



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN



COUNCIL MINUTES

MEETING NO. TWELVE HELD: Monday, September 26, 2011 - Township Administration Building, 318 Canborough Street, Smithville, Ontario - 7:00 p.m.

PRESENT:

Council: Mayor Douglas Joyner – Chair
Alderman Joann Chechalk
Alderman Luciano Di Leonardo
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 *

Others: Joey Hewitt, JAAC Member *
Karen Lemieux, JAAC Member *
Mackenzie Kish, United Way *
Cor VanwanRooy *
Susan Wheler *
1 other Member of the Public *

Media: Amanda Street, Grimsby Lincoln News *

* IN ATTENDANCE PART TIME

1. **INVOCATION:** Alderman Joann Chechalk

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

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

(a) Planning/Building/Environmental Committee – September 12, 2011

Alderman Leith - conflict of interest and/or disclosure of pecuniary interest with respect to Item P97-11 (correspondence from the Ministry of the Environment regarding the IPC Energy's Proposed HAF Wind Energy Project) – works in green energy industry. Alderman Leith did not take part in any discussion with respect to this matter.

(b) Planning/Building/Environmental Committee – September 12, 2011

Mayor Joyner - perceived conflict of interest and/or disclosure of pecuniary interest with respect to Item P117-11 (Personnel Matter) as his brother is a volunteer fire fighter. Mayor Joyner did not take part in discussion nor voting with respect to this matter.

- (c) Alderman Eric Leith declared a conflict of interest relating to Item 13 (d) under Confidential Matters, being the recommendation to Peninsula West Power Inc. for appointment to the Niagara Peninsula Energy Inc. Board, due to the fact that he worked in the green energy industry. Alderman Leith did not take part in any discussion nor voting with respect to this matter and left the meeting during the closed session deliberations relating to this item.

3. COMMENTS FROM THE PUBLIC:

- (a) Mr. Cor VanwanRooy
Re: Water Bill Increase and other Various Issues

Mr. VanwanRooy noted his concern regarding the increased cost on his water bill and advised that it was difficult for seniors to manage financially with continually rising costs when on fixed incomes. Mr. VanwanRooy requested a grant from the municipality to cover his shortfall of approximately \$350.00 to 380.00 per month in order to cover his costs due to his fixed income.

Mr. VanwanRooy also noted his concern about other various issues and stated that Council meetings should be scheduled at a time where people can attend as they need time to get home from work, eat and then attend the meeting(s) in order to keep people informed.

In response to Mr. VanwanRooy's comments, Mayor Joyner invited him to contact him or come into the office and he would attempt to answer all his questions.

4. CONFIRMATION OF MINUTES:

- (a) Council Minutes – Regular
August 15, 2011

Moved by Alderman Luciano Di Leonardo and seconded by Alderman John Glazier:

That, the minutes relating to the August 15, 2011 regular Council meeting be accepted without errors or omissions.

- Carried

- (b) Council Minutes – Special
August 15, 2011 (Naming of Sunnydale Court in Wes-Li Heights Plan of Condo)

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Luciano Di Leonardo:

That, the minutes relating to the August 15, 2011 special Council meeting (Naming of Sunnydale Court in Wes-Li Heights Plan of Condominium) be accepted without errors or omissions.

- Carried

- (c) Public Meeting under the Planning Act
September 12, 2011 Minutes

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

That, the minutes of public meetings held on September 12, 2011 under Sections 34 and 51 of the Planning Act, with respect to:

- (a) PROPOSED ZONING BY-LAW AMENDMENTS:
1. Richard Dobrucki (File No. 1601-011-11)
 2. Peter & Alice Spyker (File No. 1601-010-11)
 3. Susan Wheler (Agent on behalf of Paws Awhile Country Inn for Cats Inc. (File No. 1601-014-11)
 4. Anne Meinen (Agent – Greg Hynde) (File No. 1601-016-11)
- (b) PROPOSED ZONING BY-LAW AMENDMENT & REDLINE REVISIONS TO THE DRAFT PLAN OF SUBDIVISION – Phelps Homes Ltd for Smithville on the Twenty (Brookside) Plan of Subdivision–Phase III
be accepted.
- Carried

Alderman Merritt noted that she had not attended the meeting and therefore would not be voting on this item.

