



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN COUNCIL AGENDA

MEETING NO. FOURTEEN

Monday, October 26, 2020, 7:00 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

**** NOTE TO MEMBERS OF THE PUBLIC:** Due to efforts to contain the spread of COVID-19 and to protect all individuals, the Council Chamber will not be open to the public to attend Council meetings until further notice.**

Submission of Public Comments/Virtual Attendance: The public may submit comments for matters that are on the agenda or request to attend the virtual meeting as "Attendees" by emailing jscime@westlincoln.ca by October 26, 2020 before 4:30 pm. Email comments submitted will be considered as public information and read into public record. The meeting will be recorded and available on the Township's website within 48 hours of the meeting unless otherwise noted.

Pages

1. SINGING OF "O CANADA"
2. OPENING PETITION - Councillor William Reilly
3. CHANGE IN ORDER OF ITEMS ON AGENDA
4. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST
5. REQUEST TO ADDRESS ITEMS ON THE AGENDA
NOTE: Requests to address items on the agenda are restricted to specific items as follows per Section 6.7 of the Procedural By-law:
6.7 Public Comment at Council
There shall be no comments from the public permitted at Council unless:
(a) a specific appointment has been scheduled; or,
(b) an item is included under the "Other Business" or "Communications" or "Appointments" section of the agenda and relates to a matter which would normally be dealt with at Committee.

NOTE: The Chair will inquire if there are any members of the public that had contacted/emailed the Clerk prior to 4:30 p.m. on the day of the Council Meeting who wished to address a specific item on the agenda as permitted by Section 6.7 of the Procedural By-law.
6. APPOINTMENTS/PRESENTATIONS

- | | | |
|------|---|----|
| 6.1. | LCol Ryan D. Smid, Headmaster, Robert Land Academy
Re: Introduction, Information and What's Happening at the Academy | 8 |
| 6.2. | Dr. Gervan Fearon, Brock University President & Vice-Chancellor & Dr. Lynn Wells, Provost & Vice-President, Academic
Re: Brock University Update - COVID-19 Support & Partnership Discussion | 11 |
| 6.3. | Daria (Dasha) Peregoudova & John Mascarin, Aird & Berlis LLP - Township Integrity Commissioner
Re: Code of Conduct Complaints 2020-02, 2020-03 & 2020-04 - Integrity Commissioner Report | 14 |

Moved By Councillor Cheryl Ganann

1. That, the Report of the Integrity Commissioner dated October 20, 2020 related to three complaints filed against Mayor Bylsma under the Township's Code of Conduct for Members of Council and Local Board Members (the "Code") be received; and,
2. That, Council enacts the following as recommended in the Integrity Commissioner's Report:
 - i. That, staff carry on with the intention of bringing a new flag raising policy to Council for approval and be publicly communicated; and,
 - ii. That, Mayor Bylsma provide his original apology statement to staff to post on the Township's website and social media platforms (i.e. Twitter); and,
 - iii. That, Mayor Bylsma exercise improved diligence with respect to the management of electronic communications and requests; and,
 - iv. That, Mayor Bylsma is reprimanded by Council for breaching Sections 4.1(d), 4.1(e) and 9.2 of the Code pursuant to clause 223.4(5)(a) of the Municipal Act, 2001 and that Council denounces the Mayor's statements on which the complaints were based; and,
 - v. That, Mayor Bylsma be required to complete sensitivity training as approved by Council within ninety (90) days of the date of this Report, and that he provide the Integrity Commissioner with satisfactory proof of completion of same; and,

- vi. That, should Council elect to provide sensitivity training to all members of Council as part of their education and development, if attended by Mayor Bylsma, that this be considered as satisfactory completion of the required training.

7. REGIONAL COUNCILLOR'S REMARKS

8. CONFIRMATION OF MINUTES

- 8.1. Council Minutes 45

Re: September 28, 2020

CONFIDENTIAL MINUTES UNDER SEPARATE COVER

Moved By Councillor Harold Jonker

That, the minutes of the open session portion of the September 28, 2020 regular Council meeting be accepted; and,

That, the confidential minutes relating to the closed session portion of the September 28, 2020 regular Council meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided Section 239 of the Municipal Act.

- 8.2. Public Meeting Under the Planning Act 60

Re: Minutes of October 13, 2020

Moved By Councillor Mike Rehner

That, the minutes of the public meetings held on October 13, 2020 under Sections 34 & 51 of the Planning Act, with respect to:

(a) Zoning By-law Amendment & Draft Plan of Subdivision - P Budd Developments (owner) and Odan Detech (Agent) (File Nos. 2000-89-19 & 1601-21-19); and,

(b) Zoning By-law Amendment – Township of West Lincoln – Parking, Driveways, Boulevards & Culvert By-law Review (File No. 1601-007-20); be accepted

- 8.3. Special Council Minutes 89

Re: October 21, 2020

CONFIDENTIAL MINUTES UNDER SEPARATE COVER

Moved By Councillor Jason Trombetta

That, the minutes of the open session portion of the October 21, 2020 special Council meeting be accepted; and,

That, the confidential minutes relating to the closed session portion of the October 21, 2020 special Council meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided Section 239 of the Municipal Act.

9. COMMUNICATIONS

- 9.1. Bev Packham 91
Re: Request to Sit on the West Lincoln Christmas Parade Committee

Moved By Councillor William Reilly

1. That, the email received from Bev Packham, dated October 20, 2020 requesting to sit on the West Lincoln Christmas Parade Committee be received; and,
2. That, Bev Packham be appointed as a Member of the West Lincoln Christmas Parade Committee for the remaining term of Council; and,
3. That, a by-law be presented to delete Schedule G of By-law 2018-114 and replace it with a new schedule to add Bev Packham as a Member of the West Lincoln Christmas Parade Committee.

- 9.2. Shelley Bradaric 92
Re: Interest for Appointment as Ward 2 Councillor

Moved By Councillor Harold Jonker

That, the correspondence received from Shelley Bradaric, dated October 22, 2020, advising of her interest should Council appoint for the Ward 2 Councillor vacancy be received for information.

10. MAYOR'S REMARKS

11. REPORT OF COMMITTEE

- 11.1. Planning/Building/Environmental Committee 93
Re: Minutes of October 13, 2020

CONFIDENTIAL MINUTES UNDER SEPARATE COVER

Moved By Councillor Cheryl Ganann

That, the minutes of the open session portion of the October 13, 2020 Planning/ Building/Environmental Committee meeting, be accepted, and the recommendations contained therein, be approved, with the exception of Item #(s) _____ ; and,

That, the confidential minutes relating to the closed session portion of the October 13, 2020 Planning/Building/ Environmental Committee meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with Section 239 of the Municipal Act.

- 11.2. Administration/Finance/Fire Committee
Re: Minutes of October 19, 2020

107

Moved By Councillor Mike Rehner

That, the minutes of the Administration/Finance/Fire Committee meeting held on October 19, 2020 be accepted and that the recommendations contained therein,
be approved, with the exception of Item #(s) A34-20,

_____.

12. RECONSIDERATION

(“Definition”) This section is for a Member of Council to introduce a motion to reconsider action taken at this Council Meeting or the previous regular Council meeting. A motion to reconsider must be made by a Council Member who voted in the majority on the matter to be reconsidered. The Chair may rule that a motion to reconsider will be dealt with at the next following Council Meeting if for some reason it cannot be dealt with at this meeting.

13. NOTICE OF MOTION TO RESCIND

(“Definition”) This section is for Council Members to serve notice of intent to introduce a motion to rescind action taken previously by Council. Notice served at this meeting will be for a motion to rescind at the next regular meeting.

14. OTHER BUSINESS

- 14.1. Director of Planning & Building
Memo - Authorization to Enter into a Site Alteration Agreement with Marz Homes (Smithville West) Inc. (IBI Group - Agent, Cardi Construction Ltd. - Contractor)

115

- 14.2. Members of Council
Re: Council Remarks

15. NEW ITEMS OF BUSINESS

NOTE: Only for items that require immediate attention/direction from Council and must first approve a motion to introduce a new item of business.

16. BY-LAWS

Moved By Councillor Mike Rehner

That, leave be granted to introduce By-laws # 2020-94, 2020-95, 2020-96, 2020-97, 2020-98, 2020-99, 2020-100, 2020-101, 2020-102, 2020-103, 2020-104, 2020-105, 2020-106 and 2020-107; and,

That the same shall be considered to have been read a first, second, and third time with one reading, and are hereby adopted; and,

That, the Mayor and Clerk be and are hereby authorized to sign and affix the Corporate Seal thereto, any rule of this Council to the contrary notwithstanding.

16.1.	BY-LAW 2020-94 A By-law to confirm the proceedings of the Council of the Corporation of the Township of West Lincoln at its regular meeting held on the 28th day of September, 2020 and at its special meeting held on the 21st day of October, 2020.	116
16.2.	BY-LAW 2020-95 A By-law to amend Schedule G of By-law 2018-114 which confirmed various appointments to boards and committees (Add New Member (Bev Packham) to the West Lincoln Christmas Parade Committee)	117
16.3.	BY-LAW 2020-96 A By-law to amend By-law 2013-58 which adopted rules and procedures for Council and Committees to permit continued electronic meeting participation	119
16.4.	BY-LAW 2020-97 A By-law to amend Zoning By-law 2017-70 - Township of West Lincoln (Housekeeping #3)	123
16.5.	BY-LAW 2020-98 A By-law to adopt amendment No. 53 (Re-designation of Former St. Martin School Site and Adjacent Township owned property -186 Margaret Street) NOTE: OPA 53 Schedules are not attached as these were presented with the report	129
16.6.	BY-LAW 2020-99 A By-law to amend Zoning By-law - former St. Martin School Property (186 Margaret St.)	136
16.7.	BY-LAW 2020-100 A By-law to adopt Amendment No. 54 (Re-designation of Former College Street School site - 132 College Street) NOTE: OPA 54 Schedules are not attached as these were presented with the report	139
16.8.	BY-LAW 2020-101 A By-law to amend Zoning By-law No. 2017-70 - former College Street School Property (132 College Street)	146
16.9.	BY-LAW 2020-102 A By-law to authorize a Site Alteration Agreement between the Corporation of the Township of West Lincoln and Marz Homes (Smithville West) Inc. and IBI Group-Agent, Cardi Construction Ltd. (Contractor) for lands describes as Lot 9 Plan M98 Regional Road 20	149
16.10.	BY-LAW 2020-103 A By-law to authorize a Site Alteration Agreement between the Corporation of the Township of West Lincoln and Bruno and Lilly	150

Tassone, for lands described as Part Lot 19, Conc. Gore A, in the former Township of South Grimsby 8365 Young Street

- 16.11. BY-LAW 2020-104 151
A By-law to authorize the Corporation of the Township of West Lincoln to enter into an agreement with Dehaan Homes Inc., any mortgagees, and Niagara North Vacant Land Condominium Corporation No. ___ with respect to the lands described as Units 1-24 inclusive, Level 1, Niagara North Standard Condominium Plan No. ___ and their appurtenant common interest all of Pins _____ to _____ inclusive.
- 16.12. BY-LAW 2020-105 152
A By-law to authorize a renewed lease agreement between Bell Mobility Cellular Inc. and the Corporation of the Township of West Lincoln (Renewal of agreement authorized by By-law 2000-120)
- 16.13. BY-LAW 2020-106 154
A By-law to authorize a sewer easement with 2424568 Ontario Inc., Benjamin Blake & Mikaela Evelyn Woods and any Mortgagees on lands described as Lots 47, 51 & 52 of Plan M90 and Part 1 of RP 30R11616 (167 St. Catharines Street)
- 16.14. BY-LAW 2020-107 155
A By-law to authorize a Site Plan Agreement with 2424568 Ontario Inc. and any Mortgagees on lands describes as Lots 47, 51 & 52 of Plan M90 and Part 1 of RP 30R11616; Township of West Lincoln

17. **CONFIDENTIAL MATTERS**
There are no confidential matters.

18. **ADJOURNMENT**
The Mayor declared the meeting adjourned at the hour of _____ p.m.

Request to Speak at a Meeting

If you are interested in appearing in person at a Council or Standing Committee meeting to present information or an opinion on a matter, please fill in the form below.

Please note: Your request must be submitted by 4:30 p.m. 10 days prior to the Committee or Council meeting.

