

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

COUNCIL MINUTES

MEETING NO. SIX HELD: Monday, April 28, 2008 - Township Administration Building, 318 Canborough Street, Smithville, Ontario - 7:00 p.m.

PRESENT:

Council: Acting Mayor – Mary Dinga
Alderman John Glazier *
Alderman Norm Johnson
Alderman Douglas Joyner
Alderman Sue-Ellen Merritt
Alderman Mike Rehner

Staff: Carolyn Langley, Clerk
Stephanie Nagel, Treasurer/Director of Finance *
Kathy Sipos, Public Works Manager *
Brian Treble, Director of Planning *

Others: Frank DeFilippis *
Walter Zimmerman *
Staff Sergeant Randy Bleich *
Ross & Ruth Griffin *
Andrew Paterson, Canada Post *
Robert Cosby *
Allard Colyn *
Russell Lowden *
Risto Mijatovic *
Mike Krkljus, Office of Tim Hudak *

Media: Marcel VanderWier, Grimsby-Lincoln News
Terry McNamee, West Lincoln Review *
William Kelly, Cogeco

ABSENT: Mayor Katie Trombetta

NOTE: Alderman Glazier left the meeting for approx. 2 minutes at 7:33 p.m.

* IN ATTENDANCE PART TIME

1. **INVOCATION:** Alderman Mary Dinga
2. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST:**

- (a) Alderman Mike Rehner declared a conflict of interest/disclosure of pecuniary interest with respect to Item A47-08(3) of the April 21, 2008 Administration/Finance/Fire Committee Minutes regarding Caistor Centre Road – Conc. 3 – Conc. 2 (9"stone, tar & chip) due to the fact that he and his wife own property on Caistor Centre Road between Concession 3 and Concession 2

Roads. Alderman Rehner advised he would not take part in any discussion nor voting with respect to this matter.

- (b) Alderman Douglas Joyner declared a conflict of interest/disclosure of pecuniary interest with respect to Item PW46-08 – Report No. RFD PW-21/2008 – Leisureplex Canteen since his brother had submitted a proposal. Alderman Joyner advised he would not take part in any discussion nor voting with respect to this matter.
- (c) Alderman Mary Dinga declared a conflict of interest/disclosure of pecuniary interest with respect to Item A47-08(2) of the April 21, 2008 Administration/Finance/Fire Committee Minutes regarding the Townline Road Reconstruction Project due to the fact that her husband owns property on Townline Road (between Regional Road #20 to Regional Road #14). Alderman Dinga advised that when this issue is discussed (Townline Road Reconstruction) she would be stepping down as the Chair and would not take part in any discussion nor voting with respect to this matter.

3. COMMENTS FROM THE PUBLIC:

- (a) Mrs. Ruth Griffin
Re: Rural Cluster of Caistor Centre

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

- (b) Mr. Robert Cosby
Re: ATVs

Mr. Cosby advised that he was the regional director of the Ontario Federation of Agriculture and was in attendance to support Mr. Walter Zimmerman in his presentation relating to concerns regarding ATVs.

- (c) Mr. Frank DeFilippis
Re: Rural Cluster of Fulton

Mr. DeFilippis stated that he had attended the public meeting and had submitted a request that the boundary be expanded to include his property; however, the request was not included in the final recommendation adopted by the Committee. Mr. DeFilippis requested that the issue be tabled pending further discussion relating to his concerns. Mr. DeFilippis also referenced a letter which was submitted by his brother, Mr. Nick DeFilippis which is attached as Schedule “B” to these minutes.

- (d) Mr. Risto Mijatovic
Re: Rural Cluster of Fulton

Mr. Mijatovic stated that when he purchased his property in Fulton 6 years ago, Fulton was designated as a hamlet and he did not understand how it had

changed to a rural cluster. Mr. Mijatovic stated that he wanted it to remain as it had been, being a hamlet which included his property.

In response to a request, the Director of Planning provided the definition of a hamlet and of a rural cluster.

4. CONFIRMATION OF MINUTES:

- (a) Council Minutes
March 25, 2008

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

- (1) That, the minutes of the open session portion of the March 25, 2008 regular Council meeting be accepted without errors or omissions; and,
- (2) That, the minutes of the closed session portion of the March 25, 2008 Regular Council 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) Public Meetings under the Planning Act
April 14, 2008 Minutes

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

That, the minutes of public meetings held on April 14, 2008, under Section 34 of the Planning Act, with respect to:

- (a) Zoning By-law Amendment – William and Cathleen Vitucci
- (b) Zoning By-law Amendment – Brad Fuller

be accepted.

- Carried

5. COMMUNICATIONS:

There were no communications.

6. APPOINTMENTS/PRESENTATIONS:

- (a) Mr. Walter Zimmerman
Re: Off Road Vehicles on Private Property in West Lincoln

Mr. Zimmerman read from a prepared statement which is attached as Schedule "C" to these minutes. In summary, Mr. Zimmerman proposed that the Township host a conference inviting all municipalities in the Region to deal with the off road vehicle situation in the hope producing results and effecting a change to legislation in order to address the problems with off road vehicles.