5. MAYOR’S REMARKS:

Mayor Joyner read from a prepared statement which is attached as Schedule “A” to these minutes.

6. APPOINTMENTS/PRESENTATIONS:

- (a) Joey Hewitt & Karen Lemieux – Joint Accessibility Advisory Committee
Re: Presentation of Annual 2011-2012 Accessibility Plan

Ms. Joey Hewitt reviewed the 2011-2012 Accessibility Plan and thanked the Mayor and Council for their support.

Ms. Karen Lemieux reviewed the list of improvements made by the Township in relation to physical accessibility issues and noted that a fair amount of work was done in the last year.

Mayor Joyner thanked the Members of the JAAC and invited them to attend an upcoming Library “Meet & Greet” event on October 18, 2011.

Moved by Alderman John Glazier and seconded by Alderman Luciano Di Leonardo:

- (1) That, Report RFD-C-14-2011, dated September 26, 2011, regarding the “Joint Accessibility Advisory Committee – 2011/2012 Accessibility Plan” be received; and,

- (2) That, the 2011/2012 Accessibility Plan, dated September 30, 2011, as prepared by the Joint Accessibility Advisory Committee, attached as Schedule "A" to this report, be approved.

- Carried

- (b) Mackenzie Kish, United Way Representative
Re: 2011 United Way Campaign – Update

Ms. Mackenzie Kish read from a prepared statement which is attached as Schedule "B" to these minutes and invited Members of Council to view a video on-line which highlights 3 of the programs funded by the United Way.

Alderman Chechalk thanked Ms. Kish for her presentation and inquired regarding how people can contact the various agencies. Ms. Kish suggested that they call United Way who can direct them to the appropriate agency or visit the United Way website or they can call 211 which is the local Community Information number.

7. COMMUNICATIONS:

- (a) Email from Andre LeBlanc
Re: Recognition of Niagara Regional Minor Football Association Champions

There was much discussion regarding the process relating to the presentation of this item. Alderman Merritt raised a point of order when Mayor Joyner asked Alderman Micallef to read a letter that had been provided in support of this matter. It was suggested that an individual team should not be singled out and that teams from different sporting groups should be treated equally and that perhaps a celebration corner could be included in future newsletters to provide congratulations for such events; however, no specific direction was given on this matter.

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

That, the correspondence from Andre LeBlanc requesting recognition of Niagara Regional Minor Football Association Champions be received.

- Carried

8. REPORT OF COMMITTEE:

- (a) Planning/Building/Environmental Committee
Re: September 12, 2011 Minutes

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM P95-11
That, the correspondence dated August 24th, 2011, as presented at the September 12, 2011 Planning/ Building/Environmental Committee meeting by John De Hoog & Ed Hills of Forestview Court, Smithville (as

representing homeowners from Lots 7 to 18 – Forestview Crt), requesting that the Township of West Lincoln:

- (1) Grade a portion of land behind lots 7 to 18, Forestview Court, to a minimum width of 10-15 feet parallel to the fence in order to control a variety of weeds; and,
- (2) Seed the land in question with some type of appropriate grass to a minimum width of 10-15 feet; and,
- (3) Maintain the land in question by cutting it regularly from May to October to a minimum width of 10-15 feet as is the case with the maintenance carried out to the grassy areas of land that borders the homes on Golden Acres Blvd. and the children's park,

be received and referred to staff for further review/investigation of the concerns and report back to a future Committee meeting.

(b) ITEM P96-11

The Planning/Building/Environmental Committee hereby approve the following Consent Agenda Items:

1. Items 1 and 2 be hereby received for information.

(ITEM P96-11

- (1) Information Report No. PD-092-11– Building Permit Fee Annual Reports for 2008, 2009 and 2010
- (2) Information Report No. PD-112-11 – Changes to the Ontario Planning Act Regarding Secondary Unit Policies)

(c) ITEM P99-11

- (1) That, Report No. PD-103-11, dated September 12, 2011, relating to an application for rezoning by Richard Dobrucki, BE RECEIVED; and
- (2) That, Zoning By-law Application 1601-011-11 submitted by Richard Dobrucki and dated June 1, 2011, BE APPROVED.