Full Name: *

Ryan D. Smid

Who are you representing? *

- ☐ Self
- ☒ Group/Organization

Group or Organization Name: *

Robert Land Academy

Street Address: *

6727 South Chippawa Rd

Town/City: *

West Lincoln

Postal Code: *

L0R 2J0

How would you like us to contact you? *

- ☒ Email
- ☐ Telephone

Email Address: *

swhitaker@rla.ca

Presentation Details

Which meeting would you like to present at? * 

Council

Requested Meeting Date: *

10/26/2020



What is the presentation topic? *

Introduction of myself and the Academy to Council

Do you have a presentation (slide deck)? *

☐ Yes

☒ No

Have you presented before on this topic? *

☐ Yes

☒ No

Please provide details on your presentation. Include questions or requests of the Committee or Council. *

As newly appointed Headmaster of Robert Land Academy, would like to introduce myself to Council, share information about the Academy as a school and a local business, and provide updates on what is happening at RLA.

Collection of Personal Information

Personal information on this form is collected under the authority of Section 6 of the Township of West Lincoln's Procedural By-Law for the purpose of contacting individuals and/or organizations requesting an opportunity to appear as a delegation before a Committee or Council.

Any questions about the collection, use and disclosure of personal information should be addressed to the Township Clerk:

- Email: clerk2@westlincoln.ca
- Telephone: 905-957-3346

Thank You

Thank you for your submission. Please be advised that you will be contacted by email or by phone by a member of the Clerk's Department to confirm your appointment, provide further details and/or clarify any issues.

Request to Speak at a Meeting

If you are interested in appearing in person at a Council or Standing Committee meeting to present information or an opinion on a matter, please fill in the form below.

Please note: Your request must be submitted by 4:30 p.m. 10 days prior to the Committee or Council meeting.

Full Name: *

Dr. Gervan Fearon, Brock University President & vice-Chancellor & Dr.
Lynn Wells, Provost & Vice-President, Academic

Who are you representing? *

- ☐ Self
- ☒ Group/Organization

Group or Organization Name: *

Brock University

Street Address: *

1812 SIR ISAAC BROCK WAY

Town/City: *

ST CATHARINES

Postal Code: *

L2S3A1

How would you like us to contact you? *

- ☒ Email
- ☐ Telephone

Email Address: *

jcrawley@brocku.c
a

Presentation Details

Which meeting would you like to present at? * 

Council

**Requested Meeting
Date: ***

10/26/2020



What is the presentation topic? *

Brock University Update: COVID-19 Support & Partnership Discussion

Do you have a presentation (slide deck)? *

Please upload your presentation materials.

☒ Yes

☐ No

Have you presented before on this topic? *

☐ Yes

☒ No

Please provide details on your presentation. Include questions or requests of the Committee or Council. *

Brock University is dedicated to enhancing the life and vitality of our local Niagara community. We are looking to provide an update to West Lincoln Council about the University and the impact we have on the community. Our presentation is also meant to open a dialogue on potential areas of synergy or partnership that we might share and wish to work together on in the future. Additionally, in response to COVID-19, Brock stands ready to partner and or help our local municipal partners with economic recovery from the pandemic.

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- Telephone: 905-957-3346

Thank You

Thank you for your submission. Please be advised that you will be contacted by email or by phone by a member of the Clerk's Department to confirm your appointment, provide further details and/or clarify any issues.



Daria Peregoudova
Direct: 416.865.3417
E-mail: dperegoudova@airdberlis.com

**CODE OF CONDUCT COMPLAINT
INTEGRITY COMMISSIONER REPORT
2020-02, 2020-03, 2020-04**

**THE CORPORATION OF THE TOWNSHIP OF WEST
LINCOLN**

**Daria Peregoudova
Aird & Berlis LLP**

October 20, 2020

INTEGRITY COMMISSIONER REPORT CODE OF CONDUCT COMPLAINTS 2020-02, 2020-03 and 2020-04

I. SUMMARY

Three (3) formal complaints were filed with the Integrity Commissioner on June 19, June 22, and July 15, 2020 (the “**Complaints**”). The Complaints each allege that Mayor David Bylsma (the “**Mayor**”) of The Corporation of the Township of West Lincoln (the “**Township**”) contravened a number of provisions of the Township’s Code of Conduct for Members of Council and Local Board Members (the “**Code**”). The alleged contraventions pertain to comments made by the Mayor during a radio interview on CKTB 610/iHeart Radio on June 11, 2020 (the “**Radio Interview**”) and subsequent conduct during a Special Meeting of Council held on June 16, 2020 (the “**Council Meeting**”).

II. APPOINTMENT & AUTHORITY

Aird & Berlis LLP was appointed as Integrity Commissioner for the Township pursuant to subsection 223.3(1) of the *Municipal Act, 2001*¹ by Council by By-law No. 2018-118 on December 11, 2018. Council adopted the Code and a Complaint Protocol (the “**Complaint Protocol**”) on April 15, 2019.

As Integrity Commissioner, we are appointed to act in an independent manner on the application of the Code, and other rules and procedures governing the ethical behaviour of members of Council. We are required to preserve secrecy in all matters that come to our knowledge as Integrity Commissioner in the course of our duties. At the same time, the Township is required to ensure that reports received from the Integrity Commissioner are made available to the public.

The Complaints were properly filed pursuant to Part B, Section 1(1) of the Complaint Protocol and subsection 223.4(1) of the *Municipal Act, 2001* and fall within the scope of the Code.²

The allegations raised in the Complaints were largely related, and as such, we exercised our authority pursuant to Part B, Section 3(2)(b) of the Complaint Protocol to coordinate our investigation regarding the Complaints.

This is a report on the investigation of the Complaints made in accordance with Part B, Section 11 of the Complaint Protocol and subsection 223.6(2) of the *Municipal Act, 2001* (the “**Report**”). The Report contains recommendations that Council for the Township may consider imposing in giving consideration to the Report.

The principles of procedural fairness require us to provide reasons for our conclusions and recommendations, which we have done in this Report. Our investigation was conducted in accordance with the Complaint Protocol and with a process that was fair to all parties. We have

¹ S.O. 2001, c. 25.

² Complaint 2020-03 included, *inter alia*, a statutory declaration in support of an allegation that Mayor Bylsma contravened the *Municipal Conflict of Interest Act*. For the reasons cited below, we determined that this portion of Complaint 2020-03 was intended to pertain to section 11.1 of the Code. This portion of Complaint 202-03 was dismissed at the outset of our investigation.

assessed the evidence in an independent and neutral manner. We have provided an opportunity to the Mayor to respond to the allegations, and to review and provide comment on the preliminary findings.

III. CODE OF CONDUCT PROVISIONS AT ISSUE

The Complaints allege that the Mayor contravened the following provisions of the Code:

- Sections 4.1(c), (d), (e), (g), (h);
- Section 9.2;
- Section 10.1; and
- Section 12.1.

The aforementioned provisions of the Code have been reproduced in Appendix A to this Report.

IV. REVIEW OF MATERIALS

In order to undertake our investigation and prepare this Report, we have reviewed and considered the following materials:

- Complaint 2020-02 and all attachments;
- Complaint 2020-03 and all attachments;
- Complaint 2020-04 and all attachments;
- the Mayor's responses to Complaints 2020-02 and 2020-03 dated July 13 and 15, 2020, and the Mayor's response to Complaint 2020-04 dated August 6, 2020 (collectively, the "**Responses**");
- the reply provided by the complainant for Complaint 2020-02 dated July 20, 2020, and the reply provided by the complainant for Complaint 2020-04 dated August 24, 2020 (collectively, the "**Replies**");³
- the audio-recording of the Radio Interview;
- media coverage from various sources regarding the flag raising issue and the Radio Interview; and
- the Agenda, Meeting Minutes, Addendums and video recording of the Council Meeting.

We also reviewed such further materials that we considered appropriate to understand the context of the matter.

³ The complainant in Complaint 2020-03 did not provide a further reply.

V. BACKGROUND

(a) The Complaints

Complaint 2020-02 alleged that the Mayor contravened Section 4.1(e) of the Code by virtue of his statements during the Radio Interview, which were characterized as “racist, homophobic and disrespectful of citizens who are not of his ilk”. Complaint 2020-02 also stated that the Mayor’s comments “demonstrate a glaring lack of understanding and further marginalize the struggles that minorities and people otherwise external to his view of the mainstream must endure daily.”

Complaint 2020-03 alleged that the Mayor contravened Sections 4.1(e) and 9.2 of the Code by virtue of his comments during the Radio Interview. Complaint 2020-03 also alleged that the Mayor contravened Section 11.1 of the *Municipal Conflict of Interest Act*.⁴ However, based on the particulars of the alleged contravention contained in the statutory declaration that was filed with the complaint, we determined that the intended allegation was that the Mayor contravened Section 11.1 of the Code.⁵

Complaint 2020-04 alleged that the Mayor contravened Sections 4.1(c), (d), (e), (g), (h), 10.1 and 12.1 of the Code by virtue of comments during the Radio Interview, which were characterized as “offensive” and as having harmed the reputation and spirit of the Township’s community and resulted in “toxic” public commentary. Complaint 2020-04 further alleged that the Mayor represented his own personal religious beliefs and those of the Christian Heritage Party (the “**Party**”), with whom the Mayor is alleged to have a long-standing affiliation, as the voice of the community.

Complaint 2020-04 also alleged that the political views expressed by the Mayor at the Council Meeting were improperly tied to those same religious beliefs. Lastly, Complaint 2020-04 alleged that the Mayor’s failure to respond to requests to raise Pride Niagara’s flag in the month of June was discriminatory, particularly given that the Township has flown other awareness flags in the past without issue.

(b) Requests from Pride Niagara

On May 18, 2020, the Chairperson of Pride Niagara wrote to the Mayor and Albert Witteveen, the Niagara Regional Councilor for the Township, with a request that the Pride Niagara flag be raised by the Township on or before May 30, 2020, and that the Township submit a 30-second video of the flag raising to be included in the Pride Niagara kick-off ceremony on June 1, 2020. Similar requests had been made of all or most other municipalities in Niagara Region.

Although there were several mentions in the Complaints and correspondence submitted as evidence that the Mayor received “several” or “two” requests from Pride Niagara, the only other written request that was submitted as evidence related to a request for support in Pride Niagara’s objective of securing funding through the Federal Government’s LGBTQ2+ Community Capacity Fund by submitting a template letter to be signed on behalf of the Township.

⁴ R.S.O. 1990, c. M.50 (“**MCIA**”).

⁵ The MCIA does not apply to non-pecuniary conflicts of interest, and there is no section 11.1 of the MCIA. When notified regarding this determination, the complainant in Complaint 2020-03 did not provide a further reply.

Notwithstanding, it appears that in the course of the Council Meeting, the Mayor acknowledged having received multiple requests for the flag to be raised and, as such, we accept that multiple requests were in fact made to the Mayor.

(c) The Mayor's Response

On or about June 7, 2020, the Mayor was asked by email if he had, in fact, received the above-noted requests from Pride Niagara, and if so, why he had not forwarded them to the attention of the Township's Clerk to be actioned. In response, the Mayor indicated that due to living in an age of "prolific emails and communications", he spent several minutes a day deleting spam and correspondence from copious sources, which he stated was "not an excuse but a reality."

The Mayor indicated that such issues were the reason why a historical protocol of all official requests and correspondence going through the Clerk existed, and that requests for information through the Mayor or regional councilor were not appropriate.

Lastly, the Mayor stated that the previous mayor had confirmed that the flag had never been raised locally, but had been (and continued to be) raised at the regional headquarters.

Although the Mayor did not state so explicitly in his email of June 7, 2020, both the email and subsequent statements made at the Council Meeting suggest that the Mayor initially indicated that he did not see the requests in question and/or they went to his spam folder.

(d) Pride Niagara Follow-up Request

On or about June 10, 2020, Enzo De Divitiis, Chairperson 2020/2021, Pride Niagara Board of Directors wrote to the Township's Clerk and indicated that the organization had received communication from officials at the Township that there had been confusion with respect to the flag raising requests and had apologized. As such, and considering the confusion, ongoing pandemic and policy timeline of requests, the chairperson made the following requests:

- that the flag be raised on June 1, 2021; and
- that the Township share some time or virtual communication or message on their social media and provide the same for Pride Niagara to share explaining that the Township wanted to be part of the Pride celebration, but that there had been a miscommunication and that plans were in effect for next year, signed on behalf of the Township and the Mayor and Council.

(e) The Radio Interview

The Radio Interview, approximately 30 minutes in length, comprised of a conversation between host Matt Holmes and the Mayor, where the Mayor was asked a series of questions regarding why the Township did not raise the Pride flag and the related "controversy".

Particularly in light of the significant media coverage the Radio Interview and the Mayor's comments during the Radio Interview received, which included varying degrees of quotation and interpretation, a complete transcript of the interview is included as Appendix "B" to this Report.