Acting Mayor Mary Dinga stated that the matter would be included on the next Public Works/Recreation/Arena Committee agenda for further discussion and noted that Mr. Zimmerman should submit a request for an appointment if he wished to speak at the meeting.

NOTE: Alderman Glazier left the meeting for approx. 2 minutes at 7:33 p.m.

- (b) Staff Sergeant Randy Bleich
Re: Update

Staff Sergeant Randy Bleich provided statistics for 2007 relating to service calls, break and enter, stolen vehicles, robberies, assaults and drug offences. Staff Sergeant Bleich also provided an update on the success of the "Safe Summer Program" and responded to questions from Members of Council relating to various matters (ie. garbage dumping, noise issues, ATV patrol, foot patrols, etc.)

In response to Mr. Zimmerman's presentation relating to problems with ATVs and snowmobiles, Staff Sergeant Bleich stated that law enforcement officials must remain neutral and enforce the law that exists, however, noted that a change in regulations as suggested by Mr. Zimmerman may help the situation.

Staff Sergeant Bleich also noted that he was working with Township staff to produce a booklet for enforcement officers, which contains a listing of Township by-laws and associated fines.

- (c) Andrew Paterson, Canada Post Representative
Re: Safety Assessment – Roadside Rural Mailboxes

Mr. Paterson presented a slide show which provided information regarding the upcoming Rural Mailbox Safety Program that would be testing rural mailboxes against established safety standards to determine future delivery status. Mr. Paterson noted that the first review would be to rural mailboxes at R.R. 1, 2 and 3 in Caistor Center and R.R. 1 and 3 in Smithville and that eventually, all areas would be reviewed. Mr. Paterson further explained that if a mailbox location was found to be unsafe, they would first try to relocate the box and if it could not be relocated, they would try to find a suitable site for a community mailbox or provide a free post office box at the local post office for the particular customer. Mr. Paterson then responded to questions from Members of Council.

Acting Mayor Mary Dinga thanked Mr. Paterson for his presentation.

10. OTHER BUSINESS: (new item of business)

Acting Mayor Mary Dinga
Re: Appointment of Alternate Acting Mayor to deal with Conflict Item

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

That, leave be granted to introduce a new item of business being the temporary appointment of an alternate Acting Mayor to officiate during deliberations on a matter for which Acting Mayor Mary Dinga has declared a conflict of interest.

- Carried

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

That, Alderman Sue-Ellen Merritt be appointed Acting Mayor on a temporary basis, in order to officiate during deliberations on a matter for which Acting Mayor Mary Dinga has declared a conflict of interest.

- Carried

7. REPORT OF COMMITTEE:

- (a) Planning/Building/Environmental Committee
Re: April 14, 2008 Minutes

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM P53-08
That, the correspondence from the Board of Directors for the Niagara North Condominium Corporation #172 (a.k.a. Wes-Li Gardens), dated April 2, 2008, requesting parking restriction on one side of Margaret Street, be received and referred to the Chief Building Official/By-law Enforcement for report and recommendation.
- (b) ITEM P54-08
That, the correspondence from the Ministry of the Environment, West Central Region, dated March 5, 2008, regarding "Smithville Phase IV Bedrock Remediation Site Operations Summary Report" (Quarterly – October 1, 2007 to December 31, 2007), be received for information.
- (c) ITEM P55-08
That, the West Lincoln Heritage Committee minutes of a meeting held on March 13, 2008 be received and approved.
- (d) ITEM P56-08
That, Report RFI-Bldg-02-08, dated April 14, 2008 regarding the Financial Year End Status of the Building Department for 2006-2007, be received for information.
- (e) ITEM P57-08
That, the Building Permits Report for March 2008, with an estimated cost (value of construction) of \$926,000.00 be received.

- (f) ITEM P51-08
RECOMMENDATION #1:
That, Status Report No. 6 (Strategic Growth Management Plan - Open House Sessions – Township of West Lincoln) received April 11, 2008 from Glen Barker, BLS Planning Associates, which provides:
- (1) An overview of the comments received from the Open House Sessions held to present the Agricultural Screening Report and Environmental Screening Report; and,
 - (2) An overview of comments received to date from the public respecting the Growth Management Plan, be received for information.
- RECOMMENDATION #2:
That, Status Report No. 7 (Strategic Growth Management Plan - Potential Growth Opportunities – Township of West Lincoln) received April 11, 2008 from Glen Barker, BLS Planning Associates, which provides:
- (1) A forecast over the next 25 years of potential employment land (industrial/office) requirements expressed in acres and employees and residential land requirements expressed in acres, residential units and residents;
 - (2) The Provincial and Regional context; and,
 - (3) The status of various work program tasks; be received for information.
- (g) ITEM P64-08
- (1) That, Report No. PD-037-08, dated April 14, 2008, relating to conducting an Air Quality and Environmental Impact Assessment Study for the Spring Creek Heights Secondary Plan review, be APPROVED;
 - (2) That, staff be directed to complete the Spring Creek Heights Secondary Plan Review, including an Air Quality and Environmental Impact Assessment Study as part of the Spring Creek Heights Secondary Plan Amendment;
 - (3) That, the Terms of Reference included as Attachment 1 to this report, be APPROVED;
 - (4) That, the list of potential bidders included as Attachment 2 to this report, be APPROVED and that the bidders be provided an opportunity to submit a proposal in accordance with the Township's Purchasing and Tendering Policy;
 - (5) That, a total budget, including costs for the Study and implementation, of \$35,000.00 as taken from the Development Charges Reserve for the Official Plan Five Year Review, be APPROVED;
 - (6) That, a proposed budget for the consultant phase of the Air Quality and Environmental Impact Assessment Study of \$25,000.00, be APPROVED.