(d) ITEM P100-11

- (1) That, Report No. PD-107-11, dated September 12, 2011, relating to an application for rezoning by Peter and Alice Spyker, BE RECEIVED; and
- (2) That, Zoning By-law Application 1601-010-11 submitted by Peter and Alice Spyker on May 26, 2011, BE APPROVED.

(e) ITEM P101-11

- (1) That, Report No. PD-101-11, dated September 12, 2011, relating to an application for rezoning by Susan Wheler (Agent) – Paws Awhile Cat Kennel, be received; and
- (2) That, Zoning By-law Amendment Application 1601-014-11 submitted by Susan Wheler on June 28, 2011, BE APPROVED.

(f) ITEM P102-11

- (1) That, Report No. PD-102-11, dated September 12, 2011, relating to an application for rezoning made by Greg Hynde (agent on behalf of Anne Meinen), BE RECEIVED; and

- (2) That, Zoning By-law Application 1601-016-11 submitted by Greg Hynde (agent on behalf of Anne Meinen) on July 11, 2011, BE APPROVED.
- (g) ITEM P103-11
- (1) That, Report PD-104-11, dated September 12, 2011, regarding an application by Phelps Homes Ltd. to Redline Revise and Rezone the Smithville on the Twenty – Brookside Phase 3 Draft Plan of Subdivision, BE RECEIVED; and,
 - (2) That, a Recommendation Report be prepared and presented to the Planning/Building/Environmental Committee once all agency, public, and Township comments have been received, reviewed, or addressed.
- (h) ITEM P104-11
- (1) That, report PD-105-11, dated September 12, 2011, regarding the Extension of Draft Plan Approval for Smithville on the Twenty (Brookside) Update Report, BE RECEIVED; and,
 - (2) That, the Draft Plan Approval for Smithville on the Twenty (Brookside) be extended for a period of one year, to expire on October 13, 2012, subject to an amendment to Condition 1 and the addition of a revised Condition 46 as included in Attachment No. 1 to this report (changes in bold text).
- (i) ITEM P105-11
- (1) That, Report No. PD-111-11, dated September 12, 2011, relating to an application for rezoning by Vittorio Marini, BE RECEIVED; and
 - (2) That, Zoning By-law Application 1601-007-11 submitted by Vittorio Marini and dated April 13, 2011, BE APPROVED; and
 - (3) That, no further public meeting is required pursuant to Section 34(17) of the *Planning Act* as the proposed modifications to the original application are minor in nature.
- (j) ITEM P106-11
AMENDMENT TO BUDGET
- (1) That, Report PD-095-11, dated September 12, 2011, relating to an AMENDMENT TO BUDGET to hire a Corporate Strategic Plan Consultant, and to establish an adequate Budget Allocation, BE APPROVED; and,
 - (2) That, an amendment to the 2011 Budget be approved that transfers \$14,000.00 of the Trails and Corridors Capital Account allocation to the Corporate Strategic Plan Capital Account; and,
 - (3) That, an Amendment to the 2011 Budget be approved that transfers up to \$5,000.00 from the Contingency Reserve Account to the Corporate Strategic Plan Account; and,
 - (4) That, following approval of the amendments to Budget, as outlined above, that Mohawk College Enterprise be hired as a result of their

ranking on the matrix analysis, to complete the Township of West Lincoln Corporate Strategic Plan at a cost of \$48,225.00, plus HST.

(k) ITEM P107-11

- (1) That, Report No. PD-093-11, dated September 12, 2011, relating to a proposal for a Wireless Telecommunication Tower by Rogers Communications Inc. on Regional Road 14 in the Township of West Lincoln & Proposed Modifications to the Township's Telecommunications Public Consultation Policy (POL-PD-01-08), BE RECEIVED; and,
- (2) That, Staff be and are hereby authorized to send a letter to Summit Telecom Services (Agent for Rogers Communication Inc.) advising that the Township of West Lincoln has no objections to their tower proposal located at 1254 Regional Road 14; and,
- (3) That, this letter advise that the Township of West Lincoln expects, as a good business partner, Rogers will obtain a building permit from the Township of West Lincoln prior to construction of the tower; and,
- (4) That, Township Policy POL-PD-01-08 be amended (and renumbered as POL-PD-02-11) as per Attachment No. 7 to require the proponent of a Wireless Telecommunications Facility to provide a Co-location report as part of their consultation submission to the Township prior to the holding of a public consultation meeting.

