

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

COUNCIL MINUTES

MEETING NO. SIXTEEN HELD: Monday, October 27, 2008 - Township Administration Building, 318 Canborough Street, Smithville, Ontario - 7:00 p.m.

<u>PRESENT:</u>	Council:	Mayor Katie Trombetta Alderman Mary Dinga Alderman John Glazier 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
	Others:	Russell Lowden Steve Butz, YMCA* Jerod Elliott
	Media:	Marcel VanderWier, Grimsby-Lincoln News * Stephanie Sisler, West Niagara News

* IN ATTENDANCE PART TIME

1. **INVOCATION:** **Alderman Sue-Ellen Merritt**

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

1. Alderman Rehner declared a conflict of interest relating to Item P171-08 (Confidential Report No. PD-123-08 – Legal Matter – DeVries/Rehner Consent Application) due to the fact that a portion of the lands affected by the Committee of Adjustment applications were proposed to merge with his and his wife's property (8424 Concession 2 Road). Alderman Rehner left the Council Chambers during discussion of this issue and did not take part discussion nor voting with respect to this matter.
2. Alderman John Glazier declared a conflict of interest relating to Item P155-08 (Report No. PD-118-08 – Recommendation Report – Zoning By-law Amendment – The Creative Centre for Learning and Development (Robert Land Academy) due to the fact that he discovered after the October 20th Planning/Building/Environmental Committee Meeting that one of his employee's spouse worked at Robert Land Academy. Alderman Glazier did not take part in discussion nor voting with respect to this matter.

3. **COMMENTS FROM THE PUBLIC:**

There were no comments from the public.

4. CONFIRMATION OF MINUTES:

- (a) Council Minutes – Regular
September 22, 2008

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

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

- Carried

- (b) Council Minutes – Special
October 20, 2008

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

That, the minutes of the October 20, 2008 Special Council meeting be accepted without errors or omissions.

- Carried

- (c) Public Meetings under the Planning Act
October 20, 2008 Minutes

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

That, the minutes of a public meeting held on October 20, 2008, under Section 34 of the Planning Act, with respect to:

- (a) a Zoning By-law Amendment application – The Creative Centre for Learning & Development (File No. 1601-015-08)
(b) A Zoning By-law Amendment application - G. McFeeters Holdings Inc. (File No. 1601-016-08)

be accepted.

- Carried

5. COMMUNICATIONS:

There were no communications.

6. APPOINTMENTS/PRESENTATIONS:

- (a) Mr. Stephen Butz, YMCA
Re: YMCA Update

Mr. Stephen Butz reviewed a power point presentation and read from a prepared statement, both of which are attached as Schedule “A” and “B” respectively, to these minutes. Mr. Butz then responded to questions from Members of Council.

Mayor Trombetta thanked Mr. Butz for his presentation and Mr. Butz left the meeting at approximately 7:20 p.m.

7. REPORT OF COMMITTEE:

- (a) Planning/Building/Environmental Committee
Re: Adoption of Minutes
(1.) October 20, 2008 Minutes – Open Session Minutes AND
(2.) October 20, 2008 Closed Session Minutes – Set # 1

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM P150-08
That, the correspondence from the Ministry of the Environment, West Central Region, dated September 24, 2008, regarding “Smithville Phase IV Bedrock Remediation Site Operations Summary Report” (Quarterly – April 1, 2008 to June 30, 2008), be received for information.
- (b) ITEM P151-08
That, the petition received September 9th, 2008 submitted by Kelly King and other residents, requesting Council’s support to allow Mr. Adam Brown to open Abbey Day Care Centre on Abingdon Road in Caistor Centre as a licensed day care facility; be received.
- (c) ITEM P152-08
That, the West Lincoln Heritage Committee minutes of a meeting held on July 17, 2008 be received and approved.
- (d) ITEM P153-08
That, the West Lincoln Heritage Committee minutes of a meeting held on September 11, 2008 be received and approved.
- (e) ITEM P154-08
That, Report No. PD-113-09, dated October 20, 2008 relating to the Fifteen, Sixteen and Eighteen Mile Creek Watershed Plan Update BE RECEIVED FOR INFORMATION PURPOSES.
- (f) ITEM P155-08
That, Report No. PD-118-08, dated October 20, 2008, relating to an application for Zoning By-law Amendment for The Creative Centre for Learning and Development (Robert Land Academy), BE APPROVED.
- (g) ITEM P156-08
(1) That, Report No. PD-111-08, dated October 20, 2008, relating to a proposed Zoning By-law Amendment for G. McFeeters Holdings Inc., BE RECEIVED FOR INFORMATION; and,
(2) That a Recommendation Report will be provided once all comments from agencies and the public have been received and reviewed