- (h) ITEM P65-08
 - (1) That, Report No. PD-038-08, dated April 14, 2008, relating to an Interim Control By-law for the Spring Creek Heights Secondary Plan area, be APPROVED; and
 - (2) That, an Interim Control By-law for the purpose of preventing any development within the Spring Creek Heights Secondary Plan Study Area for a period of one year, be APPROVED.

- (i) ITEM P58-08
That, Report No. PD-042-08, dated April 14, 2008, regarding a Zoning By-law Amendment application 1601-006-08 in the name of William and Cathleen Vitucci, BE APPROVED.

- (j) ITEM P59-08
 - (1) That, Report No. PD-041-08, dated April 14, 2008, relating to Zoning By-law Amendment application 1601-007-08 in the name of Fuller, BE RECEIVED; and,
 - (2) That, a further report be prepared once all outstanding issues have been resolved.

- (k) ITEM P60-08
 - (1) That, the attached Zoning By-law Amendment in the name of Grimsby Classic Homes (1988) Ltd., BE APPROVED.
 - (2) That, no further public meeting is required pursuant to section 34(17) of the *Planning Act* as the requested modification to the original application is minor in nature.

- (l) ITEM P61-08
 - (1) That, Report No. PD-035-08, dated April 14, 2008, regarding Zoning By-law Amendment application 1601-002-08 initiated by the Township of West Lincoln to establish the Rural Cluster Boundaries of Attercliffe, Caistor Centre, Fulton and Grimsby Centre, BE APPROVED; and
 - (2) That, the boundaries of the rural clusters of Attercliffe, Caistor Centre, Fulton and Grimsby Centre (implemented through separate by-laws), 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.

- (m) ITEM P62-08
 - (1) That Report PD-039-08 dated for April 14, 2008 relating to the authority to enter into a grant agreement with the Federation of Canadian Municipalities (FCM) be received; and,
 - (2) That, a by-law be adopted for the purpose of authorizing the Mayor and Clerk to enter into a Grant Agreement with Federation of Canadian Municipalities, as Trustee of the Green Municipal Fund, for receipt of money for the West Lincoln Sustainable Community Improvement Plan (CIP).

- (n) ITEM P63-08
- (1) That, Report PD-040-08, dated April 14, 2008, regarding Consumer Price Index changes to planning fees effective May 1, 2008 be received; and,
 - (2) That, By-law 2002-112, (Committee of Adjustment fees - as amended by By-law 2007-18), be amended by replacing Schedule "D", Tariff of Fees, with a new Schedule "D"; and,
 - (3) That, By-law 2002-113 (Tariff of Fees for Planning Matters – as amended by By-law 2007-17 and 2008-11) be amended by replacing Appendix "A" (Schedule of Fees) with a new Appendix "A"; and,
 - (4) That, the new planning fees take effect on May 1, 2008.

(o) ITEM P66-08

RECOMMENDATION #1:

- (1) That, the memorandum from the Director of Planning, dated April 14, 2008, which summarizes Committee and Council discussions/recommendations/ resolutions from 2005 and 2006 regarding the waiving of rental charges for use of Township Lands/Buildings for the Saturday morning Farmer's Markets be received for information; and,
- (2) That, the correspondence (attached to memorandum as Attachment "A") received from Albert Witteveen, Chairman of the Smithville Farmer's Market Steering Committee, dated April 8, 2008, requesting that the 2007 (outstanding) and 2008 rental charges for use of Township Lands/Buildings for the Saturday morning Farmer's Markets be waived, be received and supported.

- Carried AS AMENDED (see below).

RECOMMENDATION #1 (AMENDMENT):

That, Item P66-08 of the April 14, 2008 Planning/Building/Environmental Committee meeting, specifically being the request from the Smithville Farmer's Market to waive the rental charges for use of Township Lands/Buildings for Farmer's Market, be amended to remove the words "and 2008".