(l) ITEM P108-11

- (1) That, Report No. PD-108-11, dated September 12, 2011, relating to Downtown Smithville Sustainable CIP Commercial Facade Improvement Funding Program and Awarding of Funding Approvals to Five Projects, BE RECEIVED; and,
- (2) That, the 5 funding applications, as received by the August 3, 2011 deadline and as outlined in this report be endorsed at a total cost not exceeding \$14,427.00 to be expensed to the CIP Implementation Account upon satisfactory completion of the work; and,
- (3) That, the Region of Niagara be informed that the Regional portion, should all projects proceed forward in a satisfactory manner, is not more than \$14,427.00; and,
- (4) That, the applicants be advised that their applications are eligible for funding with the requirement that they meet with Township Staff and provide documentation as outlined in this report, prior to commencing any of the work; and,
- (5) That, the Mayor and Clerk be and hereby are authorized to sign the necessary agreement to partner with each of the applicants for all approved facade improvements.

- (m) ITEM P109-11
 - (1) That, Report No. PD-082-11, dated September 12, 2011, relating to the Smithville Intensification Study and Employment Lands Development Strategy, BE RECEIVED; and,
 - (2) That, the Smithville Intensification Study and Employment Lands Development Strategy be accepted; and,
 - (3) That, the various recommendations and actions contained therein be explored by staff with recommendation reports being presented to the appropriate Committee prior to any actions being implemented.

- (n) ITEM P113-11
 - (1) That, Report PD-113-11, dated September 12, 2011, relating to a Legal Matter, OMB Hearing – Growth Strategy Plan, be received and the recommendation therein BE APPROVED; and,
 - (2) That, the directions of the Closed Session be and are hereby approved.

- (o) ITEM P114-11
 - That, the CAO be authorized to request an extension with respect to a property matter more specifically the sale of land in the West Lincoln Industrial Park.

Alderman Merritt noted that she had not attended the Planning committee meeting and therefore would not be voting on the minutes.

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

That, the minutes relating to the open session portion of the Planning/Building/Environmental Committee meeting held on September 12, 2011, be accepted and that the recommendations contained therein, be approved, with the exception of Items P97-11 and P117-11.

That the confidential minutes of the closed session portion of the September 12, 2011 Planning/Building/Environmental Committee meeting be received and approved with the exception of Item P117-11; 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 P97-11 Ministry of the Environment - IPC Energy's Proposed HAF Wind Energy Project

Alderman Leith noted a conflict of interest and/or disclosure of pecuniary interest with respect to Item P97-11 (Correspondence from the Ministry of the Environment regarding the IPC Energy's Proposed HAF Wind Energy Project) as he worked in the green energy industry. Alderman Leith did not take part in any discussion with respect to this matter.

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

That, Item P97-11 from the September 12, 2011 Planning/Building/Environmental Committee meeting be approved:

(ITEM P97-11

Ministry of the Environment

Re: IPC Energy's Proposed HAF Wind Energy Project

RECEIVED FOR INFORMATION)

- Carried

Item P117-11 - Personnel Matter – Fire Dept. – Joint Services Opportunity

Mayor Joyner noted a perceived conflict of interest and/or disclosure of pecuniary interest with respect to Item P117-11 (Personnel Matter). Mayor Joyner stepped down from the Chair and did not take part in discussion nor voting with respect to this matter.

Mayor Joyner stepped down from the Chair and Alderman Glazier assumed the position of Chair during deliberation of this item.

Moved by Alderman Eric Leith and seconded by Alderman Joann Chechalk:

That, Item P117-11 from the open session portion of the September 12, 2011 Planning/Building/ Environmental Committee meeting be approved:

(ITEM P117-11

That, the CAO be authorized to proceed with discussions regarding a personnel matter, more specifically a joint services opportunity.

- LOST.)

That, Item P117-11 from the closed session portion of the September 12, 2011 Planning/Building/ Environmental Committee meeting be approved.

- Carried

Mayor Joyner resumed his position as chair immediately following the vote on Item P117-11.