- (h) ITEM P157-08
RECOMMENDATION #1:
- (1) That, Report No. PD-124-08, dated October 20, 2008, relating to the adoption of Renewable Energy System Policies, BE ADOPTED as modified and shown in Attachment No. 1; and,
 - (2) That, a By-law to Adopt Amendment No. 18 to the Official Plan for the Township of West Lincoln, BE APPROVED; and
 - (3) That, Official Plan Amendment No. 18, Renewable Energy System Policies, be forwarded to the Region of Niagara for approval.
- RECOMMENDATION #2 (Amendment):
That, Official Plan Amendment No. 18 as appended to Report No. PD 124-08 (Proposed Renewable Energy System Policies), be amended to remove the word "may" and replace it with the word "will" in the following sections:
- (1) Section 2.2 - "DETAILS OF THE AMENDMENT", Subsection 10.3.1.2 (f), second line; and,
 - (2) Section 2.2 - "DETAILS OF THE AMENDMENT", Subsection 10.6 (b), sixth line.
- (i) ITEM P158-08
- (1) That Report No PD-114-08, dated October 20, 2008, relating to an Authorizing By-law for a Condominium Agreement between the Township of West Lincoln and Grimsby Classic Homes (1988) Ltd. (College Street) and a Condominium Corporation (to be named) and Morris Wright and the Effort Trust Company, BE RECEIVED; and
 - (2) That a By-law authorizing the Mayor and Clerk to enter into a Condominium Agreement between the Township of West Lincoln and Grimsby Classic Homes (1988) Ltd. and a Condominium Corporation (to be named) and Morris Wright and the Effort Trust Company, BE APPROVED.
- (j) ITEM P159-08
- (1) That Report No PD-126-08, dated October 20, 2008, relating to an Authorizing By-law for a Development Agreement between the Township of West Lincoln and Grimsby Classic Homes (1988) Ltd. (Shurie Road) and Morris Wright and 603648 Ontario Limited, BE RECEIVED; and
 - (2) That a By-law authorizing the Mayor and Clerk to enter into a Development Agreement between the Township of West Lincoln and Grimsby Classic Homes (1988) Ltd. and Morris Wright and 603648 Ontario Limited, BE APPROVED.

- (k) ITEM P160-08
- (1) That report PD-115-08, dated October 20, 2008 regarding the Exemption from Part Lot Control (Phelps Homes Ltd.) for Block 26 in the Brookside Estates (now Smithville on the Twenty) Subdivision, BE RECEIVED; and
 - (2) That the By-law to remove Part Lot Control on land described as Block 26, Registered Plan 30M-368 (Smithville on the Twenty Subdivision), BE APPROVED.
- (l) ITEM P161-08
- (1) That, Report No. PD-119-08, dated October 20, 2008, relating to establishing a consultation fee for telecommunication facility proposals, BE RECEIVED; and
 - (2) That, Council adopt a consultation fee for telecommunication facility proposals of \$1100.00; and
 - (3) That, By-law 2002-113 (Tariff of Fees for Planning Matters – as amended by By-law 2007-17, 2008-11 and 2008-39), BE AMENDED, by replacing Appendix “A” (Schedule of Fees) with a new Appendix “A” (included as Attachment 1 to Report PD-119-08).
- (m) ITEM P162-08
- That Report PD-112-08, dated October 20, 2008, regarding the Final Expansion Criteria for Growing the Greenbelt, BE RECEIVED FOR INFORMATION PURPOSES.
- (n) ITEM P163-08
- That Report PD-122-08, dated October 20, 2008, relating to a Master Parks Plan (Smithville), a project by the Rural Land Use Planning Students from the University of Guelph, be received.
- (o) ITEM P164-08
- RECOMMENDATION #1:
That, Report PD-125-08, dated October 20, 2008, regarding the Verdonk/Buys Consent Decision, BE RECEIVED FOR INFORMATION.
- RECOMMENDATION #2:
- (1) That, staff be directed to appeal the decision of the Committee of Adjustment relating to Consent Application B2/2008WL in the name of John & Angela Verdonk and David & Linda Buys to the Ontario Municipal Board (OMB); and,
 - (2) That, staff be directed to advise the Ontario Municipal Board (OMB) that the appeal is based on Staff Report No. PD-097-08, more specifically being the absence of the following condition:

