52 and 56 of the 2011 Draft Operating & Capital Budget, be approved.

(ITEM A13-11(D)

That, the Colver Street Project as contained in the Wastewater Five Year Capital Plan as noted on Page 91 of the 2011 Draft Operating & Capital Budget, be approved.

- Carried

Alderman Sue-Ellen stepped down from the position of Chair at approximately 8:10 p.m. and Mayor Joyner re-assumed the position of Chair after his conflict items had been dealt with.

- (c) Public Works/Recreation/Arena Committee
Re: February 23, 2011 Minutes

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM PW07-11
That, the West Lincoln Public Library Board minutes of a meeting held on January 11, 2011 be received for information.
- (b) ITEM PW08-11
1) THAT, Report RFD PW- 03 /2011, RE: Hamilton / West Lincoln Joint Jurisdiction Highway Routine Maintenance and Repair Agreement be received,
2) AND THAT, a by-law be passed to authorize the Mayor and Clerk to enter into an agreement between the Corporation of the Township of West Lincoln, and the Corporation of the City of Hamilton for the Joint Jurisdiction Highway Routine Maintenance and Repair of the joint boundary roads as outlined in Schedule 'A' and Schedule 'B' of the draft agreement attached as Appendix 'A'.
- (c) ITEM PW09-11
1. THAT, Report RFD PW- 04 /2011, RE: Concession # 5 Road, (Swierenga), Land Transfer Declaration as a Public Highway be received,
2. AND THAT, a by-law be presented at the next council meeting to declare a portion of Concession # 5 Road as a Public Highway.
- (d) ITEM PW10-11
1. THAT, Report RFD PW-05/2011, Re: 2011/2012 Sports & Recreation Fees, dated February 22, 2011, be received, and;

2. THAT, Schedule "A" of Bylaw 2002-115 be revised at the next Council meeting to reflect a 3% increase for arena rates for the 2011/2012 season.
 3. THAT, Schedule "B" of Bylaw 2002-115 be revised at the next Council meeting to reflect a 3% increase for sport field rates for the 2011/2012 season;
 4. THAT Schedule "C" of Bylaw 2002-115 be revised at the next Council meeting to reflect a 3% increase for recreation program fees for the 2011 season;
 5. THAT Schedule "D" regarding A Comparison of Rates across the Niagara Region, be accepted for information.
- Carried AS AMENDED (see below)

AMENDMENT:

That, the rates for use of Pavilions as provided on Schedule B of Report PW-05/2011- 2011/2012 Sports & Recreation Fees, be deleted and the following new rates be inserted in lieu thereof:

Pavilions	
Without Hydro	\$51.50/day
With Hydro	\$67.00/day

- (e) ITEM PW12-11(2)
That, staff be directed to prepare a report on possible security improvements to Rock Street Park, including associated costs.

Moved by Alderman Alexander Micallef and seconded by Alderman Eric Leith:

That, the minutes of the Public Works/Recreation/Arena Committee meeting held on February 23, 2011, be received and that the recommendations contained therein, be approved.
- Carried AS AMENDED (see below)

Moved by Alderman John Glazier and seconded by Alderman Alexander Micallef:

That, the notation under the attendance section on Page 1 of the Public Works/Recreation/Arena Committee minutes of February 23, 2011, be amended to delete the notation that Alderman Glazier was "Chair" and correct it to read that Alderman Micallef was Chair.
- 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 & Building and Director of Public Works & Engineering
Re: Recommendation Report – PD-029-11 - Changes to the “No Parking” and “No Stopping” Restrictions on College Street and Morgan Street

The Director of Planning & Building explained that challenges were encountered when attempting to amend the by-law to reflect the changes noted in report PD-029-11; therefore, staff was requesting that the report be referred back to staff for further review and presentation of the by-law at a later date.

Moved by Alderman Joann Chechalk and seconded by Alderman Alexander Micallef:

That, Report No. PD-029-11, dated February 28, 2011, relating to Changes to the “No Parking” and “No Stopping” restrictions on College Street and Morgan Street, BE RECEIVED; and

That, the “No Stopping between the hours of 8:00 a.m. and 6:00 p.m. Monday to Friday” restriction on the north side of Morgan Street be extended westerly another 23.1metres (76 feet) meaning that “No Stopping” will commence 50 metres east of Brock Street; and,

That, the south side of Morgan Street be established as a “No Stopping” area from 15 metres west of College Street to 15 metres east of College Street; and,

That, the west side of College Street from Morgan street southerly 132.5 metres (435 feet) be established as a “No Stopping between the hours of 8:00 a.m. to 6:00 p.m. Monday to Friday” area; and,

That, part of the east side of College Street from the intersection of College Street and Morgan Street, southerly 15 metres, be changed from a “No Parking” zone to a “No Stopping” zone with the remainder of College Street (east side) to retain “No Parking” status; and,

That, the appropriate by-law be approved.
- REFERRED (see below)

Moved by Alderman Joann Chechalk and seconded by Alderman Alexander Micallef:

That Report PD-029-11 (Changes to the “No Parking” and “No Stopping” Restrictions on College Street and Morgan Street) be referred back to staff for further review.

- Carried

- (b) Members of Council
Re: Other Business Items

1. Alderman Merritt
Re: Reduced Load Limit - Regional Road 65

Alderman Merritt noted her concern regarding the reduced load limit on Regional Road 65 in that it would result in traffic diversion onto Township roads that are not built to withstand heavy loads.

2. Alderman Merritt
Re: Wind Turbines

Alderman Merritt stated that she was not necessarily against wind turbines; however, was opposed to the actions of the Province in removing the approval authority from municipalities after policies have been adopted relating to wind turbines.