(f) The Apology

On or about June 15, 2020, the Mayor issued an apology, whereas he stated:

As Mayor of West Lincoln, I absolutely believe every person is worthy of equal protection under the law. I apologize if any individual or group felt their worth was not recognized by my comments, as I believe that every Canadian should be treated with dignity and respect. This also has been my personal practice.

I do apologize for my part in the oversight that failed to pass the communication from Pride Niagara over to the Clerk.⁶

In his Responses, the Mayor also indicated that the apology included the following statements, although a full copy of the statement does not appear to be publicly available:

I am sorry that I failed to follow through with the proper procedure for correspondence with regards to flag protocols and I look forward to hearing from council on Tuesday.

I will continue serving the people of West Lincoln as mayor, delivering on my campaign commitments of infrastructure, fiscal prudence, and responsible growth.

The Mayor has also indicated that an apology went out over Twitter.

(g) The Special Council Meeting

As indicated above, a special meeting of Council was held on June 16, 2020. The primary purpose of the Council Meeting appears to have been to consider the written correspondence from Pride Niagara, including the prior emails to the Mayor and the subsequent letter to the Clerk.

The Agenda, Addendums (including public comments received), Minutes and the video recording of the Council Meeting are all publicly available and accessible through the Township's website.⁷ In summary, the Council Meeting consisted of the following:

- Following a vote by Council, the meeting was chaired by the Acting Mayor, Councillor Cheryl Ganann.
- No member declared a pecuniary interest and/or conflicts of interest.
- Comments from the public received by the deadline of 4:30 p.m. on June 15, 2020 were read into the record by the Clerk. The comments were numerous and expressed a wide array of opinion. Generally, those opinions can be summarized into two (2) categories:
 - those that openly supported the Mayor with respect to not having raised the Pride flag, and

⁶ <https://www.niagarathisweek.com/news-story/10034429-west-lincoln-will-raise-pride-flag-following-calls-from-protesters/>.

⁷ <https://events.westlincoln.ca/meetings/Detail/2020-06-16-1100-Special-Council>

- those that did not (in some cases, expressing serious concern about both the failure to raise the flag, and the Radio Interview).
- Discussion with Enzo De Divitiis regarding his correspondence to the Mayor and the Township regarding the flag raising and the Mayor's interview comments. Mr. De Divitiis indicated that, given the Radio Interview, the Mayor's explanation of not having seen the flag raising requests no longer seemed genuine. During the discussion, the Mayor indicated that he was supportive of Council receiving Diversity and Inclusion training, and also of the Township developing a flag flying policy which currently does not exist.
- Three (3) distinct motions were moved and voted on, as follows:
 - That the correspondence received from Enzo De Divitiis, Chairperson 2020/2021, Pride Niagara Board of Directors, dated June 10, 2020 be received and supported (Moved by Councillor Coady; Seconded by Councillor Rehner; All voting "For" except the Mayor and Councillor Jonker; Carried 5-2);
 - That, the Township of West Lincoln fly the Pride flag at the Township Office for the remainder of June 2020 (Moved by Councillor Coady; Seconded by Councillor Reilly; All voting "For" except the Mayor and Councillor Jonker; Carried 5-2); and
 - That, all flag raising requests, outside of this motion, be suspended until such time as Township staff have prepared a flag raising policy and reported back at a future Council or Committee meeting (Moved by Councillor Coady; Seconded by the Mayor; Carried).
- In "Other Business", Councillor Reilly again raised the issue surrounding the Pride flag and indicated that he believed it had caused a significant impact on the community. An extended discussion occurred regarding the protocol and process regarding such requests, including staff roles and responsibilities.
 - Councillors Trombetta, Coady and Reilly stated that they were appalled by the views and opinions that the Mayor had stated during the Radio Interview and that the Mayors' comments, views, beliefs and/or opinions were not the same as other members of Council.
 - Councillor Trombetta also requested that the Mayor make a public apology through all media outlets with respect to his comments and noted that his comments/views/beliefs/opinions were not the views of Council and the citizens of this community, and that if he is not willing to make a public apology then he should resign as Mayor.
 - When given the floor, the Mayor stated that he felt cornered by his fellow Councillors, and that his comments had been misunderstood, for which he apologized. The Mayor further indicated that his opinion did not "call down hate or disrespect any group of people" and was "with respect to flag-raising in general."

- The Mayor also stated that he never envisioned a Council, even if they had a difference of opinion, would treat a member of Council like this.⁸

VI. INCLUSIVITY AND DIVERSITY INITIATIVES AT THE TOWNSHIP

At its meeting on June 29, 2020, the Council received a communication from the Acting Chief Administrative Officer of Niagara Region requesting that the Township of West Lincoln support the joining of the Coalition of Inclusive Municipalities and sign a declaration committing to combat racism and discrimination and to foster equality and respect for all citizens.⁹

Item 12.4 of the minutes of the June 29, 2020 meeting evidence that the Council unanimously resolved to support the motion to join the Coalition of Inclusive Municipalities and to sign the declaration.

This action provides a clear expression of Council's intention to abide by a progressive mandate to oppose all forms of racism and discrimination, and to promote and support notions of equality, inclusivity and respect for all persons. It is a proactive gesture that seeks to unite and not divide.

The Mayor voted in favour of the resolution with all other members of Council.

At its meeting of July 27, 2020, Council again voted unanimously to support and sign the declaration of mutual commitment and friendship as sponsored by the Association of Municipalities of Ontario (AMO) and the Ontario Federation of Indigenous Friendship Centres (OFIFC). The declaration is intended to enhance social cohesion between Indigenous and non-Indigenous people and support closer cultural, social and civic ties between Indigenous and non-Indigenous people.¹⁰

Once again, the Mayor voted in favour of supporting and signing the declaration along with all other members of Council.

These actions are in line with the vision and values set out in the Township's Strategic Plan:

Vision

The Township of West Lincoln will be a safe, thriving, connected community that offers an exceptional way of life, facilitates opportunities for residents, and fosters a strong sense of community.

Values

Respect: We believe in the role of every resident, business, employee and Member of Council in making West Lincoln a great community.

⁸ The Mayor echoed these same statements before Niagara Regional Council when it passed a resolution at its meeting on July 23, 2020 asking that he renounce his comments and apologize (see Item 8.2.1 CL-C 36-2020).

⁹ A copy of this Declaration is appended to this Report as Appendix "C".

¹⁰ A copy of this Declaration is appended to this Report as Appendix "D".

The aforementioned statements support the Township's recent initiatives by emphasizing the concept of "community" which connotes unity, cooperation and harmony – not divisiveness and segregation.

VII. PRELIMINARY MATTER

Mayor's Requests for the Identity of Complainants

In his Responses, the Mayor indicated that he found it a challenge, and contrary to basic human rights to only receive only a summary interpretation of the Complaints from the Integrity Commissioner rather than seeing the Complaints first hand, and further, of not being able to know his accusers.

The *Municipal Act, 2001*, from which our investigation and this Report derive their authority, is clear with respect to an Integrity Commissioner's duty of confidentiality:

Duty of confidentiality

223.5 (1) The Commissioner and every person acting under the instructions of the Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part.

This principle is reflected in the Complaint Protocol, which provides as follows:

7(1) The Integrity Commissioner may proceed as follows, except where the Integrity Commissioner has a full factual record and believes, in his or her sole discretion, that no additional information is required, or where otherwise required by the *Public Inquiries Act, 2009*, or where the Integrity Commissioner has not otherwise terminated the inquiry:

- (a) provide the Member with an outline of the complaint with sufficient particularity to allow the Member to understand the complaint against him or her but the Integrity Commissioner shall not have any obligation to disclose:
 - (i) the identity of the complainant, or
 - (ii) the identity of any witnesses set out in the complaint or persons that are questioned/interviewed by the Integrity Commissioner,

unless it is essential for the Member to adequately respond to the complaint, which determination shall be made in the Integrity Commissioner's sole and absolute discretion.

In *Di Biase v. Vaughan (City) Integrity Commissioner*,¹¹ the Ontario Divisional Court held that:

An administrative body that investigates and makes recommendations must disclose the substance of the allegations. The Supreme Court of Canada in two cases affirmed the following statement by Lord Denning in *Selvarajan v. Race Relations Board*, [1976] 1 All E.R. 12 (C.A.), p. 19:

¹¹ (2016), 55 M.P.L.R. (5th) 173 (Ont. Div. Ct.). Online: <<http://canlii.ca/t/gtqtf>>.

The fundamental rule is that, if a person may be subjected to pains or penalties, or be exposed to prosecution or proceedings, or deprived of remedies or redress, or in some such way adversely affected by the investigation and report then he should be told the case made against him and be afforded a fair opportunity of answering it. The investigating body is, however, the master of its own procedure. It need not hold a hearing. It can do everything in writing. It need not allow lawyers. It need not put every detail of the case against a man. Suffice it if the broad grounds are given. It need not name its informants. It can give the substance only.

The Integrity Commissioner was not, in the words of Lord Denning in *Selvarajan*, required to provide the applicant with “every detail of the case against” him. The Integrity Commissioner was not required to “name [her] informants”. It was sufficient “if the broad grounds [were] given.”¹²

Having regard to the foregoing, and having made no finding that the identity of the complainants were or are essential for the Mayor to adequately respond to the Complaints as contemplated by the Complaint Protocol, we have determined that the Mayor is not entitled to know the identity of the complainants, nor the complete text of the Complaints. The Complaints have been properly summarized and a full opportunity to respond has been provided to the Mayor.

VIII. FINDINGS

This section contains our findings regarding the allegations that the Mayor’s comments during the Radio Interview and the Council Meeting contravened Sections 4.1 (c), (d), (e), (g), (h); 9.2; 11.1 and 12.1 of the Code. We deal with each provision in turn.

(a) Section 4.1(c) – Duty to Advance Public Interest with Honesty

Complaint 2020-04 alleges that the Mayor contravened Section 4.1(c) of the Code, which states that “Members shall seek to advance the public interest with honesty.” That members act with honesty is also a key principle stated in Section 2.2 of the Code.

Complaint 2020-04 does not specifically indicate which of the Mayor’s actions or comments are alleged to have violated this section of the Code. However, the complaint does refer to the fact that the Mayor initially indicated that the requests from Pride Niagara went to his spam folder, and that later, he corrected his statement to state that they were overlooked due to a miscommunication, but that in fact he did see them.

There are two (2) key portions of evidence on point:

- the Mayor’s email response of June 7, 2020 as outlined above; and
- the Radio Interview itself.

Based on our review of this evidence, it appears that while the Mayor does refer to receiving a multitude of emails on a daily basis, including to his spam folder, he never unequivocally states that the flag raising requests went to spam and that is why they were not addressed. Instead, the

¹² *Ibid* at paras. 138-149.

Mayor appears to side-step the question and instead rely on the fact that it is typical for similar requests go to the Clerk or Chief Administrative Officer (the “**CAO**”).

We do find that the Mayor provided somewhat vague information in terms of whether and when he did in fact see the requests from Pride Niagara. When coupled with the Mayor’s position on the issue of flag raising (which we elaborate on below), it is understandable how his explanation regarding the missing correspondence, whether intentional or inadvertent, could be perceived as lacking in clarity. Notwithstanding, we do not find that this apparent vagueness can reasonably give rise to a determination of contravention of Section 4.1(c).

Moreover, the Mayor has been open about his personal religious beliefs and affiliations, both of which are matters of public record. We do not see any evidence of dishonesty as the Mayor does not attempt to conceal his position or views. It bears mentioning, without commenting on the merits of such views, that these views also appear to be the views of a number of his constituents.

For the reasons above, this portion of Complaint 2020-04 is dismissed.

(b) Section 4.1(d) – Duty to Serve Constituents in Conscientious and Diligent Matter

Complaint 2020-04 also alleges that the Mayor contravened Section 4.1(d), which stipulates that “Members shall to seek to serve their constituents in a conscientious and diligent manner.”

Complaint 2020-04 does not specifically indicate which of the Mayor’s actions or comments are alleged to have violated this section of the Code. From the evidence before us, there are three (3) aspects of Complaint 2020-04 which could reasonably call into question the Mayor’s conscientiousness and diligence.

First, Complaint 2020-04 points to the fact that despite a broad consensus that a special meeting of Council needed to be called to resolve the flag raising issue, that the Mayor initially disputed the need for such a meeting and indicated that the issue would be properly dealt with at the next meeting of Council scheduled for June 22, 2020. However, there is no evidence of this refusal before us, and in any event, this would not necessary amount to a breach of the Code.