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

- (p) ITEM P165-08
That, the Building Permits Report for September 2008, with an estimated cost (value of construction) of \$1,621,600.00 be received.
- (q) ITEM P168-08
That, the Negotiating Committee be authorized to proceed as directed in closed session deliberations.
- (r) ITEM P169-08
 - (1) That, the correspondence from Peninsula West Power Inc., dated September 23, 2008, requesting that Mr. Russell Lowden be appointed to the Board of Niagara Peninsula Energy Inc. for a three year term from January 1, 2009 to December 31, 2011, be received and,
 - (2) That, notwithstanding the policy for appointments through open competition, Mr. Russell Lowden be appointed to the Board of Niagara Peninsula Energy Inc. for a three year term from January 1, 2009 to December 31, 2011.
- (s) ITEM P170-08
That, Report No. PD-120-08 dated October 20, 2008, regarding “Property Matter - Request for Approval to Negotiate – Acquisition of Property” be received and the recommendations contained therein be approved.
- (t) ITEM P171-08
 - (1) That, Report PD-123-08, dated October 20, 2008 regarding DeVries and Rehner Appeal of Consent Applications to Ontario Municipal Board (Applications B4/2008WI & B5/2008WL), BE RECEIVED; and,
 - (2) That, staff be authorized to attend the Ontario Municipal Board hearing on behalf of the Township regarding Consent applications B4/2008WL for Michael and Anne Rehner and B5/2008WL for Harold and Lawrence DeVries; and
 - (3) That the Township solicitor be retained to appear on behalf of the Township to defend the decision on these files.

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

1. That, the minutes of the open session portion of the Planning/Building/Environmental Committee meeting held on October 20, 2008, be received and that the recommendations contained therein, be approved, with the exception of Item no. P171-08 and P155-08.

2. That the Set 1 of the confidential minutes relating to the closed session portion of the October 20, 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 P171-08 - Confidential Report No. PD-123-08 – Legal Matter - DeVries and Rehner Appeal of Consent Applications to Ontario Municipal Board

Alderman Rehner declared a conflict of interest relating to Item P171-08 (Confidential Report No. PD-123-08 – Legal Matter – DeVries/Rehner Consent Application) due to the fact that a portion of the lands affected by the Committee of Adjustment applications were proposed to merge with his and his wife's property (8424 Concession 2 Road). Alderman Rehner left the Council Chambers during discussion of this issue and did not take part discussion nor voting with respect to this matter.

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

That, Item P171-08 from the October 20, 2008 Planning/Building/Environmental Committee minutes be approved.

(ITEM P171-08

- (4) That, Report PD-123-08, dated October 20, 2008 regarding DeVries and Rehner Appeal of Consent Applications to Ontario Municipal Board (Applications B4/2008WL & B5/2008WL), BE RECEIVED; and,
- (5) That, staff be authorized to attend the Ontario Municipal Board hearing on behalf of the Township regarding Consent applications B4/2008WL for Michael and Anne Rehner and B5/2008WL for Harold and Lawrence DeVries; and
- (6) That the Township solicitor be retained to appear on behalf of the Township to defend the decision on these files.)

- Carried

Item P155-08 - Report No. PD-118-08 – Zoning By-law Amendment – The Creative Centre for Learning and Development (Robert Land Academy)

Alderman John Glazier declared a conflict of interest relating to Item P155-08 (Report No. PD-118-08 – Recommendation Report – Zoning By-law Amendment – The Creative Centre for Learning and Development (Robert Land Academy) due to the fact that he discovered after the October 20th Planning/Building/Environmental Committee Meeting that one of his employee's spouse worked at Robert Land Academy. Alderman Glazier did not take part in discussion nor voting with respect to this matter.

