

# THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

## COUNCIL MINUTES

**MEETING NO. TWELVE HELD:** Monday, August 18, 2008 - Township Administration Building, 318 Canborough Street, Smithville, Ontario - 7:00 p.m.

**PRESENT:**

**Council:** Mayor Katie Trombetta  
Alderman Mary Dinga  
Alderman John Glazier  
Alderman Norm Johnson  
Alderman Douglas Joyner  
Alderman Mike Rehner

**Staff:** Carolyn Langley, Clerk  
Derrick Thomson, CAO  
Marc Daffre, Public Works Technician \*  
Stephanie Nagel, Treasurer/Director of Finance

**Media:** Stephanie Sisler, West Niagara \*  
Joanne McDonald, Grimsby-Lincoln News \*

**ABSENT:** Alderman Sue-Ellen Merritt

\* IN ATTENDANCE PART TIME

1. **INVOCATION:** Alderman Mary Dinga

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  
July 22, 2008 Minutes

Moved by Alderman John Glazier and seconded by Alderman Douglas Joyner:

That, the minutes of the July 22, 2008 regular Council meeting be accepted without errors or omissions.

- Carried

- (b) Public Meetings under the Planning Act  
August 11, 2008 Minutes

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

That, the minutes of a public meeting held on August 11, 2008, under Section, 34 of the Planning Act, with respect to:

- (1) A Zoning By-law Amendment application – Jason Beamer
  - (2) A Zoning By-law Amendment application – Heinen
- be accepted.  
- Carried

**5. COMMUNICATIONS:**

There were no communications.

**6. APPOINTMENTS/PRESENTATIONS:**

There were no appointments or presentations.

**7. REPORT OF COMMITTEE:**

- (a) Planning/Building/Environmental Committee  
Re: August 11, 2008 Minutes (Schedule A under separate cover)  
NOTE: CONFIDENTIAL MINUTES UNDER SEPARATE COVER

**SUMMARY OF RECOMMENDATIONS:**

- (a) ITEM P121-08
- (1) That, Report No. PD-091-08, dated August 11, 2008, relating to Zoning By-law Amendment application 1601-012-08 in the name of Jason Beamer, be received; and
  - (2) That for reasons outlined in this report it is hereby recommended that Zoning By-law Amendment application 1601-012-08 in the name of Jason Beamer, BE APPROVED, as modified by this report; and
  - (3) That no further public meeting is required pursuant to Section 34(17) of the Planning Act as the requested modification is minor in nature.
- (b) ITEM P122-08
- (1) That, Report No. PD-090-08, dated August 11, 2008, relating to temporary Zoning By-law Amendment application 1601-013-08 in the name of Heinen, BE APPROVED for a period of three years; and

- (2) That, a By-law for the purpose of authorizing the Mayor and Clerk to enter into a Temporary Use Agreement between the Township of West Lincoln and Geoff and Erica Heinen, BE APPROVED.
- (c) ITEM P120-08  
That, the West Lincoln Heritage Committee minutes of a meeting held on July 17, 2008 be received and approved.
- (d) ITEM P123-08
- (1) That, Report PD-093-08 dated August 11, 2008 relating to identifying a preferred option from the Region's "Phase III: A Range of Options" report be received; and,
  - (2) That, the growth rates of 140 housing starts per year for Smithville, as a reflection of continued sustained growth be incorporated into a preferred option; and,
  - (3) That, the Township of West Lincoln supports a modified Option B (or a new Option D) that supports continued sustained growth of 140 building starts per year in Smithville; and,
  - (4) That, the work of BLS Planning Consultants on behalf of the Township of West Lincoln is a solid basis for the Township of West Lincoln suggesting a preferred option; and,
  - (5) That, an urban boundary expansion for Smithville be included in the preferred option to include adequate residential, commercial and employment lands to accommodate preferred growth option; and,
  - (6) That, the Leisureplex Lands be included within the urban boundary of Smithville; and,
  - (7) That, the Region agree that the term "Grow South" includes West Lincoln and specifically Smithville given our strategic location south of the escarpment; and,
  - (8) That, sufficient infrastructure be incorporated into the preferred option to support this continued, sustained growth option for the Township of West Lincoln.
- (e) ITEM P124-08  
That, Report No. PD-087-08, dated August 11, 2008, relating to an application for Rezoning file 1601-011-08 for Fred Bosscher, BE APPROVED.
- (f) ITEM P125-08
- (1) That, Report No. PD-092-08, dated August 11, 2008, relating to Site Plan Authorizing By-law, be approved; and