- (b) Administration/Finance/Fire Committee
Re: September 19, 2011 Minutes

SUMMARY OF RELEVANT RECOMMENDATIONS:

- (a) ITEM A94-11
The Administration/Finance/Fire Committee approve the following Consent Agenda Items:
1. Item 1 be and is hereby received for information.
(Joint Accessibility Advisory Cmty - July 14/11 Minutes & Aug. 11/11 Notes)

- (b) ITEM A95-11
That, the correspondence from the Town of Petrolia dated August 23, 2011 requesting a \$100.00 donation to the Town of Goderich to assist with replacing trees that were lost in the recent tornado, be received.
- (c) ITEM A96-11
That, Report RFI-T-17-11, regarding "Water and Wastewater Rate Study 2010 and Financial Sustainability Plans" be received for information.
- (d) ITEM A97
 - (1) That, Report RFD-T-18-11, regarding "Crystal Fount Water Company Ltd. - Request for Water Rate Reduction for High Users" be received; and ,
 - (2) That the request for relief for high water users be denied.
- (e) ITEM A98-11
That, Report RFI-T-19-11, regarding the "August 2011 Budget Status Report" be received for information
- (f) ITEM A99-11
 - 1. That, Report RFD-T-20-11, regarding "Development Charge Reserve Funds- Treasurer's Annual Statement", dated September 19, 2011 be received, and
 - 2. That, the Treasurer forward Schedule A to the Ministry of Municipal Affairs and Housing, as per legislation
- (g) ITEM A100-11
 - 1. That Report RFD-C-12-11, dated September 19, 2011, regarding "New Livestock Regulations and Proposed Valuer Fee Increase", be received; and,
 - 2. That the livestock valuator fee be increased to \$55.00 retroactive to July 1, 2011.
- (h) ITEM A101-11
That, the Clerk be directed to undertake a review of the procedural by-law and that Members of Council be requested to submit their areas of concern with respect to proposed changes to the Clerk and that the Clerk bring back a 'Draft Bylaw' for further review and input by Members of Council.

Moved by Alderman John Glazier and seconded by Alderman Luciano Di Leonardo:

That, the minutes of the Administration/Finance/Fire Committee meeting held on September 19, 2011, be accepted and that the recommendations contained therein, be approved.

- Carried

- (c) Public Works/Recreation/Arena Committee
Re: September 19, 2011 Minutes
NOTE: CONFIDENTIAL MINUTES UNDER SEPARATE COVER

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM PW47-11
That, the correspondence from the Children's Rights Interest Group of Niagara dated July 21st, 2011 regarding their annual request for donation of one hour of ice time at a cost of \$174.00 in recognition of National Child Day, to be held on or about November 20, 2011 (date to be confirmed) from 1:00 p.m. – 2:00 p.m. at the West Lincoln Arena be received and supported and the cost be absorbed in the arena budget.
- (b) ITEM PW48-11
- (1) THAT, report RFD PW-33/2011, re: Municipal Franchise Agreement – Enbridge Inc., dated September 19th, 2011, be accepted; and,
 - (2) THAT, the previously approved draft by-law be presented for adoption in order to authorize the Mayor and Clerk to sign the Franchise Agreement between the Corporation of the Township of West Lincoln and Enbridge Gas Inc.; and,
 - (3) THAT, the following By-Laws be repealed:
 - a) By-Law # 76-8 Corporation of the Township of West Lincoln, and passed in Council on October 18th, 1976;
 - b) By-Law # 83-16 Corporation of the Township of West Lincoln, and passed in Council on April 18, 1983.
- (c) ITEM PW49-11
AMENDMENT TO BUDGET
- (1) THAT, Report RFD PW-34/2011, RE: Amendment to Budget for Roads Training be approved, and;
 - (2) THAT, Council authorizes the amendment to the budget to allow for the training of Public works staff (12) by Ground Force Training Inc. at a cost of \$13,893.88 plus HST funded by the Contingency Reserve Fund, if required.
- (d) ITEM PW50-11
- (1) THAT, Report RFD-D-01-2011 regarding "Johnson Drain Repairs Quotation Results be received; and,
 - (2) THAT, the Quotation submitted by C.R.L. Campbell Construction for emergency repairs, be accepted.
- (e) ITEM PW51-11
- (1) That, Report RFD-C-13-2011, dated September 19, 2011, regarding the "Housekeeping Amendments to By-law 2008-79 West Lincoln Public Libraries By-law be received; and,
 - (2) That, the attached draft by-law be forwarded to Council for approval to enact the amendments as outlined in this report

- (f) ITEM PW54-11
That the CAO be authorized to proceed as directed in closed session with respect to a personnel matter.