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

That, Item P155-08 from the October 20, 2008 Planning/Building/Environmental Committee minutes be approved.

(ITEM P155-08

That, Report No. PD-118-08, dated October 20, 2008, relating to an application for Zoning By-law Amendment for The Creative Centre for Learning and Development (Robert Land Academy), BE APPROVED.)

- Carried

(3.) October 20, 2008 Closed Session Minutes–Set # 2 (to segregate conflict)

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

That the Set 2 of the confidential minutes relating to the closed session portion of the October 20, 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

8. RECONSIDERATION:

There were no items for reconsideration.

9. NOTICE OF MOTION:

There were no notices of motion.

10. OTHER BUSINESS:

- (a) CAO
Re: Report RFD-CAO-09-08 - Christmas Hours

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

- (1) That, Report RFD-CAO-09-08 dated October 27th, 2008 regarding “Christmas Hours”, be received; and,
- (2) That, the Main Office and Public Works Building be closed for business from December 24, 2008 to December 26th, 2008 inclusive; and,
- (3) That, the Main Office and Public Works Building be closed for business from 3:00 p.m. on December 31st, 2008 to January 2, 2009 inclusively.

- Carried

- (b) Treasurer/Director of Finance
Re: Report RFD-F-10-08 - 2008 Grant Application – Building Canada Fund (BCF) - Communities Component

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

1. That, the Treasurer Report RFD-F-10-08, regarding the “2008 Grant Application – Building Canada Fund (BCF) – Communities Component” be received; and,
2. That, Council hereby confirms and authorizes staff to submit the replacement of South Grimsby Road # 18 Bridge as the Township of West Lincoln’s project for the application to be submitted under Intake One of the Building Canada Fund - Communities Component.

- Carried

- (c) Mayor Katie Trombetta
Re: Resolution from City of Port Colborne – Business Expansion and Business Attraction Programs for the Niagara Region

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

That, the correspondence received from the City of Port Colborne requesting support for their resolution relating to “Business Expansion and Business Attraction Programs for the Niagara Region” be received and supported.

- Carried

- (d) Public Works Manager
Re: RFD PW-56/2008 – 2008 Hotmix Program – Tender Results

In response to Alderman Merritt’s inquiry regarding the completion of additional roads, the Public Works Manager advised that a couple more roads would be done provided that there was sufficient time and weather permitting.

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

1. THAT, report RFD PW–56/2008, re: 2008 Hot Mix Program - Tender Results, dated October 27, 2008, be accepted; and,
2. THAT, the tender from Rankin Construction Inc. to complete the 2008 Hot Mix Program be accepted; and,
3. THAT, the Mayor and clerk be authorized to enter into an agreement with Rankin Construction Inc.

- Carried

- (e) **AMENDMENT TO BUDGET**
Public Works Manager

Re: RFD PW-57/2008 – 2008 Christmas Display – Murgatroyd Park
Note – Coloured copies are provided under separate cover

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

AMENDMENT TO BUDGET:

1. THAT, report RFD PW – 54/2008, re: 2008 Christmas Display – Murgatroyd Park, dated October 27, 2008, be accepted; and,
2. THAT, the Public Works Manager be authorized to purchase the Christmas Display as described under Option # 1; and,
3. THAT, the purchase be funded from CIDB budget.

- **LOST**

Alderman Rehner left the meeting briefly at approximately 7:55 p.m. and returned before the vote was taken on this matter.

Following much discussion regarding this matter, Alderman Glazier put forward the following recommendation to approve Option # 3:

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

AMENDMENT TO BUDGET:

That the Public Works Manager be authorized to purchase the Christmas display as described under Option # 3 in report RFD-PW/57-2008.