RECOMMENDATION #2:

That, the verbal request made at the March 10, 2008 Planning/Building/Environmental Committee Meeting by Albert Witteveen, Chairman of the Smithville Farmer's Market Steering Committee, for the Township to consider allowing the Farmer's Market to relocate, on a one year trial basis, to the CIBC Parking Lot located (north-west corner of Brock Street & St. Catharines Street) to provide better visibility and reduce the need for promotional advertising; be received.

(p) ITEM P67-08 (i)

That, a new item of business be introduced being a confidential issue relating to a personal matter relating to an identifiable individual.

- (q) ITEM P67-08 (ix)
That, a new item of business be introduced being a confidential issue relating to a personal matter relating to an identifiable individual and/or a potential litigation issue.

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

1. That, the minutes of the open session portion of the Planning/Building/Environmental Committee meeting held on April 14, 2008, be received and that the recommendations contained therein, be approved, with the exception of Item no. P61-08.
2. That the minutes of the closed session portion of the April 14, 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

Alderman Joyner noted that he was in favour of moving the Farmer's Market to the CIBC parking lot and he did not see any safety issues in that regard.

Item P61-08 – Rural Cluster Boundaries

There was much discussion regarding the concerns raised by residents under the "Comments from the Public" section on the agenda and a recommendation was put forward to remove the rural clusters of Caistor Centre and Fulton from the recommendation and refer them back to staff for further review and discussion.

In response to a statement by Mrs. Ruth Griffin that she had not received notification when the hamlet of Caistor had been re-designated a rural cluster, Alderman Merritt requested that staff investigate the matter and report back.

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

That, Item P61-08 from the April 14, 2008 Planning/Building/Environmental Committee minutes be approved.

(Item P61-08

- (4) That, Report No. PD-035-08, dated April 14, 2008, regarding Zoning By-law Amendment application 1601-002-08 initiated by the Township of West Lincoln to establish the Rural Cluster Boundaries of Attercliffe, Caistor Centre, Fulton and Grimsby Centre, BE APPROVED; and
- (5) That, the boundaries of the rural clusters of Attercliffe, Caistor Centre, Fulton and Grimsby Centre (implemented through separate by-laws), BE APPROVED; and

- (6) 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.)

- Carried AS AMENDED (see below)

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

That, Item P61-08 from the April 14, 2008 Planning/Building/Environmental Committee minutes be amended by removing the following words under Section 1 and 2 of the resolution respectfully:

“Caistor Centre”

“Fulton”.

- Carried

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

That, the establishment of the Rural Cluster Boundaries of Caistor Centre and Fulton, be referred back to staff for further consideration.

- Carried

(b) Administration/Finance/Fire Committee

Re: April 21, 2008 Minutes

NOTE: CONFIDENTIAL MINUTES UNDER SEPARATE COVER

SUMMARY OF RECOMMENDATIONS:

(a) ITEM A43-08

- (1) That, the correspondence dated April 9, 2008 from Karen Peters, President –West Lincoln Kin Club, requesting use of the CIBC Parking Lot to sell fireworks over the long weekend in May, be received; and,

- (2) That the request be denied based on comments received from the Fire Chief, more specifically due to the fact that the proposed location of the trailer, as per the attached site plan drawing, contravenes the Fire Code (i.e. Section 5.2 and the list of requirements set out in the Explosives Act & Regulations (Item (d))).

(b) ITEM A44-08

That, the West Lincoln Cemetery Board minutes of a meeting held on February 13, 2008 be accepted and that the recommendation contained therein be adopted.

(c) ITEM A45-08

- (1) That, Report RFD-C-11-08, dated April 21, 2007, regarding “Applications for Refreshment Cart License at CIBC Parking Lot” be received and;

- (2) That, the request to enter into a lease agreement with L & J Video and Variety for lease of a portion of lands in the CIBC Parking lot as per "Schedule A" be approved; and,
 - (3) That, the application for a Refreshment Cart Licence , as submitted by L & J Video and Variety, be approved subject to approval by staff following the circulation process outlined in By-law 2005-17; and,
 - (4) That a by-law be presented to Council for adoption to authorize a Lease Agreement between L & J Video and Variety and the Corporation of the Township of West Lincoln.
- (d) ITEM A46-08
- (1) That, Report RFD-F-02-08 regarding "Insurance Renewal 2008/2009", dated April 21, 2008, be received; and,
 - (2) That, West Lincoln Council contract with Frank Cowan Insurance Company through its broker Pearson-Dunn Insurance & Financial Services Inc. for insurance coverage for the 2008-2009 year, and,
 - (3) That, a bylaw be presented to Council authorizing the Mayor and Clerk to sign the necessary agreements with Frank Cowan Insurance Company & Pearson-Dunn Insurance & Financial Services Inc.
- (e) ITEM A47-08(1)
That, the Budget Committee minutes of a meeting held on April 17, 2008 be accepted and that the recommendations contained therein be adopted with the exception of B04-08 and B05-08.
- (f) ITEMA47-08(2):
That, Item B04-08 from the April 17, 2008 Budget Committee minutes be approved.
(Item B04-08
That, the TOWNLINER ROAD RECONSTRUCTION PROJECT included in the "Roads Construction" section listed in Schedule A to Report RFD-F-02-08, which represents a 0.4% increase to the tax levy for general purpose, BE APPROVED as part of the Capital Program in the 2008 Budget package.)
- (g) ITEM A47-08(3):
That, Item B05-08 from the April 17, 2008 Budget Committee minutes be approved.
(Item B05-08
That the CAISTOR CENTRE ROAD "CONC. 3- CONC.2" (9" STONE, TAR & CHIP) project included in the "Roads Construction" section listed in Schedule A to Report RFD-F-02-08,