Second, despite the fact that the Mayor indicated during the Radio Interview that the opinions regarding identity politics were his own views, it is incumbent on the Mayor to consider whether expressing his personal views in a public forum (which he was invited to by virtue of his position) while holding public office is in fact in the best interest of the constituents as a whole. In posing this question, we do not find that the Mayor breached of Section 4.1(d) of the Code by expressing his views, but recommend that the Mayor consider, moving forward, whether such expressions of opinion are necessary or appropriate in the context of his position.

Lastly, as summarized above, the Mayor missed and/or miscommunicated with respect to having received the flag raising requests from Pride Niagara. We agree with the complainant that had the Mayor exercised an appropriate degree of diligence, the requests would likely not have been missed (or disregarded), and the Mayor would have communicated the requests promptly to the Clerk or the CAO regardless of whether he believed that they would also receive these requests. If the Mayor believed that a discussion among Council was necessary to act on the matter, he could have indicated as much when forwarding the requests. In other words, forwarding the requests for consideration did not bind him to a position on the matter. Given that there is no

evidence that the Mayor took such steps, we conclude that he failed to serve his constituents in a conscientious and diligent manner in contravention of Section 4.1(d).

(c) Section 4.1(e) – Respect and Equal Treatment

The Complaints each allege that during the Radio Interview (and in the case of Complaint 2020-04, during the Council Meeting), the Mayor breached Section 4.1(e) which requires all “Members to respect the individual rights, values, beliefs and personality traits of any other person, recognizing that all persons are entitled to be treated equally with dignity and respect for their personal status regarding gender, sexual orientation, race, creed, religion, ability and spirituality.”

Complaint 2020-02 describes the comments as “racist, homophobic and disrespectful of citizens who are not of his ilk” and states that the Mayor’s comments “demonstrate a glaring lack of understanding and further marginalize the struggles that minorities and people otherwise external to his view of the mainstream must endure daily.”

In his Responses, the Mayor states that at no point in the Radio Interview was any individual or community of people referred to in a derogatory or pejorative way, and that there had been no mention of revoking rights or inciting hatred. The Mayor further states that quite simply, a contrary opinion is not disrespectful.

In the Replies, the complainants indicated that the Mayor failed to recognize that his comments made individuals feel alienated and offended, resulting in protests in person and on social media. Furthermore, the complainants indicated that the Mayor lacks an awareness of the weight of his actions which serve to reinforce stereotypes and incite hatred.

We agree with the complainants about the inappropriateness of portions of the Mayor’s chosen words, which are best-described as tone-deaf and in lacking awareness of their potential impact on many constituents. In particular, we note the Mayor’s statements:

There are always going to be injustices, correct. But in terms of rights, what are they, what are anyone who's flying a flag, whether that's Black Lives Matter in America or the Pride Flag here, **what are they still fighting for? Is it necessary? Or have they won? Have they achieved everything?** It's just a question of time” and **“In the Black Lives Matter, I would be the one holding the sign that says 'All Lives Matter'.”**

There is no doubt that the questions “what are they still fighting for?” and “have they achieved everything?” and the statement “I would be the one holding a sign that says ‘All Lives Matter’”, even when situated in context, are insulting to those who still experience discrimination or maltreatment on account of their minority status. Without doubt, the Mayor was, or ought to have been aware that these statements, along with the topic of “identity politics” in general, especially in an already tense and divided climate, could be taken to be offensive, ignorant and worse. Such statements are unbecoming of the Mayor who is supposed to provide leadership to the Council under the *Municipal Act, 2001*.

It is also likely that individuals or groups could perceive the Mayor’s comments that having one unified Canadian flag to “represent all people” is an expression of the status quo rather than an acknowledgement of the struggle of marginalized groups, which the Mayor seems to do in other parts of the Radio Interview. While the Mayor argues that identity politics is harmful for all involved,

including for marginalized groups, he knows, or ought to know that there is a strong contrary opinion and that those arguments cannot be meaningfully separated from what many consider as persistent systems of harm, oppression and marginalization.

One does not have to reach too far back in history to hear arguments, such as, that slavery “benefited” Black people – a contention that seems unfathomable today. It is our view that it is incumbent upon an elected public official in 2020 to be aware of changing cultural values and beliefs, to comprehend the implications of such statements and to, at the very least, acknowledge that many of constituents firmly believe that certain forms of action, such as raising the Pride flag, continue to be necessary to advance equality and justice.

We are mindful that in our review of the evidence, we must consider “all of the available evidence”. As such, we note the context of the Mayor’s statements, including the Mayor’s qualification that he agrees that the push to end racism and discrimination towards those that fly under the Pride flag is not finished, and will never be finished. The Mayor states that his upbringing was “that you love your neighbor as yourself and you treat all people equally. But is that everyone’s upbringing? No. That will always in a sense exist, and whether that’s against orientation, religion, age... You are absolutely right, this will never be done.”

Notwithstanding this additional context, having regard to the evidence before us as a whole, we conclude that the Mayor’s statements contravened Section 4.1(e) of the Code. The Mayor’s comments failed to respect the individual rights, values and beliefs of other persons, particularly historically oppressed and marginalized people who are still fighting for equal treatment and recognition. They are not in line with the recent actions of Council to support inclusivity and diversity and to combat racism and injustice.

(d) Section 4.1(g) – Duty of Loyalty

Complaint 2020-04 alleges that the Mayor breached Section 4.1(g), which provides that “Members must recognize that they are representatives of the Township and that they owe a duty of loyalty to the residents of the Township at all times.” The complainant makes reference to the Mayor as representing his voice as that of the Township’s community, which the complaint states was embarrassing and untrue.

During the Radio Interview, the Mayor states that he has personal views on the matter of the flag raising. He also appears to appreciate that he is still speaking from the perspective of his personal views when later on, he says “let me speak from the other side” before going to speaking from the perspective of his experience as Mayor.

Despite this apparent awareness, it is necessary to ask if the Mayor’s statements can reasonably be separated from his capacity as Mayor in those material times, which we suggest they cannot. The Mayor was asked to partake in the Radio Interview in the first place certainly on account of his public office and not on account of his opinions as an individual. As such, it was incumbent on the Mayor to appreciate that at all points of the interview, he was a representative of the Township and could not navigate between the two capacities simply by referring to his personal views.

Although the Mayor starts the interview with several mentions of the democratic process and the wholesome discussion to be had by Council on the issue, he appears to contemporaneously engage with the host on the issue of identity politics. For example:

... Democracy is still important and good wholesome discussion at our municipal council chambers is makes it open and transparent for everyone. We all have views on the matter. It's a broader discussion about – there's a lot of flags that could be flown. And I guess fundamentally we're in a culture, and I mean in a larger North America context, where identity politics has been kind of running rampant for decades. I don't know when you would say that identity politics kind of emerged, but it hasn't really been solving things. And if you look at kind of the race relations and Black Lives Matter and kind of that response that “All Lives Matter”, that for many people kind of, for many people, strikes at the core of identity politics.

It appears that in this moment, the Mayor does not exercise restraint in simply stating that while everyone has their personal views, Council will make a decision on the issue. Instead, the Mayor seems to launch into the underlying policy topic which sets the tone for the remainder of the interview (and in which he clearly spars with the host). While we do not find that this amounts to disloyalty under the Code, especially knowing that many constituents appear to share the Mayor's views on the flag matter, it does constitute a lapse in judgement whereas the Mayor appears to prioritize expressing those specific views and rationales over harmonizing the views of all constituents, including those that clearly have differing views. In his official role, the Code indicates that the Mayor owes a duty of loyalty to the residents of the Township, which naturally means *all* of its residents. Again, as the head of Council, the Mayor has a leadership role to fulfill.

Although we have not concluded that, taken as a whole, the Mayor has acted in breach of Section 4.1(g) of the Code, we have provided our assessment with the intention that that the Mayor may take guidance from it moving forward.

(e) Section 4.1(h) – Proper Communication of Council's Decisions and Respect for the Decision-Making Process

Complaint 2020-04 alleges that the Mayor contravened Section 4(h) of the Code, which provides that “Members shall accurately communicate the decisions of Council and respect Council's decision-making process even if they disagree with Council's ultimate determinations and rulings.”

We note that the Complaints do not relate to a decision that has been made by Council. On the contrary, the Complaints and surrounding facts are clear that a decision had yet to be made. On this basis alone, we would dismiss this portion of Complaint 2020-04.

We also note that during the Radio Interview, the Mayor unmistakably states that with the flag raising matter having now been brought before Council, that Council will proceed to have a “fulsome” and proper discussion and follow the “democratic process”. During the Council Meeting, despite the Mayor stating that he did have personal opinions on the matters in question, there is nothing in the evidence before us that suggests that the Mayor failed to respect the ultimate decision of Council on point.

As such, this aspect of Complaint 2020-04 is dismissed.

(f) Section 9.2 – No Harassment or Discrimination

Complaint 2020-03 alleges that the Mayor contravened Section 9.2 of the Code, which provides that “Members shall not use indecent, abusive or insulting words, phrases or expressions toward any member of the public, another Member or staff. A Member shall not make comments or

conduct themselves in any manner that is discriminatory to any individual based on the individual's race, colour, ancestry, citizenship, ethnic origin, place of origin, creed or religion, gender, sexual orientation, marital status, family status, disability, age or record of offences for which a pardon has not been granted."

Complaint 2020-04 points to the Radio Interview as the basis for its allegation, but provides no further detail.

We are of the view that specifically, the Mayor's statement that he would be holding an "All Lives Matter" sign made during the Radio Interview was discriminatory. The Mayor knows, or ought to know that this statement is in direct opposition to those advocating for recognition and inclusion of the importance of Black and Indigenous lives, and that the statement "All Lives Matter" is commonly accepted as offensive to those individuals; it cannot simply be swept aside as expression that is intended to mean all human beings are deserving of equality and respect. Whether or not the Mayor believes that "identity politics" and flag raising is the best way forward to create a more unified and inclusive Township and country, "All Lives Matter" carries very precise meaning and deliberate implication.

Moreover, the Mayor's comments militate against the core of the declarations that Council has recently endorsed and supported.

It should be noted that in their Reply, the complainant in Complaint 2020-04 points to the Mayor's reference to a lack of a flag raising policy and his written indication that "Pride Niagara can make a request to West Lincoln" as discriminatory on the basis of the complainant being unsure of whether other flag raising requests received the same level of questioning or administrative burden. While we do not have evidence before us on past flag raising requests which would allow us to make a determination on that speculation, we do note that the planned development of the flag raising policy appears to be a necessary step in preventing both the appearance of, and actual instances of unfair treatment with respect to requests from different groups.

It is our determination that the Mayor's comment above constitutes discrimination in contravention of Section 9.2 of the Code.

(g) Section 10.1 – No Improper Use of Influence

Section 10.1 of the Code prohibits Members from using the influence of their office for any purpose other than the lawful exercise of his or her official duties and for municipal purposes:

- 10.1** A Member shall not use the influence of their office or appointment for any purpose other than the exercise of his or her official duties in the public interest.

Complaint 2020-04 alleges that the Mayor contravened Section 10.1 in the course of either the Radio Interview or Council Meeting, but does not specify further detail.

In his Responses, the Mayor indicated that the Radio Interview was a requested response to public discourse on the subject by other members of Council, both on the radio and social media, and not sought out by the Mayor himself. Having reviewed the evidence before us, we have no reason to doubt the Mayor's submission on this point and find it relevant that the interview was not solicited, but rather agreed to by the Mayor.

The second, and more important, issue which is also relevant to other sections of the Code discussed above, is whether it was appropriate for the Mayor to express his personal opinions or views during the Radio Interview and/or during the Council Meeting.

In his Response, the Mayor has indicated that he reserves the same human right as all Canadians to have opinions, and that his opinions are a reflection of his dignity as a human and deserve respect by others that disagree as much as I give respect to persons with opinions that I disagree with. The Mayor indicated that this is a part of public discourse.

Furthermore, the Mayor indicated that Complaint 2020-04 focuses much attention on his personal beliefs and affiliation with a federally registered and recognized political party, which he takes issue with. The Mayor indicates that nowhere in the debate or interview does he reference his beliefs, political policy of any party or any sacred text, despite it being within his rights to do so.

We note that the Mayor's statement with respect to not mentioning his beliefs during the Radio Interview is inaccurate. On several occasions, most notably in saying that "I am a Christian, I have never made any secret of that, I have campaigned for years and years and years under that banner", the Mayor makes mention of his beliefs. However, we conclude that this is ultimately a distinction without a difference, as the Mayor's reference to himself as a Christian, and further, as having Christian values during the Radio Interview appear to be merely the Mayor's attempts at drawing parallels and speaking from his experience.