- (2) That, a By-law authorizing the Mayor and Clerk to enter into a Site Plan Agreement with Fred and Joyce Bosscher and The Bank of Nova Scotia be approved.
- (g) ITEM P126-08
- (1) That, Report No. PD-086-08, dated August 11, 2008 regarding a Site Plan Authorizing By-law for Wellandport Hardware Limited BE RECEIVED;
  - (2) That, the attached Site Plan Authorizing By-law be adopted for the purpose of authorizing the Mayor and Clerk to enter into an Amending Site Plan Agreement between the Township of West Lincoln and Wellandport Hardware Limited, James Veldman and Wenda Veldman, and Royal Bank of Canada, BE APPROVED; and
  - (3) That, By-law 93-18, which authorized a Site Plan Agreement between The Corporation of the Township of West Lincoln, Wellandport Hardware Limited, and Royal Bank of Canada, dated June 9, 1993 and registered June 29, 1993, BE REPEALED.
- (h) ITEM P127-08
- (1) That, Report No. PD-083-08, dated August 11, 2008, relating to the Extension of Draft Plan Approval for Smithville on the Twenty (Brookside), BE RECEIVED; and
  - (2) That the Draft Plan Approval for Smithville on the Twenty (Brookside) be extended for a period of three years.
- (i) ITEM P128-08
- (1) That, Report No. PD-094-08, dated August 11, 2008, relating to a Subdivision Agreement Authorizing By-law for Olde Town Gateway Estates, be approved.
  - (2) That it be hereby recommended that a By-law be adopted for the purpose of authorizing the Mayor and Clerk to sign a By-law to enter into a Subdivision Agreement between the Township of West Lincoln and Smithville Old Towne Inc., Michael Florence and Meridian Credit Union Limited ; and,
  - (3) That the Mayor and Clerk be authorized to sign any other document or documents necessary to implement the intent of this By-law or subdivision.
- (j) ITEM P129-08
- (1) That, report PD-085-08, dated August 11, 2008 relating to the merger of Block 21 of 30M-358 with Block 24 of 30M-342 Station Meadows North Plan of Subdivision, BE RECEIVED; and,

- (2) That, Township legal counsel of Sullivan-Mahoney apply to a judge of the Ontario Court, General Division, to cancel or suspend in whole or in part Blocks 21, 30M-358 and Block 24 of 30M-342 in order to allow for their future conveyance and merger as one parcel; and,
  - (3) That, authority be granted to commence this application prior to ratification by Council; and,
  - (4) That, all costs for this application be borne by the developer, Budd Developments Inc.
- (k) ITEM P130-08
- (1) That, Report PD-084-08, dated August 11, 2008, regarding signing authority for the Cadeau Consent Warning Clause Agreement, be received; and
  - (2) That the attached by-law be adopted for the purpose of authorizing the Mayor and Clerk to sign a warning clause agreement with James Laurence Cadeau and Patricia Joann Cadeau to be registered on title in order to satisfy a Solicitor's Written Undertaking related to consent application B9/2007WL; and,
  - (3) That, the cost of this process shall be borne by the applicant.
- (l) ITEM P131-08  
That Report PD-080-08, dated August 11, 2008, regarding Monitoring of Site Alteration Inquiries since May of 2007 be received.
- (m) ITEM P133-08  
That, the Building Permits Report for July 2008, with an estimated cost (value of construction) of \$2,984,800.00 be received.
- (n) ITEM P134-08  
RECOMMENDATION #1  
That, staff be authorized to have hydro services turned on for the Smithville Farmer's Market, on a year round basis, and that the Farmer's Market be responsible for all associated costs and be charged accordingly.
- RECOMMENDATION #2:  
That, staff be directed to recommend to the Committee of Adjustment that the following condition be attached to the application of consent in the name of John & Angela Verdonk and David & Linda Buys (Application B2/2008WL):

That, the 18.7 hectares parcel of land (Part 2) to be retained, be rezoned to Agricultural Purposes Only (APO) in perpetuity.

- (o) ITEM P135-08  
That, staff be authorized to proceed as directed in closed session with respect to a personnel matter.

Moved by Alderman Douglas Joyner and seconded by Alderman John Glazier:

1. That, the minutes of the Planning/Building/Environmental Committee meeting held on August 11, 2008, be received and that the recommendations contained therein, be approved, with the exception of Items no. P123-08 and P135-08.
2. That the minutes of the closed session portion of the August 11, 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 P123-08 – Report PD-093-08 – ‘Identifying a Preferred Option from Region’s “Phase III: A range of Options” Report’**

Alderman Rehner reiterated his comments as presented at the August 11, 2008 Planning Building/Environmental Committee meeting, that the growth rate should be 100 housing starts in lieu of 140 housing starts. Alderman Rehner again moved a recommendation to reduce the number of housing starts to 100 however, again, there was no seconder for the amending motion.

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

That, Item P123-08 from the August 11, 2008 Planning/Building/Environmental Committee minutes be approved.