which represents a .0% increase to the tax levy for general purpose BE APPROVED as part of the Capital Program in the 2008 Budget package.)

- (h) ITEM A49-08
- (1) That, Report RFD-F-03-08 regarding "Personnel Matter – Amendment to Employment Agreement – Stephanie Nagel" dated April 21, 2008, be received; and,
 - (2) That, the staff be directed to amend the employment agreement with Stephanie Nagel as contained in Report RFD-F-03-08, and,
 - (3) That, staff be directed to present a bylaw to Council to authorize the Mayor & Clerk to sign the Amendment to the Employment Agreement with Stephanie Nagel.

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

1. That, the minutes of the open session portion of the Administration/Finance/Fire Committee meeting held on April 21, 2008, be received and that the recommendations contained therein, be approved, with the exception of Item nos. Item A47-08(2), Item A47-08(3).
2. That the minutes of the closed session portion of the April 21, 2008 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

Alderman Mary Dinga stepped down from the Chair and Alderman Merritt assumed the position of Chair at approximately 8:58 p.m.

Item A47-08(2) - TOWNLINE ROAD RECONSTRUCTION

Alderman Mary Dinga declared a conflict of interest/disclosure of pecuniary interest with respect to Item A47-08(2) of the April 21, 2008 Administration/Finance/Fire Committee Minutes regarding the Townline Road Reconstruction Project due to the fact that her husband owns property on Townline Road (between Regional Road #20 to Regional Road #14). Alderman Dinga advised that when this issue is discussed (Townline Road Reconstruction) she would be stepping down as the Chair and would not take part in any discussion nor voting with respect to this matter.

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

That, Item A47-08(2) from the April 21, 2008 Administration/Finance/Fire Committee minutes be approved.

(Item A47-08(2))

That, Item B04-08 from the April 17, 2008 Budget Committee minutes be approved.

(B04-08

That, the TOWNLINER ROAD RECONSTRUCTION PROJECT included in the "Roads Construction" section listed in Schedule A to Report RFD-F-02-08, which represents a 0.4% increase to the tax levy for general purpose, BE APPROVED as part of the Capital Program in the 2008 Budget package.))

- Carried

Alderman Merritt stepped down as Chair and Alderman Mary Dinga re-assumed the position of Chair at approximately 8:59 p.m.

Item A47-08(3) - CAISTOR CENTRE RD-CONC. 3-CONC. 2 (9" STONE, TAR & CHIP)

Alderman Mike Rehner declared a conflict of interest/disclosure of pecuniary interest with respect to Item A47-08(3) of the April 21, 2008 Administration/Finance/Fire Committee Minutes regarding Caistor Centre Road - Conc. 3 - Conc. 2 (9"stone, tar & chip) due to the fact that he and his wife own property on Caistor Centre Road between Concession 3 and Concession 2 Roads. Alderman Rehner advised he would not take part in any discussion nor voting with respect to this matter.

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

That, Item A47-08(3) from the April 21, 2008 Administration/Finance/Fire Committee minutes be approved.

(Item A47-08(3)

That, Item B05-08 from the April 17, 2008 Budget Committee minutes be approved.

B05-08

(That the CAISTOR CENTRE ROAD "CONC. 3- CONC.2" (9" STONE, TAR & CHIP) project included in the "Roads Construction" section listed in Schedule A to Report RFD-F-02-08, which represents a .0% increase to the tax levy for general purpose BE APPROVED as part of the Capital Program in the 2008 Budget package.)

- Carried

NOTE - CORRECTION: The Clerk noted that a correction was required to rectify a typographical error in the April 21, 2008 Administration/Finance/Fire Committee minutes which was to add the word "not" immediately following the word "would" in the first paragraph on Page 6 below the heading "B05-08 (Caistor Centre Road Conc. 3 - Conc. 2 (9" Stone, Tar & Chip)". The Clerk further noted that this issue was properly reflected at an earlier point in the

meeting on page 1 of the minutes under section 2, being "Disclosure of Pecuniary Interest and/or Conflict of Interest".

- (c) Public Works/Recreation/Arena Committee
Re: April 21, 2008 Minutes

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM PW42-08
That, the correspondence dated April 15, 2008 from Mr. David Griffin requesting an amendment to the current site plan agreement for Alma Park to remove the requirement for a fence along his property, be received.
- (b) ITEM PW43-08
That, the West Lincoln Public Library Board Minutes of a meeting held on February 28, 2008 be accepted and that the recommendation contained therein be approved with the exception of #1.