While it is evident that a connection exists between the Mayor and the Party, we are of the view that the Complaint does not establish that this connection is of sufficiently close proximity for Section 10.1 of the Code to apply.

Specifically, we do not see any evidence before us that suggests that the Mayor was attempting to unduly influence others to share his values or beliefs, despite making them known.

Based on the foregoing, we conclude that the Mayor did not contravene Section 10.1 of the Code as he did not use the influence of his office for an improper purpose.

(h) Section 11.1 – Conflicts of Interest

As summarized above, Complaint 2020-03 alleges that the Mayor contravened Section 11.1 of the MCIA. Specifically, Complaint 2020-03 states that the complainant "has grounds to believe" that during the Council Meeting, the Mayor, who is both a Member of Council and the National President of a Federal Political Party, failed to take proactive steps to mitigate any non-pecuniary conflicts of interest in order to maintain public confidence in the Township and its elected officials.

In general, we find that Complaint 2020-03 does not provide a sufficient level of detail with respect to the alleged failure to mitigate a conflict of interest during the Council Meeting. It is not enough to simply state that one has "grounds to believe" a fact, but provide no further details. Notwithstanding, we found that a consideration of the issue of non-pecuniary conflict of interest is appropriate in the circumstances.

Based on the particulars of the alleged contravention contained in the statutory declaration that was filed with the complaint, we determined that the intended allegation was that the Mayor contravened Section 11.1 of the Code, given that the MCIA does not apply to non-pecuniary conflicts of interest, and there is no section 11.1 of the MCIA. On the contrary, Section 11.1 of the Code relates to non-pecuniary conflicts of interest and provides:

11.0 Conflicts of Interest

- 11.1 A Member shall seek to avoid conflicts of interest, both pecuniary and nonpecuniary. A Member shall comply with the requirements of *the Municipal Conflict of Interest Act* with respect to obligations relating to pecuniary interests. A Member shall take proactive steps to mitigate any non-pecuniary conflicts of interest in order to maintain public confidence in the Township and its elected officials.

The Code defines “conflict of interest” as “a situation in which a Member has competing interests or loyalties between the Member’s personal or private interests and his or her public interests as an elected representative such that it might influence his or her decision in a particular matter.”

Furthermore, the Code defines “non-pecuniary interest” as “a private or personal interest that a Member may have that is non-financial in nature and that would be considered by a reasonable person, apprised of all the circumstances, as being likely to influence the Member’s decision in any matter in which the non-pecuniary interest arises, and may include, but is not limited to, an interest that arises from a relationship with a person or entity”. This definition is consistent with the Supreme Court of Canada’s stated test of whether a councillor’s personal or other interest in a matter being decided is so related to the exercise of public duty that a reasonably well-informed person would conclude that the interest might influence the exercise of the public duty.¹³

Based on the definitions above, we conclude that based on the Mayor’s religious beliefs and his long-standing affiliation with the Party, both of which are matters of public record, the Mayor does have a non-pecuniary interest that a reasonably well-informed person could conclude might influence the exercise of the Mayor’s public duty. Specifically, with respect to the matter at hand, a reasonable person is likely to assume that the Mayor’s religious beliefs or affiliation with a religious organization is likely to influence their decision regarding a public symbol and demonstration (the flag raising) of something that is not condoned by that religion or that religious organization. This is especially so when the Mayor holds a leadership position in the religious organization, which he is presumably selected to by its own set of constituents.

However, whether or not this gives rise to a conflict of interest, and whether the Mayor has failed to mitigate such conflict of interest, is a separate matter.

As Justice MacKenzie writes in *Schlenker v. Torgrimson*:

Generally speaking, local government officials are elected because of their engagements with certain local issues and matters, engagements which frequently entail association with community groups. In local communities, their views on these issues are often widely known. It is frequently the reason they were elected to public office in the first place. The Supreme Court of Canada reviewed this issue in *Old St. Boniface Residents Assn. Inc. v. Winnipeg (City)*, and the concurrently released *Save Richmond Farmland Society v. Richmond (Township)*.¹⁴

¹³ *Old St. Boniface Residents Association v. Winnipeg (City)*, [1990] 3 S.C.R. 1170 at 1196-1197, 2 M.P.L.R. (2d) 217.

¹⁴ 2012 BCSC 41 at para 54. Online: <<http://canlii.ca/t/fpn0m>>.

With respect to the whether a conflict of interest is created, the question to be asked is whether the non-pecuniary interest creates a personal interest or makes the Mayor any less objective than other members of Council who have relied in part on their own experience to consider the flag raising issue. In so doing, we bear in mind that a non-pecuniary conflict of interest must go beyond that which elected officials may have in common with other members of the community; it must be a substantial interest peculiar to their personal interest that will serve his or her own needs.¹⁵

Moreover, the reference in Section 11.1 to mitigation of the non-pecuniary interest seems to suggest that a Council member has the ability to make a choice about the interest in question. In this case, beyond indicating his religious beliefs and affiliation, mitigation appears to lie outside of the Mayor's control in the sense that he cannot further "choose" to forego his beliefs which to him, are a fact.

Lastly, in reviewing the Council Meeting and comments made by the Mayor before and during the meeting, and without commenting on the merits of the Mayor's positions, there is nothing in evidence to suggest that the Mayor was acting explicitly or covertly to prevent a discussion on the flag raising issue, nor the development of a policy as a result of that discussion which could be applied consistently.

As such, we have determined that there were no reasonable grounds to support the allegation that the Mayor's comments or actions during the Council Meeting amounted to a contravention of Section 11.1 of the Code and dismiss this portion of Complaint 2020-03. This determination had earlier been communicated to the complainant in Complaint 2020-03 on July 2, 2020.

(i) Section 12.1 – Adherence to Council Policies and Procedures

Complaint 2020-04 alleges that the Mayor contravened Section 12.1 of the Code, which relates to Council policies and procedures and provides as follows:

12.0 Council Policies and Procedures

12.1 A Member shall observe and adhere to the policies, procedures and rules established from time to time by Council.

We note that Council has recently voted unanimously to support two declarations that commit the municipality to combat discrimination and racism, and to promote and advance equality and respect for all citizens. In passing resolutions to that end, Council has expressed its will.

As noted, the two declarations regarding inclusivity and diversity adopted by Council post-dated the Mayor's actions. Further, as acknowledged in Complaint 2020-04, there are no established policies, procedures or rules in the Township specifically related to flag raising. On this basis, this portion of Complaint 2020-04 is dismissed.

¹⁵ *Ibid* at para. 74.

IX. CONCLUSIONS

Based on the foregoing, we conclude that the Mayor breached three (3) provisions of the Code.

We have determined that the Mayor contravened:

- Section 4.1(d) of the Code by missing and/or failing to communicate having received the flag raising requests from Pride Niagara, thereby failing to serve his constituents in a conscientious and diligent manner;
- Section 4.1(e) of the Code by failing to respect the individual rights, values and beliefs of other persons. In particular, the Mayor's statements that "There are always going to be injustices, correct. But in terms of rights, what are they, what are anyone who's flying a flag, whether that's Black Lives Matter in America or the Pride Flag here, what are they still fighting for? Is it necessary? Or have they won? Have they achieved everything? It's just a question of time" and "In the Black Lives Matter, I would be the one holding the sign that says 'All Lives Matter'" are found to be in breach of Section 4.1(e); and
- Section 9.2 of the Code in making a discriminatory statement that he would be holding an "All Lives Matter" sign during the Radio Interview, when he knew or ought to have known that the "All Lives Matter" phrase is commonly accepted as offensive because it denies or dismisses racial injustice – it cannot simply taken be as an expression that implies all human beings are deserving of equality and respect.

We conclude that the remaining portions of the Complaints are dismissed.

X. RECOMMENDATIONS

(a) General Recommendations

We are aware that in July 2020, Council unanimously agreed to suspend flag raising requests until a new flag raising policy was adopted by Council. We agree with the decision of Council, and expect that once the new flag policy is created and adopted, that such policy will be publicly communicated and available. Given the obvious sensitivity around these requests, we recommend that the Township move as quickly as possible to develop the policy.

With respect to the impact on the complainants and the community at large, we note that there have been three (3) instances where the Mayor has apologized – in his statement of June 15, 2020, during the Council Meeting and on Twitter. However, two of the three complainants indicated that they were either unaware, or had not seen the public apology made on June 15, 2020.

In the course of our investigation, we also could not access the original apology statement, save and except for the coverage provided by *Niagara This Week* referred to above. As such, we recommend that the Township takes steps to ensure that the Mayor's apology is both accessible and available in its public materials and/or on its website moving forward. We are not of the view that the mayor needs to issue a further public apology.

In accordance with Section 12.(1)(b)(i) of the Protocol, if the Integrity Commissioner determines that a contravention of the Code occurred, but that it was committed through inadvertence, the Integrity Commissioner may so state in the report and may make appropriate recommendations pursuant to the *Municipal Act, 2001*, including, but not limited to, a recommendation of no penalty.

With respect to the finding that the Mayor breached Section 4.1(d) of the Code by missing and/or failing to communicate with respect to having received the flag raising requests from Pride Niagara, we conclude that the Mayor's failure amounts to inadvertence. Although it is recommended that the Mayor exercise improved diligence with the management of his email moving forward, no further penalty is recommended with respect to this contravention.

(b) Specific Recommendations Based on Findings

With respect to our findings that the Mayor contravened Sections 4.1(e) and 9.2 of the Code, bearing in mind the Mayor's apologies and his pledged support to the Township's diversity and inclusion initiatives moving forward, we recommend that the Mayor be reprimanded by Council pursuant to clause 223.4(5)(a) of the *Municipal Act, 2001*.

It is our view that the reprimand should be clear that Council denounces the Mayor's statements. While we are not recommending a suspension of pay, we caution that any further contraventions of the Code by the Mayor on similar grounds could result in more severe consequences, including a suspension of the Mayor's remuneration in respect of his services as a member of Council.

We are also of the view that the imposition of a remedial or corrective measure is appropriate in the circumstances. It is our recommendation that Council order the Mayor to complete sensitivity training as approved by Council within ninety (90) days of the date of this Report, and that he provide the Integrity Commissioner with satisfactory proof of completion of the training. The Mayor and/or Council may seek the advice of the Integrity Commissioner with respect to the specific training chosen should they wish to do so.

Given that the training was raised as a possibility at the Council Meeting, should Council elect to provide training to all members of Council as part of their education and development, we suggest that the Mayor can satisfactorily complete his training requirement through the general Council training.

This Report has been prepared for and is forwarded to Council for its consideration. Subsection 223.6(1) of the *Municipal Act, 2001* provides that this Report be made public.

AIRD & BERLIS LLP



Daria Peregoudova
Integrity Commissioner for the Township of West Lincoln

Dated this 20th day of October, 2020

Appendix “A”

CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND LOCAL BOARD MEMBERS

4.0 General Obligations

4.1 Members shall:

- (c)** seek to advance the public interest with honesty
- (d)** seek to serve their constituents in a conscientious and diligent manner
- (e)** respect the individual rights, values, beliefs and personality traits of any other person, recognizing that all persons are entitled to be treated equally with dignity and respect for their personal status regarding gender, sexual orientation, race, creed, religion, ability and spirituality
- (g)** recognize that they are representatives of the Township and that they owe a duty of loyalty to the residents of the Township at all times
- (h)** accurately communicate the decisions of Council and respect Council's decision-making process even if they disagree with Council's ultimate determinations and rulings.

9.0 Discrimination and Harassment

9.2 A Member shall not use indecent, abusive or insulting words, phrases or expressions toward any member of the public, another Member or staff. A Member shall not make comments or conduct themselves in any manner that is discriminatory to any individual based on the individual's race, colour, ancestry, citizenship, ethnic origin, place of origin, creed or religion, gender, sexual orientation, marital status, family status, disability, age or record of offences for which a pardon has not been granted.

10.0 Improper Use of Influence

10.1 A Member shall not use the influence of their office or appointment for any purpose other than the exercise of his or her official duties in the public interest.

12.0 Council Policies and Procedures

12.1 A Member shall observe and adhere to the policies, procedures and rules established from time to time by Council.

Appendix “B”

FULL TRANSCRIPT OF THE RADIO INTERVIEW BETWEEN MAYOR BYLSMA AND HOST MATT HOLMES ON CKTB 610/iHEART RADIO ON JUNE 11, 2020

[Introduction – Interview Begins at 1:45]

HOST: We wanted to talk to you this morning because there is some controversy of sorts in West Lincoln on why the Pride flag is not flying at city hall. What happened here?