Alderman Leith advised that he would not be voting as he had not attended the meeting.

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

That, the minutes of the Public Works/Recreation/Arena Committee meeting held on September 19, 2011, be accepted and that the recommendations contained therein, be approved, with the exception of Item PW48-11.

That the confidential minutes of the closed session portion of the September 19, 2011 Public Works/Recreation/Arena 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 PW48-11 - Report RFD PW-33/2011 - Municipal Franchise Agreement – Enbridge Inc

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Luciano Di Leonardo:

That, Item PW48-11 from the September 19, 2011 Public Works/Recreation/Arena Committee meeting be approved:

(ITEM PW48-11

- (4) THAT, report RFD PW-33/2011, re: Municipal Franchise Agreement – Enbridge Inc., dated September 19th, 2011, be accepted; and,
- (5) THAT, the previously approved draft by-law be presented for adoption in order to authorize the Mayor and Clerk to sign the Franchise Agreement between the Corporation of the Township of West Lincoln and Enbridge Gas Inc.; and,
- (6) THAT, the following By-Laws be repealed:
 - b) By-Law # 76-8 Corporation of the Township of West Lincoln, and passed in Council on October 18th, 1976;
 - b) By-Law # 83-16 Corporation of the Township of West Lincoln, and passed in Council on April 18, 1983.)

- Carried AS AMENDED (see below)

AMENDMENT:

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

That Item PW48-11 be amended by replacing the name “Enbridge Gas Inc and/or Enbridge Inc.” and Enbridge Gas Inc.” to “Enbridge Gas Distribution Inc.”.

- Carried

9. RECONSIDERATION:

There were no items for reconsideration.

10. NOTICE OF MOTION:

There were no notices of motion.

11. OTHER BUSINESS:

(a) Director of Planning & Building (Brian Treble)
Re: Memorandum - Wes-Li Gardens Extension - Street naming
(Riverside Circle, Jenny Crescent, Dove Lane)
RECEIVED FOR INFORMATION

(b) Members of Council
Re: Other Business Items

1. Alderman Joann Chechalk
Re: Report from Board of Niagara Peninsula Energy Inc.

Alderman Chechalk advised that Mr. Wilkie from the Board of Niagara Peninsula Energy Inc would be attending a future meeting to provide an update regarding the activities of the Board.

12. BY-LAWS:

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Luciano Di Leonardo:

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

- | | | |
|-----|----------------|---|
| (a) | By-law 2011-72 | To confirm proceedings of Aug. 15, 2011 Regular Council and Aug. 15, 2011 Special Council |
| (b) | By-law 2011-73 | Zoning By-law Amendment - Richard Dobrucki |
| (c) | By-law 2011-74 | Zoning By-law Amendment -Peter and Alice Spyker |
| (d) | By-law 2011-75 | Zoning By-law Amendment – Paws Awhile Cat Kennel |
| (e) | By-law 2011-76 | Zoning By-law Amendment - Anne Meinen |
| (f) | By-law 2011-77 | Zoning By-law Amendment - Vittorio Marini |

(g) By-law 2011-78 To authorize the Mayor and Clerk to enter into agreements with the five successful applicants of the Community Improvement Plan – Commercial Façade Funding Program as approved under Report PD-108-11 on September 26, 2011.