RECOMMENDATION # 1 - ITEM PW43-08

That, due to the Ontario minimum wage increase from \$8.00/hour to \$8.75/hour, and to maintain the current Library staff wage differential, Catharine forward a proposal to the Treasurer of the Township of West Lincoln that all Library staff wages increase by \$.75/hour as of April 1, 2008.)
-Carried AS AMENDED (See Below)

AMENDMENT # 1

That, recommendation # 1 be amended by removing the words "Catharine forward a proposal to the Treasurer of the Township of West Lincoln".

- (c) ITEM PW44-08
That, the correspondence dated March 10, 2008 from Ms. Pam Baarda and Ms. Wendy Stavinga regarding parking on Dufferin Street be referred to the Chief Building Official for report and recommendation.
- (d) ITEM PW45-08
RECOMMENDATION# 1:
That, the correspondence dated April 16, 2008 from Susan McKeen, Patio-Plus & The Pool Place, requesting use of the CIBC Parking Lot to promote and display their new line of spas (no more than 8 spas in total) under a 20" x 20" tent (for two or three days during the weekend on either May 9-11 or May 16-18), subject to:
- (1) Approval of staff; and,
 - (2) The appropriate permits being acquired and fees paid; and,
 - (3) The provision of confirmation to the Township showing that the organization has adequate liability insurance for the event in the amount of not less than \$2,000,000.00 and naming the Township as co-insured for the event;
- be received.

RECOMMENDATION# 2:

That, the correspondence dated April 16, 2008 from Susan McKeen, Patio-Plus & The Pool Place, requesting use of the fairgrounds to promote and display their new line of spas (no more than 8 spas in total) under a 20" x 20" tent (for two or three days during the weekend on either May 9-11 or May 16-18), be referred to the Public Works Manager for a report and recommendation to the April 28 Council Meeting.

- (e) ITEM PW46-08
 - (1) THAT, Report RFD PW-21/2008, re: Leisureplex Canteen, dated April 21, 2008, be accepted; and,
 - (2) THAT, a bylaw be presented to the next Council meeting to enter into an agreement, with the Tree of Life, for the operation of the Leisureplex Canteen.

- (f) ITEM PW47-08
THAT, Report RFI PW-22/2008, re: Skate Park, dated April 21, 2008, be received for information.

- (g) ITEM PW53-08
That, notwithstanding the Tendering & Purchasing Policy, staff be authorized to accept the quoted price from Da-lee Dust Control for Calcium Chloride in the amount of \$277.00 per flake equivalent tonne which is 10% below last year's cost.

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

That, the Public Works/Recreation/Arena Committee minutes of a meeting held on April 21, 2008, be received and that the recommendations contained therein, be approved, with the exception of Item no. PW46-08 and PW47-08.

- Carried

NOTE - CORRECTION: The Public Works Manager noted that a correction was required to rectify a typographical error under Item PW53-08 in the April 21, 2008 Public Works/Recreation/Arena Committee minutes which was to add a "period" in the amount to properly reflect that was to read \$277.00.

ITEM PW46-08 – Leisureplex Canteen

Alderman Douglas Joyner declared a conflict of interest/disclosure of pecuniary interest with respect to Item PW46-08 – Report No. RFD PW-21/2008 – Leisureplex Canteen since his brother had submitted a proposal. Alderman Joyner advised that he would not take part in any discussion nor voting with respect to this matter.

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

That, Item PW46-08 from the April 21, 2008 Public Works/Recreation/Arena Committee minutes be approved.

(Item PW46-08

- (1) THAT, Report RFD PW-21/2008, re: Leisureplex Canteen, dated April 21, 2008, be accepted; and,
- (2) THAT, a bylaw be presented to the next Council meeting to enter into an agreement, with the Tree of Life, for the operation of the Leisureplex Canteen.)

- Carried

ITEM PW47-08 – Skate Park

In response to a request from Alderman Merritt, the Public Works Manager agreed to provide a copy of the Recreation Master Plan survey to Members of Council.

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

That, Item PW47-08 from the April 21, 2008 Public Works/Recreation/Arena Committee minutes be approved.

(ITEM PW47-08

THAT, Report RFI PW-22/2008, re: Skate Park, dated April 21, 2008, be received for information.)

- REFERRED (see below)

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

That, Item PW47-08 be referred back to staff for further report and recommendation, assessing the cost for skate parks in similar size municipalities, including statistics on the age of skateboarders and users of skate board parks.

- Carried

8. RECONSIDERATION:

There were no items for reconsideration.

9. NOTICE OF MOTION:

There were no notices of motion.