MAYOR BYLSMA: I've got to take ownership for probably a good chunk of that. Some communications did come across my desk in the middle of the COVID-19 crisis, and as a Mayor, any mayor will attest that our inboxes are full of all kinds of asks, and requests, and information, and downloads from various organizations. This one came through my regional portal, which is why Councillor Albert Witteveen received it. I found that out later.

It was an oversight in all the COVID activity. I usually receive copies to me. Correspondence also goes to clerks and CAOs and such, but this didn't go to the clerks. It was not put on as a correspondence and didn't get addressed in time.

But we have rectified that now – I'm pleased to say we have a Special Council meeting scheduled for next Tuesday morning. There will be a fulsome discussion. A West Lincoln discussion. And pending that – we're charting a course also for policies in general. We have a flag-raising precedent, but we have no policies about what goes up and what goes down, so there's a fulsome discussion about what do we do as a municipality. Years ago, as a municipality, we determined that we were not going to make any proclamations. That one's on the books. Tuesday, in the morning at 11 o'clock, we'll be having our discussion on the matter.

We've invited the Chair of Pride Niagara to make his presentation to the Council at that time.

HOST: You get how optically this doesn't look good though, right?

MAYOR BYLSMA: I know, I know.

HOST: I think for a lot of people, they are thinking “Why isn't there just a date circled on the calendar that says here's Pride Week.” In the world of the politics that we have to play now a days... Being aware of that, and being proactive, instead of waiting for a formal email from the clerks, etcetera, etcetera. So it just feels like you're ahead of the game.

MAYOR BYLSMA: I know, but democracy is still important and good wholesome discussion at our municipal council chambers is makes it open and transparent for everyone. We all have views on the matter.

It's a broader discussion about – there's a lot of flags that could be flown. And I guess fundamentally we're in a culture, and I mean in a larger North America context, where identity politics has been kind of running rampant for decades. I don't know when you would say that identity politics kind of emerged, but it hasn't really been solving things. And if you look at kind of the race relations and Black Lives Matter and kind of that response that “All Lives Matter”, that for many people kind of, for many people, strikes at the core of identity politics.

Nobody is arguing that all lives matter, and no one is arguing that Black lives as a subset of all lives don't matter, everybody's in agreement.

We want to develop a policy that recognizes not just, you know, sexual orientation, but religions, races, any way that our Constitution has parsed people up, the protected right of assembly, and freedom of religion, and sexual orientation protected under the Charter, and age, and those areas and categories that you can't discriminate against.

We raised an age-friendly flag, and people were like "isn't that just for seniors?" and if you attended the conference, you would know "age friendly" was meant to be a wholesome and fulsome interchange between all ages, we were trying to connect youth with seniors, and connecting that busy young parent stage with that more senior family stages. That's wholesome. That's identifying everybody.

We just want to make sure that we have a policy that doesn't single out any one category of people as a subset over other ones because I think, that, we could divide Canada all different ways: French vs. English, or Indigenous vs. the rest, and what we end up having is this kind of controversy, this... it's very combative. And it seems that anybody who's asking for the whole, the unity -- I've received a lot of chatter and emails just saying, "What's wrong with just the one flag?" It's always the perennial question. What's wrong with just a Canadian flag flying over the municipal office? Does identity politics even belong on a municipal flagpole? And I guess that's part of the discussion ongoing, to develop a policy. So we're going to go through the democratic process and see where we land.

HOST: Are you landing in a position that you don't want to have any other flag other than the city flag and the Canadian flag flying then?

MAYOR BYLSMA: That's my personal position.

HOST: Why?

MAYOR BYLSMA: Well, because it's Canada, it's the Canadian flag. It includes everybody.

HOST: But the message that the Pride flag... - Do you understand what message is being sent and why it's more important than putting up a flag that says all lives matter?

MAYOR BYLSMA: I understand the discussion about Pride. This is Canada. "They" are endured with all the rights under the Constitution. That's not the discussion.

Sooner or later a discussion has to form: is this working? The #blacklivesmatter hashtag is about 7-8 years old. Are things getting better? And you look at what's happened, it has polarized people. Because there are a very well-meaning group of people who... We're tying it to the race...

One of our most fundamental rights is freedom of religion. I am a Christian, I have never made any secret of that, I have campaigned for years and years and years under that banner. Every year there is a world day of prayer. An international day of prayer. And there are flags. Many churches fly those flags, it's their prerogative, they are Christian churches. I understand that in some municipalities down in the States, they also fly them on the municipal flagpoles. So that discussion comes to Council, this is a flag raised for a particular subset of religions within all regions. It's Christianity... so how do we vote on that? Do we allow the world day of prayer flag to fly up on a

municipal flagpole? Is that appropriate? Well in categories, it's the exact same discussion. In categories. It's a protected right under the Charter. We have the freedom of religion, but Courts have also argued we have a freedom from religion. You can be an atheist. And you can take offence to any religious flag, and it doesn't matter if it's a Muslim flag, or...

So we talk about race as a protected right. Religion is also a protected right, as is sexual orientation. So let's just be fair, let's be consistent, let's be logical and have a wholesome discussion.

HOST: If we want to be logical, let's be honest Dave, Christians haven't faced people shooting them down for centuries, people were lynching Black people not long ago, it's ridiculous, that's why it's different because we are trying to build an inclusive idea where people who have been told that they are not allowed to be part of a grander conversation, getting that message out that "No, you are part of this".

MAYOR BYLSMA: Let's back up, first of all, you make an assumption that Christians have enjoyed freedom, and to a certain extent in the North American context they have, although we can see that... when you are vocal, there is no shortage of people who have a difference of opinion and they like to opposition. At the end of the day, let's have a dialogue, first and foremost. Let's not shut down. Let's not scream at each other. What happened, the violence. Even what happened at Gage Park in Hamilton, those images are still fresh in our minds. Let's have a discussion, and let's also acknowledge that not every place in the world enjoys all the freedoms that we have fought hard for in Canadian society. Sexual orientation is a protected right in Canada.

I believe that Canada does not have the same racial tensions as in America. We enjoy better – Is there racism? No one is denying that. Is it better? Is there improvement? Is there a spectrum on which we have made great strides? Yes – absolutely. No one is denying that. Same with religion. But in other parts in the world, Christians are being persecuted. That is a fact as well. So when Canada engages with discussions worldwide for rights in China for example, they press for rights for women, freedom of religion, they're pressing for the rights that we have entrenched in our Constitution.

It's part of a dialogue, and if we have differences, we treat each other with respect, and let's look for perspective consistency.

HOST: Consistency doesn't fix the problems that we've had in our society for years. And I heard a great explanation of this the other day: Of course all lives matter, but right now we are focused on Black Lives Matter. Why? Because they are disproportionately being attacked by other people. This goes exactly the same for the pride flag. Same as this pandemic, we are focusing on it, but this doesn't mean that we all of a sudden pretend that heart disease or cancer doesn't exist. We just understand that in this moment, we have to focus on this, so later on we can take care of the rest of it as well.

MAYOR BYSLMA: Again you spoke of consistency. In race relations, one of the things that is sparking that is the consistency of the application. What right do those who practice various sexual orientations not have under the Canadian constitution? What do they have to fight for? They have adoptive rights, rights to marry, rights to receive benefits from each other through healthcare plans, they have every right as a Canadian. They have fought for 30 years. I have seen that progression. They have consistency.

HOST: We are disconnecting. This isn't about rights on paper – the rights on paper are there. It's the inherent belief of some people that they are "less than". Sure, the rights are on paper. But it doesn't always translate with how people look at them in practice, for jobs, or other opportunities in the community, not just what it says in constitution. This isn't just a simply "what's it say in the Constitution".

MAYOR BYLSMA: 30 years of identity politics, singling out a particular right or a particular grievance from one community against the next, what has that accomplished? After 30 years, we're more violent, we're yelling at each other louder, and we're becoming more polarized. I've been kind of following. There's a lot of parallels to Black Lives Matter. And to a certain extent, this discussion has always been a parallel discussion. Exposes deep seeded beliefs and such. I saw an interview with Denzel Washington and Morgan Freedman saying stop talking about it. "Why do we need a Black History month? Black history is American history." We haven't been able to fix anything by polarizing around these issues. And I think if we look to a certain degree, if we look at French-English distinctions in Canada, or Indigenous relations with Canada. We haven't been able to rectify, first of all, any of the challenges of the past, any of the grievances of the past, it seems like all we do is make them real. For example, there were grievances in the past, no one is denying that. But today in Minneapolis, there are more grievances – they've been set on fire. And there's people who are very upset and they're upset indiscriminately. They are upset at society. There's no shortage of people being violated by the very – there were Black store owners who were being vandalized and victimized by Black Lives Matter banner waving – there's no shortage of that inconsistency. Why did that happen? Now there's a new grievance, so who do they peg that blame on? Well, I blame identity politics.

There's a spark there. No one is denying that what happened to George Floyd was right. So there is a grievance. But is it a collective grievance? Or is it a one...? There was a police officer who was charged. Let it run its course. If he gets justice, George Floyd I mean, if he gets justice that's no different than anyone else. If my child was murdered, I'd want justice too, and I'd want that perpetrator... Does that mean that everything that that person stands for as collective in society was against my daughter or my family? Of course not.

HOST: You have to think of all the things that had to happen for the pressure for the charges to be laid, for charges then to be increased. That came after days and days of giant protests and people speaking up and saying "that's not right". If it was one of "our kids" that was killed, as white individuals, we wouldn't have had to wait that long. These people have been through this for so long.

MAYOR BYLSMA I know it seemed like public pressure... Let's me speak from the other side. There's a lot of events, in my short career as mayor, where the community thinks we have to act really really fast. Due diligence, due process are still also very cherished rights in our society. You know when that does happen, you know that immediately there is an investigation and an investigation has to take place. People at the heart of it are put under suspension, and there's an investigation. Because fundamental to the rights that you have as Canadian to due process, that you are innocent until proven guilty, there is an investigation. It wasn't that long before the charges were laid against the first officer and then the other four.

I was in the MPCA, there were protests. People thought we weren't acting quick enough in the very beginning to clean house. Looking back on it now, one year later, it's a small amount of time but we had to identify, we had to do an investigation, we conducted thorough investigations by third parties and it's very easy to make a judgement on the street, and we know this is often the

case, and then the investigation takes place and sometimes we are outraged that something didn't take place that we thought should have taken place, but other times, justice is served. I understand the speed and volatility of the situation... But, you know, the officer that committed this crime was charged, and like all criminals have their rights, and some of the fundamental – are innocent until proven guilty. And in a very hot, immediate media culture sometimes they don't get a fair shake in the media based on information, and I can point to all sorts of injustices at the media level that weren't prosecuted all the way through. We had our own case with the officer in Toronto that shot the young man on the bus. There was an investigation and he was charged. At first blush, it was kind of a done deal. Same with the young man that was shot trying to protect an older man and the media passed judgement in that violence but through the justice system it was determined that he was not culpable. There's still going to be a court case for those cops involved in that.

Back to the original discussion. There are always going to be injustices, correct. But in terms of rights, what are they, what are anyone who's flying a flag, whether that's Black Lives Matter in America or the Pride Flag here, what are they still fighting for? Is it necessary? Or have they won? Have they achieved everything? It's just a question of time.

HOST: You realize that the push to end racism and discrimination towards those that fly under the Pride flag is not done, right?

MAYOR BYLSMA: Absolutely. I'm no utopian. That will always be part of it. Upbringing culture, those things, I understand, I am just pointing to the simple reality that when you've achieved those rights then... I'm saying identity politics is not working. We have 30 years of identity politics which has shown that this is not the solution. I have a working relationship and a high regard and respect for all people that I work with...

I don't question that, my upbringing was that you love your neighbor as yourself and you treat all people equally. That was my upbringing. But is that everyone's upbringing? No. That will always in a sense exist, and whether that's against orientation, religion, age... There is a huge, growing trend of mistreating elderly people. They have always had beautiful status, a cherished status in society, but there is some atrocious grievances against people of senior age, whether that's done by children with abuse or in long term care homes.

You are absolutely right, this will never be done.

HOST: I'm not saying we'll never be done, I'm saying we're not done.

MAYOR BYLSMA: I am a bit more of a pessimist in that way. If you look at history, what goes around comes around, vigilance and diligence is part of it. It's a fair opinion, I guess... In the Black Lives Matter, I would be the one holding the sign that says 'All Lives Matter'.