(ITEM P123-08

- (1) That, Report PD-093-08 dated August 11, 2008 relating to identifying a preferred option from the Region’s “Phase III: A Range of Options” report be received; and,
- (2) That, the growth rates of 140 housing starts per year for Smithville, as a reflection of continued sustained growth be incorporated into a preferred option; and,
- (3) That, the Township of West Lincoln supports a modified Option B (or a new Option D) that supports continued sustained growth of 140 building starts per year in Smithville; and,
- (4) That, the work of BLS Planning Consultants on behalf of the Township of West Lincoln is a solid basis for the Township of West Lincoln suggesting a preferred option; and,

- (5) That, an urban boundary expansion for Smithville be included in the preferred option to include adequate residential, commercial and employment lands to accommodate preferred growth option; and,
- (6) That, the Leisureplex Lands be included within the urban boundary of Smithville; and,
- (7) That, the Region agree that the term "Grow South" includes West Lincoln and specifically Smithville given our strategic location south of the escarpment; and,
- (8) That, sufficient infrastructure be incorporated into the preferred option to support this continued, sustained growth option for the Township of West Lincoln. )

A recorded vote was requested by Alderman Mike Rehner:

	<u>Yes</u>	<u>No</u>
Alderman Mary Dinga	x	
Alderman John Glazier	x	
Alderman Norm Johnson	x	
Alderman Douglas Joyner	x	
Alderman Sue-Ellen Merritt	absent	
Alderman Mike Rehner		x
Mayor Katie Trombetta	x	
Total	<u>5</u>	<u>1</u>

- Carried

**ITEM P135-08 – Personnel Matter**

Alderman Dinga advised that she wished to vote on this matter separately as she was not in favour of the recommendation and wanted her opposition noted in the minutes.

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

That, Item P135-08 from the August 11, 2008 Planning/Building/Environmental Committee minutes be approved.

(ITEM P135-08

That, staff be authorized to proceed as directed in closed session with respect to a personnel matter.)

- Carried

**8. RECONSIDERATION:**

There were no items for reconsideration.

**9. NOTICE OF MOTION:**

There were no notices of motion.

**10. OTHER BUSINESS:**

- (a) Public Works Manager  
Re: Report No. RFD PW-47/2008 – West Lincoln Arena - April Ice

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

1. THAT, Report RFD PW-47/2008, re: West Lincoln Arena – April Ice, dated August 18, 2008 be accepted; and,
  2. THAT, the West Lincoln Arena close for the season Saturday, April 11, 2009; and,
  3. THAT, West Lincoln figure skating retain their normal ice time in April and not take over West Lincoln minor hockey's ice time; and,
  4. THAT, all ice contracts extend to April 11, 2009 save and accept West Lincoln Minor Hockey; and,
  5. THAT, staff actively advertise for all unrented ice time as well as develop pay-as-you-go programming.
- Carried

- (b) Public Works Manager  
Re: Report No RFD PW-49/2008 - Caistor Community Centre - Cistern

Alderman Glazier noted that he did not see any information in the report regarding other options with respect to repair of the cistern.

The CAO advised that the cistern could not be repaired and had to be replaced.

Alderman Glazier requested that information regarding reviewed options be included in future reports.

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

1. THAT, Report RFD PW-49/2008, re: Caistor Community Centre - Cistern, dated August 18, 2008, be accepted; and,
  2. THAT, the staff be authorized to replace the portable water cistern at the Caistor Community Center; and,
  3. THAT, Funding at an, upside limit of \$ 10, 000.00, be financed by the capital facility budget.
- Carried

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

There were no items of other business.

11. **BY-LAWS:**

Moved by Alderman John Glazier 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 2008-102 To confirm proceedings of July 22, 2008 regular Council meeting.
- (b) By-law 2008-103 To appoint Travis Dressel, Donna Lambert and Tyler Broderick and John Richard Hoadley as Municipal Law Enforcement Officers for the Corporation of the Township of West Lincoln (and repeal 2008-37)

- Carried

Moved by Alderman John Glazier and seconded by Alderman Douglas Joyner:

That, By-laws 2008-102 and 2008-103 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 Douglas Joyner and seconded by Alderman John Glazier:

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

- (a) By-law 2008-104 Zoning By-law Amendment – Jason Beamer
- (b) By-law 2008-105 To authorize a Temporary Use Agreement with Geoff and Erica Heinen
- (c) By-law 2008-106 Zoning By-law Amendment – Geoff and Erica Heinen
- (d) By-law 2008-107 Zoning By-law Amendment – Fred & Joyce Bosscher
- (e) By-law 2008-108 To authorize a Site Plan Agreement with Frederick Ralph Bosscher and Joyce Anne Bosscher and the Bank of Nova Scotia
- (f) By-law 2008-109 To authorize a Site Plan Agreement with Wellandport Hardware Limited, James Veldman and Wenda Veldman and the Royal Bank of Canada (and repeal By-law 93-18)
- (g) By-law 2008-110 To authorize a Subdivision Agreement with Smithville Old Towne Inc., Michael Florence and Meridian Credit Union Limited

- (h) By-law 2008-111 To authorize the Mayor and Clerk to sign the "Warning Clause Agreement" with James Laurence Cadeau and Patricia Joann Cadeau to satisfy a condition of consent Application B9/2007WL and to be registered on title

- Carried

Moved by Alderman Douglas Joyner and seconded by Alderman John Glazier:

That, By-laws 2008-104, 2008-105, 2008-106, 2008-107, 2008-108, 2008-109, 2008-110 and 2008-111 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

**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 7:30 p.m. and if a special meeting is required it will be at the call of the Mayor.

- Carried

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**CAROLYN LANGLEY, CLERK**

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**MAYOR KATIE TROMBETTA**