3. Mayor Joyner
Re: Fire at Snooker's & Snacks

Mayor Joyner commended the firefighters on a job well done in containing the fire at Snooker's & Snacks.

11. BY-LAWS:

Moved by Alderman Joann Chechalk and seconded by Alderman Alexander Micallef:

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

- (a) By-law 2011-06 To confirm proceedings of January 24, 2011 regular Council meeting
- (b) By-law 2011-07 To authorize an agreement between the Corporation of the Township of West Lincoln and Her Majesty The Queen in Right of Ontario as represented by the Minister of Health Promotion and Sport, for Trails and Corridor Master Plan Funding.
- (c) By-law 2011-08 To exempt certain land from Part Lot Control pursuant to Section 50 of the Planning Act, R.S.O. 1990 (Phelps Homes Ltd. – Block 19, Plan 30M-390 – Smithville on the Twenty – South Community (Brookside) Phase 2)
- (d) By-law 2011-09 To adopt Amendment No. 31 to the Official Plan for the Township of West Lincoln (DiCarlo)
- (e) By-law 2011-10 To adopt Amendment No. 33 to the Official Plan for the Township of West Lincoln (Olde Town)
- (f) By-law 2011-11 Zoning By-law Amendment - Smithville Old Towne Inc.
- Carried

Moved by Alderman Joann Chechalk and seconded by Alderman Alexander Micallef:

That, By-laws 2011-06, 2011-07, 2011-08, 2011-09, 2011-10 and 2011-11 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 Eric Leith and seconded by Alderman Alexander Micallef:

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

- (a) By-law 2011-12 To establish as a public highway a certain portion of Concession 5 Road, in the former Township of Caistor, now Township of West Lincoln, Regional Municipality of Niagara (Swierenga)
- (b) By-law 2011-13 To authorize an agreement between the Corporation of the Township of West Lincoln and the Corporation of the City of Hamilton for the maintenance and repair of joint boundary roads
- (c) By-law 2011-14 To amend By-law 2004-42, as amended, which regulates the supply of water and provides for the imposition and collection of water and wastewater rates.
- (d) By-law 2011-15 To authorize the conveyance of a portion of municipal road allowance between Concessions 1 & 2, Geographic Township of Caistor, designed as Part 3 on Plan 30R-13650, now Township of West Lincoln, in the Regional Municipality of Niagara (Bochek)
- (e) By-law 2011-16 To amend By-law 2002-115 which confirms fees and charges for the Corporation of the Township of West Lincoln (Schedule A - 2011/12 Arena Ice Rates & Schedule B - 2011 Sports Field Rental Fees and Schedule C - 2011/2012 Recreation Program Fees-Schedule C). (Repeals By-law 2010-58)

- Carried

Moved by Alderman Eric Leith and seconded by Alderman Alexander Micallef:

That, By-laws 2011-12, 2011-13, 2011-14, 2011-15 and 2011-16 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 2011-17 WITHDRAWN: (due to referral of report PD-029-11-Changes to the “No Parking” and “No Stopping” Restrictions on College Street and Morgan St.)

By-law 2011-17 To amend By-law 89-2000 which regulates Traffic and Parking on Township Roads (Amend Schedules A and C – relating to changes on College Street)

12. CONFIDENTIAL MATTERS:

Moved by Alderman John Glazier and seconded by Alderman Sue-Ellen Merritt:

That, the next portion of this meeting be closed to the public to consider the following pursuant to Section 239(2) of the Municipal Act 2001:

1. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
2. advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

- Carried (8:34 p.m.)

Members of Council as well as the Clerk, CAO, Director of Planning & Building, the Consultant (Bernie Hermsen - MHBC Planning Inc.) and the Township Solicitor (Tom Richardson-Sullivan Mahoney), were all in attendance during closed session deliberations relating to Item 12(a) and 12(b) with the exception of Mr. Bernie Hermsen - MHBC Planning Inc. who left the meeting during discussions of Item 12(b).

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman John Glazier:

That, this Council meeting does now resume in open session at 10:31 p.m.

- Carried

- (a) Director of Planning & Building (Brian Treble) & CAO (Derrick Thomson) & Tom Richardson, Sullivan Mahoney & Mr. Bernie Hermsen, MHBC Planning Inc

Re: # 1) Information Report - PD- 031-11 - Growth Strategy

Moved by Alderman Joann Chechalk and seconded by Alderman Alexander Micallef:

That, Report No. PD-031-11, dated February 28, 2011, relating to Changes to Growth Strategy, BE RECEIVED, for information.

- Carried

Re: # 2) Report No. PD032-11–Recommendation Report – Growth Strategy

Moved by Alderman Joann Chechalk and seconded by Alderman Alexander Micallef:

That, Report PD-032-11 (Growth Strategy), dated February 28, 2011, relating to a Legal Matter, BE APPROVED; and,

That, the recommendations/directives contained therein be and are hereby approved.

- Carried (AS AMENDED in closed session by directive to staff – see Confidential Minutes)

(b) Director of Planning & Building (Brian Treble) & Tom Richardson, Sullivan Mahoney

Re: Legal Matter – Administration Fees

Moved by Alderman Eric Leith and seconded by Alderman Alexander Micallef:

That, Council hereby receives the information provided by the Township solicitor, Mr. Tom Richardson, with respect to a legal matter (Administration Fee Issues).

- Carried

13. ADJOURNMENT:

Moved by Alderman Alexander Micallef and seconded by Alderman Eric Leith:

That, this Council meeting does now adjourn at the hour of 10:35 p.m. and if a special meeting is required it will be at the call of the Mayor.

- Carried

CAROLYN LANGLEY, CLERK

MAYOR DOUGLAS JOYNER