HOST: You're missing the point.

MAYOR BYLSMA: Sure, let's have a discussion about that. It's legitimate for me to point out that everyone in Canadian society has fair standing under the law.

HOST: That right is there for everybody, but it's not held up all the time. And that's the problem. It's on paper. But it's not held up. It's like the treaty rights for Indigenous people. They're rights on paper, but when they get upset about what the government is doing, and people say "tough luck".

It's their treaty rights. Its rights on paper. We are too many times ignoring what's on that paper that is their inherent right.

MAYOR BYLSMA: So you brought it up again – the Indigenous... What's some of the challenges we face? Recently I drove past the reservation in Brant up Indian Line. And every entrance to the reservation, there are two armed guards. They've got their guns out, they're Indigenous people, and they're protecting their reservation from any outsiders. And I think to myself, 'That's fire.' That's what securing and acknowledging Indigenous rights has produced. This military-style opposition when "they" feel that they have been wronged, "they" take up arms. No one else in Canada is saying... The Pride community, those who have been grieved in many ways, they're not taking up arms like that. I'm saying identity politics has had its run. It's had a fair trial in our societies, it's done good, but it's not the final analysis either. And we can see all the tensions, and we can draw a thousand lines through our society and none of that's helpful unless we start uniting under the Canadian flag. And that's my point.

HOST: Indigenous people don't have to go under the Canadian flag. They were here first, we signed a treaty with them that ensured their individuality and their land. They don't need to go under a Canadian flag and they're never going to.

MAYOR BYLSMA: I appreciate an opportunity for a discussion and to put opinions out into the public square.

Appendix “C”

DECLARATION FOR CANADIAN COALITION OF INCLUSIVE MUNICIPALITIES

GIVEN THAT:

1. The Canadian Commission for UNESCO (United Nations Educational, Scientific and Cultural Organization) is calling on municipalities to join a Coalition of Inclusive Municipalities and to be part of UNESCO's international Coalition launched in 2004; and
2. The Federation of Canadian Municipalities (FCM) endorses the Call for a Coalition of Inclusive Municipalities and encourages its members to join; and

WHEREAS:

3. Municipal governments in Canada, along with other levels of government, have responsibilities under Canada's Charter of Rights and Freedoms as well as federal, provincial and territorial human rights codes, and therefore have an important role to play in combating racism and discrimination and fostering equality and respect for all citizens;

Be it resolved that:

4. The Regional Municipality of Niagara, The Corporation of the Town of Fort Erie, The Corporation of the Town of Grimsby, The Corporation of the Town of Lincoln, The Corporation of the City of Niagara Falls, The Corporation of The Town of Niagara-on-the-Lake, The Corporation of the Town of Pelham, The Corporation of the City of Port Colborne, The Corporation of the City of St. Catharines, The Corporation of the City of Thorold, The Corporation of The Township of Wainfleet, The Corporation of the City of Welland, and The Corporation of the Township of West Lincoln agree to join the Coalition of Inclusive Municipalities and, in joining the Coalition, endorses the Common Commitments (see Appendix A) and agree to develop or adapt a joint Plan of Action led by the Regional Municipality of Niagara accordingly.
5. These Common Commitments and the Municipalities' joint Plan of Action will be an integral part of the Municipalities' vision, strategies and policies.
6. In developing or adapting and implementing the joint Plan of Action toward progressive realization of the Common Commitments, the Municipalities will cooperate with other organizations and jurisdictions, including other levels of government, Indigenous peoples, public and private sector institutions, and civil society organizations, all of whom have responsibilities in the area of human rights.
7. The Municipalities will set their priorities, actions and timelines and allocate resources according to their unique circumstances, and within their means and jurisdiction. The Municipalities will exchange their expertise and share best practices with other municipalities involved in the Coalition and will report publicly on an annual basis on actions undertaken toward the realization of these Common Commitments.

Appendix “D”

DECLARATION OF MUTUAL COMMITMENT AND FRIENDSHIP - IMPROVING THE QUALITY OF LIFE OF INDIGENOUS PEOPLE ACROSS ONTARIO’S MUNICIPALITIES JOINT AND ONGOING COMMITMENT BETWEEN SIGNATORIES: THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO (AMO) AND THE ONTARIO FEDERATION OF INDIGENOUS FRIENDSHIP CENTRES (OFIFC)

1. WHEREAS in Ontario, over 85 percent of Indigenous people live in municipalities;
2. WHEREAS the growing percentage of Indigenous people living in municipalities and the Friendship Centres that serve them participate in and contribute to municipal community life;
3. WHEREAS the Friendship Centres have existed in Ontario municipalities for over half a century and have vital roles to play in community development, social cohesion, and improving the quality of life for Indigenous people living in urban and rural areas;
4. WHEREAS the Friendship Centres receive their mandate from their communities and are inclusive of all Indigenous people;
5. WHEREAS municipal governments have a growing and critical role in human and social services and community development and many have shown leadership in working in partnership with Indigenous organizations;
6. WHEREAS the Truth and Reconciliation Commission defines reconciliation as “an ongoing process of establishing and maintaining respectful relationships”;
7. WHEREAS strengthening relations between Indigenous and non-Indigenous people is essential to municipal governments, Friendship Centres, and communities across Ontario;
8. WHEREAS municipal governments play an important role in providing and delivering valuable programs and services to meet the needs of their residents, as well as being responsible, in all or some part, for over two hundred and eighty (280) pieces of provincial legislation that impact daily life of all who live in Ontario;
9. WHEREAS many municipal governments and Friendship Centres have taken up the responsibility to collaborate on a variety of initiatives that improve Indigenous quality of life and have had tangible community impacts;
10. WHEREAS municipal governments are on the front-lines working directly with all individuals to support and determine social determinants of health, demonstrating a notion of direct responsibility contributing to community well-being and prosperity;
11. WHEREAS the AMO has developed the Indigenous Relations Task Force to advise the AMO Board of Directors on municipal-Indigenous relationship building;
12. WHEREAS the OFIFC was founded in 1971 and works to support, advocate for and build the capacity of member Friendship Centres across Ontario;
13. WHEREAS the Friendship Centre Movement is the largest Indigenous service network in the province supporting the vibrant and quickly-growing Indigenous population through programming, research, education, and policy advocacy;

14. WHEREAS AMO and OFIFC are partnering on a variety of initiatives to improve collaboration and information sharing amongst our membership, not limited to the work of the AMO-OFIFC Indigenous Relations Working Group and the AMO-OFIFC Memorandum of Understanding signed on July 27, 2020; AND

15. WHEREAS this declaration is a living document that municipal governments and Friendship Centres can sign onto or use as a framework for the development of local or regional declarations that can be addended to this declaration;

THAT SIGNATORY MUNICIPAL GOVERNMENTS RECOGNIZE:

16. THAT Indigenous people reside and build community and resilience in municipalities across Ontario;

17. THE value of Indigenous knowledge and expertise to design, plan, implement, and evaluate public policy and programs that impact the well-being of Indigenous people is paramount;

18. THE responsibility taken up by Indigenous Friendship Centres to meet Indigenous community need;

19. THE value of building relationships and partnerships with Friendship Centres to improve the quality of life of Indigenous people in their municipality; AND

20. THAT the exchange of information and skills within and between municipal governments and related associations contribute to improved understanding in the area of Indigenous relations.

THAT SIGNATORY ONTARIO INDIGENOUS FRIENDSHIP CENTRES RECOGNIZE:

21. THAT they are and have been leaders in urban Indigenous community development and in reflecting and responding to the needs of Indigenous people in municipalities for over half a century;

22. THAT they are engaged in local and regional affairs and that they contribute to municipal life and that they lead the Indigenous social, community, economic, and cultural development of municipalities across Ontario;

23. THE responsibility taken up by municipal governments to meet and serve Indigenous communities;

24. THAT municipal governments provide essential services that Friendship Centre community members rely on to thrive;

25. THAT municipal governments are leaders in Ontario in meeting community needs through local programs, services and community development, be they in human and social services, public safety or public works/infrastructure, and are integral to community well-being and the social determinants of health;

26. THAT the development and maintenance of good relationships and partnerships with municipal governments is essential to achieving long-term positive impact on Indigenous communities; AND

27. THAT Friendship Centres acknowledge that they operate in a municipal landscape and rely on municipal governments.

ALL SIGNATORIES RECOGNIZE:

28. THAT we are uniquely positioned to improve community-well-being through local policy development, programs and services as we are well-equipped to be responsive to community needs;
29. THAT community-identified needs and priorities should provide the basis for policy and program development, and that we are uniquely positioned to improve the quality of life of Indigenous people living in municipalities;
30. THAT mutual respect, responsibility, trust, transparency and collaboration to meet common community priorities are key principles of relationship building between non- Indigenous and Indigenous organizations;
31. THAT the Friendship Centres and municipal governments play key roles in working against racism, inequality, discrimination, and stigma within and between communities;
32. THAT the goal of this declaration is to provide municipal governments and Friendship Centres with a framework for relationship-building to advance reconciliation in communities across Ontario;
33. THAT the goal of this declaration is to enhance social cohesion between Indigenous and non-Indigenous people and support closer cultural, social and civic ties between Indigenous and non-Indigenous people;
34. THAT we can play a leadership role and set a standard by advancing reconciliation locally and regionally through partnerships and collaboration;
35. THAT fostering local and regional partnerships is integral to improving the quality of life for all communities; AND
36. THAT we establish and maintain an ongoing dialogue and working relationships at the local and provincial orders.

**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
COUNCIL MINUTES**

MEETING NO. TWELVE

September 28, 2020, 7:00 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Mayor Dave Bylsma
Councillor Cheryl Ganann
Councillor Harold Jonker
Councillor Mike Rehner
Councillor William Reilly
Councillor Jason Trombetta

Absent: Councillor Christopher Coady

Staff: Joanne Scime, Clerk
Bev Hendry, CAO
Donna DeFilippis, Treasurer/Director of Finance
Brian Treble, Director of Planning and Building
Roberta Keith, IT Administrator

Others: Regional Councillor Albert Witteveen

1. SINGING OF "O CANADA"

Prior to proceeding with the Council meeting, Mayor Bylsma announced the following:

1. Councillor Coady has sent his regrets and will not be attending this evening's meeting.
2. Due to efforts to contain the spread of COVID-19 and to protect all individuals, the Council Chambers will not be open to the public to attend Council Meetings until further notice.
3. As noted on tonight's agenda, if Members of the Public had any comments, they could provide them by email to the Clerk by 4:30 pm today. Please note that any email comments submitted will be considered as public information and read into public record later in the agenda.

Council Minutes - September 28, 2020

4. A reminder that Members of the Public could attend this evening's Council meeting virtually. This was noted on this evening's agenda and could have been done by contacting the Clerk by email prior to 4:30 p.m. today to request a Zoom invitation to the meeting; and,
5. This meeting is being audio and video recorded and will be posted on the Township's web site within 48 hours.

2. OPENING PETITION - Councillor Mike Rehner

3. CHANGE IN ORDER OF ITEMS ON AGENDA

There were no changes in order of items on the agenda.

4. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST

There were no disclosures of pecuniary interest and/or conflicts of interest declared by any Member of Council present.

5. REQUEST TO ADDRESS ITEMS ON THE AGENDA

There were no members of the public present on the Zoom meeting call that noted they wished to address a specific item on the agenda. Additionally, the Clerk stated that there were no emails received from any member of the public with respect to any items on the agenda as permitted by Section 6.7 of the Procedural By-law.

6. APPOINTMENTS/PRESENTATIONS

There were no appointments/presentations.

7. REGIONAL COUNCILLOR'S REMARKS

Regional Councillor Albert Witteveen read from a prepared statement which is attached as **Schedule "A"** to the minutes. Regional Councillor Witteveen provided an update on various Niagara Region issues/initiatives that had occurred over the past couple of months, including the the Woodlands Conservation By-law, the Natural Heritage mapping, the Water Resource System mapping, the new population target growth which are being extended to 2051, the SWIFT broadband internet service for Niagara, the new waste management changeover to our new contractor (Green for Life (GFL)) which comes into effect the week of October 19, the Region's new mobile waste and recycling app, Public Health COVID testing and website information, safe housing initiative for human trafficking, the two new roundabouts, field flooding issues on Regional Road 2 and police presence in this area to address speeding, etc.

Regional Councillor Witteveen addressed questions and concerns brought forwarded by Members of Council including but not limited to the new waste collection schedule, the Region's new waste and recycling collection app, the

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clean up of the lagoon area off of Townline Road and the public having accessing to these lands as a naturalized area, the intermunicipal transit system which has been receiving a lot of positive feedback and if there was any statistical information (ridership, destinations, demographics) that may come forward from the Region on the program it was asked if this information could be shared with staff and Council.