(h) By-law 2011-79 To name roads within the Wes-Li Gardens Extension Plan of Condominium Development - Riverside Circle, Jenny Crescent, Dove Lane, Township of West Lincoln

- Carried

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Luciano Di Leonardo:

That, By-laws 2011-72, 2011-73, 2011-74, 2011-75, 2011-76, 2011-77, 2011-78 and 2011-79 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:

(i) By-law 2011-80 To authorize a Franchise Agreement between the Corporation of the Township of West Lincoln and Enbridge Gas Distribution Inc. (and repeal By-Law # 76-8 & 83-16)

(j) By-law 2011- 81 To amend By-law 2008-79 which provides for the appointment of a Library Board and delegates the authority for the Members of the Corporation of the Township of West Lincoln Public Library Board to adopt policies, procedures and conditions for the operation of the West Lincoln Public Libraries (amend appointment provisions and delete notification requirement to minister)

- Carried

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

That, By-laws 2011-80 and 2011-81 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

13. CONFIDENTIAL MATTERS:

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

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. personal matters about an identifiable individual, including municipal or local board employees;
 2. a proposed or pending acquisition or disposition of land by the municipality or local board;
 3. labour relations or employee negotiations;
 4. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- Carried (8:10 p.m.)

Council took a 10 minute recess at approximately 8:10 p.m.

Moved by Alderman Luciano Di Leonardo and seconded by Alderman John Glazier:

That, this Council meeting does now resume in open session at 9:58 p.m.

- Carried

- (a) Director of Planning & Building
Re: Report PD-117-11–Antoniou Ontario Municipal Board Hearing
(File # PL110439)

Moved by Alderman John Glazier and seconded by Alderman Luciano Di Leonardo:

That, Report No. PD-117-11, dated September 26, 2011, relating to Legal Matter - Ontario Municipal Board Hearing (OMB File No. PL110439), BE RECEIVED for information purposes.

- Carried

- (b) CAO (Derrick Thomson)
Re: Property Matter/Sale of Land – Industrial Park

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

That, the CAO be authorized to proceed as directed in closed session with respect to a property matter relating to an offer to purchase land in the industrial park.

A Recorded Vote was requested by Alderman Luciano Di Leonardo:

	<u>Yes</u>	<u>No</u>
Alderman Joann Chechalk		x
Alderman Luciano Di Leonardo	x	
Alderman John Glazier	x	
Alderman Eric Leith	x	
Alderman Sue-Ellen Merritt	x	
Alderman Alexander Micallef		x
Mayor Douglas Joyner	x	
Total	<u>5</u>	<u>2</u>

- Carried

- (c) CAO (Derrick Thomson)
Re: Personnel Matter – Appointment of Director of Public Works - Identifiable Individual

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Luciano Di Leonardo:

That, Peggy Van Mierlo-West be and is hereby appointed as Director of Public Works & Engineering for the Corporation of the Township of West Lincoln; and,

That the appropriate by-laws be enacted in that regard.
- Carried

- (d) Clerk (Carolyn Langley)
Re: Recommendation to Peninsula West Power Inc. for appointment to Niagara Peninsula Energy Inc. Board - Personal Information relating to Identifiable Individual

NOTE: Alderman Eric Leith declared a conflict of interest relating to Item 13 (d) under Confidential Matters, being the recommendation to Peninsula West Power Inc. for appointment to the Niagara Peninsula Energy Inc. Board, due to the fact that he worked in the green energy industry. Alderman Leith did not take part in any discussion nor voting with respect to this matter and left the meeting during the closed session deliberations relating to this item.

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Luciano Di Leonardo:

That, the policy adopted on November 5, 2001 requiring that all appointments to the Board of Director of the Peninsula West Power Inc. (Holding Company) and the Peninsula West Utilities Limited (Wires Company) be through open competition, be and is hereby repealed.

- Carried

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Luciano Di Leonardo:

That West Lincoln Township Council hereby submits the following name to Peninsula West Power Inc. for consideration for appointment to the Board of Niagara Peninsula Energy Inc. for a two year term from January 1, 2012 to December 31, 2013.

Alderman John Glazier

- Carried

12. BY-LAWS: (cont'd)

Moved by Alderman Luciano Di Leonardo 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:

- (k) By-law 2011-82 To appoint a Director of Public Works & Engineering (and repeal By-law 2009-75)
- (l) By-law 2011-83 To authorize the Mayor and Clerk to sign an employment contract on behalf of the Corporation of the Township of West Lincoln

- Carried

Moved by Alderman Luciano Di Leonardo and seconded by Alderman John Glazier:

That, By-laws 2011-82 and 2011-83 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

14. ADJOURNMENT:

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

That, this Council meeting does now adjourn at the hour of 10:10 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