- Carried

(f) **AMENDMENT TO BUDGET**

Public Works Manager

Re: RFD PW-58/2008 – Administration Building Roof Repairs–Quotation Results

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

AMENDMENT TO BUDGET

1. THAT, report RFD PW–58/2008, re: Administration Building Roof Repairs - Quotation Results, dated October 27, 2008, be accepted; and,
2. THAT, the quotation from D.F. Brown Roofing, to complete roof repairs on the flat roof portion of the Administration Building, in the amount of \$26,685.00 be accepted; and,
3. THAT, the repairs be financed from prior year facility budget and current year capital.

- Carried

It was the consensus of Council that Mr. Brian Collicutt be present to oversee the repair to the roof of the administration building.

- (g) Public Works Manager
Re: RFD PW-59/2008 Ontario Small Waterworks Assistance Program Part 2
Expression of Interest

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

1. THAT, report RFD PW – 59/2008, re: Ontario Small Waterworks Assistance Program Part 2 Expression of Interest, dated October 27, 2008, be accepted; and,
 2. THAT, the Council of the Township of West Lincoln certifies that the information contained in the Expression of Interest is factually accurate; and,
 3. THAT, Staff be authorized to submit an Expression of Interest for OSWAP-2 funding for a rate study.
- Carried

- (h) Director of Planning & Building
Re: Report PD-130-08 “Amendment to Authorizing By-law (2006-38) for Streamside Plan of Subdivision”

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

That, Report No. PD-130-08, dated October 27, 2008, relating to an Amendment to the Authorizing By-law for Streamside Plan of Subdivision, BE RECEIVED; and,

That, By-law 2006-38 be amended to replace Clause 2 with the following wording:

“That, the Mayor and Clerk be authorized to sign the above mentioned Subdivision Agreement and any other documents necessary to implement the intent of this agreement, and to affix the Corporate Seal thereto.”

- Carried

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

1. Mayor Katie Trombetta
Re: Regional Growth Plan

Mayor Trombetta noted that concern from both Grimsby and West Lincoln had been expressed at the recent Regional Growth Plan meeting and that a report would be forthcoming from the Director of Planning with respect to Option D as contained in the report.

11. BY-LAWS:

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 2008-127 To confirm proceedings of September 22, 2008 regular and October 20, 2008 Special Council meetings.
- (b) By-law 2008-128 Zoning By-law Amendment - The Creative Centre for Learning and Development (Robert Land Academy)
- (c) By-law 2008-129 To adopt Official Plan Amendment No. 18 for the Township of West Lincoln (Renewable Energy System Policies).
- (d) By-law 2008-130 To authorize a Condominium Agreement with Grimsby Classic Homes (1988) Ltd. (College Street) and a Condominium Corporation (to be named) and Morris Wright and the Effort Trust Company.
- (e) By-law 2008-131 To authorize a Development Agreement with Grimsby Classic Homes (1988) Ltd. (Shurie Road) and Morris Wright and 603648 Ontario Limited.

- Carried

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

That, By-laws 2008-127, 2008-129, 2008-130 and 2008-131 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

By-law 2008-128 was segregated and voted on separately due to the perceived conflict declared by Alderman Glazier.

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

That, By-law 2008-128 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 Mary Dinga and seconded by Alderman Norm Johnson:

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

- (a) By-law 2008-132 To exempt certain lands from Part Lot Control pursuant to Section 50 of the Planning Act, R.S.O. 1990 (Phelps Homes Ltd.).
- (b) By-law 2008-133 To amend By-law 2002-113 which prescribes a Tariff of Fees for the processing of Applications made with respect to Planning Matters, as amended. (Fee for Consultation Process for Telecommunication Facilities)
(replace Appendix "A" - Schedule of Fees)
- (c) By-law 2008-134 To amend By-law 2006-38 which authorized a Subdivision Agreement with Streamside Development Corp. and Meridian Credit Union Limited
- (d) By-law 2008-135 To authorize an agreement between the Corporation of the Township of West Lincoln and Rankin Construction Inc. for the 2008 Hot Mix Program.
- (e) By-law 2008-136 To authorize an agreement between the Corporation of the Township of West Lincoln and D.F. Brown Roofing for the West Lincoln Administrative Building Roof Replacement.

- Carried

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

That, By-laws 2008-132, 2008-133, 2008-134, 2008-135 and 2008-136 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 8:20 p.m. and if a special meeting is required it will be at the call of the Mayor.

- Carried