10. OTHER BUSINESS:

- (a) Chief Building Official
Re: Temporary Residence during Construction (Gulmar)
Received for Information
- (b) Chief Building Official
Re: Appointment By-law - Municipal Law Enforcement Officers

In response to an inquiry regarding when the By-law Enforcement contract had ended with Mr. Smith and when the parking enforcement contract expires, the Clerk confirmed that she would investigate and report back.

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

- (1) That, Donna Lambert be appointed by by-law, as Municipal Law Enforcement Officers for the Corporation of the Township of West Lincoln; and,
- (2) That, Steven Stec and Travis Dressel be reappointed by by-law, as Municipal Law Enforcement Officers for the Corporation of the Township of West Lincoln; and,
- (3) That, By-law 2007-98 be repealed.

- Carried

- (c) Public Works Manager
Re: RFD-PW-23/2008 – Patio-Plus Request to use Fairgrounds

Alderman Joyner noted his opposition to the denial of the request from Patio-Plus to locate their outdoor spa display in the CIBC lot.

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

1. THAT, Report RFD PW-23/2008, re: Patio-Plus Request to Use Fairgrounds, dated April 28, 2008 be accepted; and,
2. THAT, Council support Patio-Plus & The Pool Place's request to hold an out-door event at the West Lincoln Fairgrounds, subject to the payment and receipt of all permits.

- Carried

- (d) CAO
Re: Verbal Update - Fifteen Mile Drain
Withdrawn due to absence of CAO.

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

1. Alderman Sue-Ellen Merritt
Re: Procedural Issue

In response to Alderman Merritt's concerns regarding the proper procedure to correct typographical errors in minutes, the Clerk confirmed that she would investigate the matter and report back.

11. BY-LAWS:

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

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

- (a) By-law 2008-36 To confirm proceedings of March 25, 2008 regular Council meeting.
- (b) By-law 2008-37 To appoint Steven Stec, Travis Dressel and Donna Lambert as Municipal Law Enforcement Officers for the Corporation of the Township of West Lincoln
- (c) By-law 2008-38 To authorize an Agreement with Gustav Gulmar and Maria Gulmar for Temporary Residency during Construction of a Replacement Dwelling.

- Carried

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

That, By-laws 2008-36 and 2008-38 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

There was much discussion regarding enforcement issues and the appointment by-law for enforcement officers and it was noted that this matter should be further discussed at a future Administration Committee meeting.

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

That, By-law 2008-37 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

WITHDRAWN:

- By-law 2008-43 Zoning By-law Amendment - Township of West Lincoln.
(to establish the Rural Cluster Boundaries of Caistor Centre)
- By-law 2008-44 Zoning By-law Amendment - Township of West Lincoln.
(to establish the Rural Cluster Boundaries of Fulton)

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 2008-39 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.
(replace Appendix "A", - Schedule of Fees)
- (b) By-law 2008-40 Zoning By-law Amendment - William & Cathleen Vitucci.
- (c) By-law 2008-41 Zoning By-law Amendment - Grimsby Classic Homes (1988) Ltd. (Shurie Road)
- (d) By-law 2008-42 Zoning By-law Amendment - Township of West Lincoln.
(to establish the Rural Cluster Boundaries of Attercliffe)

- (e) WITHDRAWN
- (f) WITHDRAWN
- (g) By-law 2008-45 Zoning By-law Amendment - Township of West Lincoln. (to establish the Rural Cluster Boundaries of Grimsby Centre)
- (h) By-law 2008-46 To amend By-law 2002-112 which appoints a Committee of Adjustment, delegates the authority for considering applications for minor variances and consents, provides for compensation for the Members of the Committee of Adjustment, adopts policies, procedures and conditions for the operation of the Committee of Adjustment, and establishes a tariff of fees under the Planning Act.
(replace Schedule "D", - Tariff of Fees)
- (i) By-law 2008-47 To implement Interim Control - Spring Creek Heights Secondary Plan.
- (j) By-law 2008-48 To authorize a Grant Agreement with the Federation of Canadian Municipalities, as Trustee of the Green Municipal Fund, for receipt of money for the West Lincoln Sustainable Community Improvement Plan (CIP).

- Carried

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

That, By-laws 2008-39, 2008-40, 2008-41, 2008-42, 2008-45, 2008-46, 2008-47 and 2008-48 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 Mike Rehner 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 2008-49 To authorize the 2008 Municipal Road and Bridge Infrastructure Investment Program.
- (b) By-law 2008-50 To authorize an agreement between the Corporation of the Township of West Lincoln and Frank Cowan Insurance Company and Pearson-Dunn Insurance & Financial Services Inc. for the provision of municipal insurance coverage.
- (c) By-law 2008-51 To authorize the Mayor & Clerk to sign the Amendment to the Employment Agreement with Stephanie Nagel.
- (d) By-law 2008-52 To authorize an Agreement with the Tree of Life for the maintenance and operation of the concession stand facility located at the Leisureplex Township Park, 2543 South Grimsby Road #6, Smithville, Ontario.

- (e) By-law 2008-53 To authorize the Mayor and Clerk to sign a Lease Agreement with L & J Video and Variety

- Carried

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

That, By-laws 2008-49, 2008-50, 2008-51 and 2008-53 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: Alderman Douglas Joyner declared a conflict of interest/disclosure of pecuniary interest with respect to Item PW46-08 – Report No. RFD PW-21/2008 – Leisureplex Canteen since his brother had submitted a proposal. Alderman Joyner advised that he would not take part in any discussion nor voting with respect to this matter (includes By-law 2008-52).

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

That, By-law 2008-52 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

Alderman John Glazier moved to refer approval of By-law 2008-52 to a future meeting; however, there was no seconder for the motion.

12. CONFIDENTIAL MATTERS:

There were no confidential matters.

13. ADJOURNMENT:

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

That, this Council meeting does now adjourn at the hour of 9:58 p.m. and if a special meeting is required it will be at the call of the Mayor.

- Carried

Schedule "A"
April 28, 2008 Council Minutes

1) Thomas Caistor Centre is the historical centre of Ward 1 and is the basis for the mailing addresses in our section of the township

and

2) It ~~was~~ would appear that proper notification was not given ^{to the residents} when the proposal was made to change Caistor Centre from a hamlet to a rural cluster

3) Therefore

We respectfully request that a member of Council would ~~be willing to~~ move to pull the Caistor Centre issue from the main motion tonight in regards to Planning Building Ennment and

that Council would entertain the consideration of re-establishing Caistor Centre as a hamlet with boundaries as set prior to 1998.

Submitted by
Rud Siffin

APR. 28. 2008 12:18

#1973 P.001 /001

Schedule "B"
April 28, 2008 Council Minutes

Nick DeFilippis
44 Mud St. W.
Grassie, Ontario
L0R 1M0

April 28, 2008

WITHOUT PREJUDICE
Re: Staff report PD-035-08
Zoning By-Law No. 79-14

COPY

To the Mayor and Council of the Township of West Lincoln

I find it strange that Council would not choose to have the passing of the above by-law tabled for further staff discussion after my previous correspondence. It is clear that a major change to the boundary of the rural cluster was introduced only prior to the first and second reading of the by-law and altered from what was presented at the public meeting. The change specifically affects the lands of my father, Joseph DeFilippis. There was no attempt, by Planning staff, to discuss the matter and boundary was altered with no justification presented.

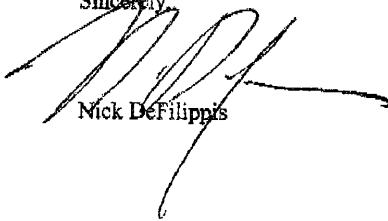
As well, I feel that Plannings' comment that the change doesn't warrant any public input is totally inaccurate, as the intent of the "PPS" guidelines are subject to interpretation.

Again, I am requesting that the final passing of this by-law be deferred until such time as a reasonable solution can be achieved.

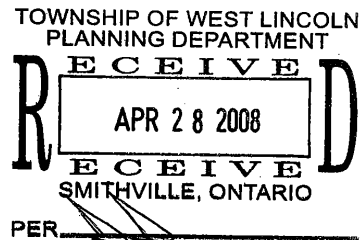
Forcing an OMB appeal and hearing does not seem a logical recourse.

We are available at Planning departments earliest convenience, to discuss this matter.

Sincerely,



Nick DeFilippis



Schedule "C"
April 28, 2008 COUNCIL Minutes

Address by Walter Zimmermann to West Lincoln Council 28/04/08

My purpose here this evening is not only to request a final resolution to the off road vehicle violations but also to present you with a solution.

This invasion of private property resulting in damages that not only destroys property but robs landowners of their livelihood has to come to an end.

When an elderly person in my own family this past February sustains both and is intimidated then we have to move on the situation.

When one digs into this everyone involved – the landowner and the vehicle operators cry they have rights.

Definitions of those rights come in the form of legislation that supposedly becomes the laws that protect us and on occasion need to be enforced.

But at present the enforcement aspect suffers .

It's time to precisely redefine and backup those rights .

There is only one solution .

And that solution is possible. It involves creating a mechanism that will in the end change and /or add to legislation and all this happens at Queens Park.

One of the many definitions of mechanism is:

A device consisting of a piece of machinery which has moving parts that perform some function.

All those parts already exist.

Several of those moving parts exist in this room tonight. West Lincoln Council, The Niagara Regional Police, The OFA , The office of Tim Hudak our MPP and myself.

What I am proposing is that a conference be convened by West Lincoln involving all the municipalities of Niagara to specifically deal with the off road vehicle situation .

This conference would be the entire mechanism that will produce the result needed to change legislation and more than adequately supply the enforcement end with whatever needed to deal with any violators afterwards.

If this is done properly the amount of enforcement needed will be accordingly.

Our focus is Queen's Park, Our efforts begin right here.

I believe it's time now to build the machinery necessary to stamp out the problem.

Thankyou