8. CONFIRMATION OF MINUTES

- 8.1 Council Minutes
Re: July 27, 2020 Minutes

Moved By Councillor Cheryl Ganann
Seconded By Councillor Harold Jonker

That, the minutes of the July 27, 2020 regular Council meeting be accepted.

Carried

- 8.2 Public Meeting Under the Planning Act
Re: July 27, 2020 Minutes

Moved By Councillor Harold Jonker
Seconded By Councillor William Reilly

That, the minutes of the public meeting held on July 27, 2020 under Section 34 of the Planning Act, with respect to:

(a) Zoning By-law Amendment – Temporary Permit for a Mobile Home - Harold Wrigley and Debra Sims (3775 Canborough Road/Regional Road 63) - File No. 1601-004-20
be accepted.

Carried

- 8.3 Public Meeting Under the Planning Act
Re: September 14, 2020 Minutes

Moved By Councillor Mike Rehner
Seconded By Councillor Cheryl Ganann

That, the minutes of the public meetings held on September 14, 2020 under Sections 17 & 34 of the Planning Act, with respect to:

(a) Official Plan Amendment & Zoning By-law Amendment - Former St. Martin Roman Catholic School Property

(b) Official Plan Amendment & Zoning By-law Amendment - College Street Public School Property

(c) Zoning By-law Amendment - Township of West Lincoln - Housekeeping Amendments (Off Street Motor Vehicle Parking, Parking Space, Accessory Dwelling Units, Sign By-law, 9390 & 9392 Regional

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Road 65, 116 West Street (Smithville United Church & FORT), 6659
Regional Road 20 (Greek Community Centre) File No. 1601-022-19;
be accepted.

Carried

9. COMMUNICATIONS

There are no communications.

10. MAYOR'S REMARKS

Mayor Bylsma stated that he had two issues that he would like to address this evening the first being the passing of Mr. Jim Hiscott, who was a volunteer fire fighter with the West Lincoln Fire Department for 50 years. Mayor Bylsma noted that Mr. Hiscott's dedication was rare and noteworthy and our community owes him a great deal of gratitude for his tremendous contribution and he will be sorely missed by his team and fire service. Mayor Bylsma stated that he wished comfort and peace to his family and friends for this life well lived. Rest in peace Mr. Hiscott.

Mayor Bylsma stated that the second item he wished to address this evening was to thank West Lincoln Community Care for their organization and support of Council at the food drive that was held at Foodland on Saturday morning. Mayor Bylsma stated that it was a gorgeous day outside and he thanked Amy from Foodland for supporting and sitting with him for the 7 hours that he spent in front of the store accepting donations of money and food for West Lincoln Community Care. Mayor Bylsma stated that both Councillor Ganann and Rehner joined him for a few hours to support the event which raised an outstanding monetary donation of \$2,066.65 as well as the collection of 737.9 pounds of food which will be used to stock the shelves of West Lincoln Community Care for the holidays. Mayor Bylsma stated that West Lincoln Community Care sent a thank you for everyone that attended and those that donated at the event. Mayor Bylsma stated that the following businesses will be participating in the Mayor's Corporate Challenge being Big Country Raw, Talent Millwork, The Woodshed, Giant Tiger, Niagara Pallet, Township of West Lincoln, Stanpac, Smithville Christian Reformed Church, John Calvin School, and the Village Square Dental Centre. Mayor Bylsma stated that he looked forward to the results of the food drive and noted that many people had noted that they had contributed at other places (i.e. at work, week before event). Mayor Bylsma thanked the Knights of Columbus for holding a food drive the week before at Foodland with Wayne Schilstra Realty holding the same event next Saturday. Mayor Bylsma thanked those Members of Council that attended as well as those that had donated at the event and to the community for their generous donations.

11. REPORT OF COMMITTEE

11.1 Planning/Building/Environmental Committee
Re: September 14, 2020 Minutes

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Moved By Councillor Cheryl Ganann

Seconded By Councillor Mike Rehner

That, the minutes of the open session portion of the September 14, 2020 Planning/ Building/Environmental Committee meeting, be accepted, and the recommendations contained therein, be approved; and,

That, the confidential minutes relating to the closed session portion of the September 14, 2020 Planning/Building/ Environmental Committee meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with Section 239 of the Municipal Act.

Carried

11.2 Administration/Finance/Fire Committee

Re: September 21, 2020 Minutes

Moved By Councillor Mike Rehner

Seconded By Councillor Harold Jonker

That, the minutes of the Administration/Finance/Fire Committee meeting held on September 21, 2020 be accepted and that the recommendations contained therein, be approved.

Carried

11.3 Public Works/Recreation/Arena Committee

Re: September 21, 2020 Minutes

Moved By Councillor Jason Trombetta

Seconded By Councillor Cheryl Ganann

That, the minutes of the Public Works/Recreation/Arena Committee meeting held on September 21, 2020 be accepted and that the recommendations contained therein, be approved.

Carried

12. RECONSIDERATION

There were no items put forward for reconsideration.

13. NOTICE OF MOTION TO RESCIND

There were no notices of motion to rescind.

14. OTHER BUSINESS

14.1 Councillor Mike Rehner

Re: Recognition of Firefighter Jim Hiscott's Passing

Councillor Rehner stated that the passing of Mr. Jim Hiscott has affected a lot of people and the presentation by Dave Pyett was very emotional and his passing was deeply felt as he was on the Fire Department for 50 years at which time he put his life on the line for the wellbeing and safety for all those people who live in this community. Councillor Rehner noted that one of the hardest issues was Mr. Hiscott's sudden and unexpected passing which was a shock and he will always be missed, loved, respected, appreciated and remembered.

Councillor Reilly noted that the video that he had taken of Mr. Hiscott's funeral procession and posted on FaceBook had been view by over 42,000 people which had received a lot of engagement and support and that his contribution to this community did not go unnoticed, will be remembered and resonated by everyone whether they knew him or not.

14.2 Director of Planning & Building (Brian Treble)

Re: Lifting of Part Lot Control and Signing of Agreement - Smithville Station (Old Towne Gateway Estates) Marz Homes (By-Laws 2020-77 & 2020-78)

Block 40, Plan 30M-446, Parts 1 To 16 30R-15651 & Block 42, Plan 30M-446, Parts 1 To 16 30R-15652

RECEIVED FOR INFORMATION

14.3 Members of Council

Re: Council Remarks

- (1) Councillor Cheryl Ganann
Re: Various Items

Third Food Drive for West Lincoln Community Care

Councillor Ganann stated that Wayne Schilstra Realty will be holding the third food drive at Foodland for West Lincoln Community Care this Saturday along with his pumpkin giveaway. Councillor Ganann stated that, like last year, Mr. Schilstra will be matching the amount of funds that are donated at the event.

New West Lincoln Memorial Hospital

Councillor Ganann stated that Hamilton Health Sciences posted a video regarding the new West Lincoln Memorial Hospital which can be found on their website and/or on their Facebook Page. Councillor Ganann stated that the video was very upbeat and informative as to what HHS hopes to do with the new hospital moving forward as well as addresses the underlying importance of the history of the hospital and its existence.

- (2) Councillor William Reilly
Re: West Lincoln Community Care donation

Councillor Reilly thanked Councillor Ganann for coming by his home on Saturday to pick up his families' donation to West Lincoln Community Care and he apologized for being unable to attend the event; however, due to circumstances that arose at the last minute he was unable to participate in the event and he planned to attend and help out next year.

- (3) Councillor Harold Jonker
Re: West Lincoln Chamber of Commerce

Councillor Jonker stated that the West Lincoln Chamber of Commerce has been relatively quiet during COVID however, a Board Meeting was held approximately two weeks ago, which due to the Planning Committee meeting he was unable to attend the Chamber meeting and that it is expected that they will be proceeding forward with the Toonie Drive again this year and will be looking to put their donation bottles in businesses for donations and asked everyone to think of locations that these bottles could be placed and to let himself or Councillor Ganann know. Councillor Jonker noted that the West Lincoln Chamber of Commerce Board Meetings will be going back to their normal meeting schedule being held on the first Monday of the month with the next meeting being held on October 5, 2020.

15. NEW ITEMS OF BUSINESS

There were no new items of business brought forward by any Member of Council in attendance.

16. BY-LAWS

Moved By Councillor William Reilly
Seconded By Councillor Harold Jonker

That, leave be granted to introduce By-laws # 2020-83, 2020-77, 2020-78, 2020-79, 2020-80, 2020-84, 2020-85, 2020-86, 2020-87, 2020-88, 2020-89, 2020-90, 2020-91, 2020-92 and 2020-93; and,

That the same shall be considered to have been read a first, second, and third time with one reading, and are hereby adopted; and,

That, the Mayor and Clerk be and are hereby authorized to sign and affix the Corporate Seal thereto, any rule of this Council to the contrary notwithstanding.

Carried

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16.1 BY-LAW 2020-83

A By-law to confirm the proceedings of the Council of the Corporation of the Township of West Lincoln at its regular meeting held on the 27th day of July, 2020.

16.2 BY-LAW 2020-77

A By-law to authorize an agreement with Marz Homes (Smithville Station) Inc., and any of their mortgagees on lands described as Blocks 40 and 42 on Plan 30M-446 in the Township of West Lincoln (Original Subdivision Agreement authorized by By-law No. 2017-137 & Registered under NR487417)

16.3 BY-LAW 2020-78

A By-law to exempt certain land from Part Lot Control pursuant to Section 50 of the Planning Act, R.S.O. 1990 (Old Towne Gateway Estates - Smithville Station) (Blocks 40 and 42 on Registered Plan 30M-446).

16.4 BY-LAW 2020-79

A By-law to permanently close the municipal road allowance known as Church Street, Caistorville, between Regional Road 9 (York Road) and David Street, former Township of Caistor, now in the Township of West Lincoln, PIN 460680119, being Parts 1 to 4 on RP 30R-15632.

16.5 BY-LAW 2020-80

A By-law to Amend By-law 2016-41 which provides regulations for the placing or dumping of fill in the Township of West Lincoln.

16.6 BY-LAW 2020-84

A By-law to amend Schedule G of By-law 2018-114 which confirmed various appointments to boards and committees (West Lincoln Christmas Parade Committee Resignations).

16.7 BY-LAW 2020-85

A By-law to Amend Zoning By-law No. 2017-70, as amended, of the Township of West Lincoln (Temporary Use - Garden Suite - Wrigley/Sims - 3775 Canborough Road/Regional Road 63).

16.8 BY-LAW 2020-86

A By-law to authorize a Site Plan Agreement between the Corporation of the Township of West Lincoln and Harold Wrigley and Debbie Sims and Canada Life for lands legally described as Concession 2, Part Lot 26, RP30R1989 Part 1, in the former Township of Gainsborough, now in the Township of West Lincoln (3775 Canborough Road/Regional Road 63 - Garden Suite).

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16.9 BY-LAW 2020-87

A By-law to Authorize the removal of a Subdivision Agreement with Streamside Development and the removal of a Site Plan Agreement with the Niagara District Catholic School Board and any mortgagees on lands described as Plan M98, Part of Lot 1, Parts 3 & 4 on 30R-15845, in the former Township of South Grimsby; Township of West Lincoln.

16.10 BY-LAW 2020-88

A By-law to Amend Zoning By-law No. 2017-70, as amended, of the Township of West Lincoln (Concession 6, Part of Lot 3, Part 1 on 30R-7794 - 3651 Sixteen Road (Winery)).

16.11 BY-LAW 2020-89

A By-law to Adopt Amendment No. 55 (To establish policies that permit wineries, breweries, distilleries, and special occasion events in the agricultural area of the Township of West Lincoln) to the Official Plan for the Township of West Lincoln.

16.12 BY-LAW 2020-90

A By-law to Authorize a Site Plan Agreement with Corco Property Holdings Inc. and any mortgagees on lands described as Part Lot 14 (RP 30R14169 and RP 30R14280) and Part Lot 39 (RP 30R14649), in the former Township of South Grimsby; Township of West Lincoln.

16.13 BY-LAW 2020-91

A By-law to Amend Zoning By-law No. 2017-70, as amended, of the Township of West Lincoln (Remove the Holding Provision - 2935 South Grimsby Road 18 - Applicant: Ticchiarelli).

16.14 BY-LAW 2020-92

A By-law to authorize an agreement with Metro Freightliner Inc. for the supply of a Tandem Plow Truck.

16.15 BY-LAW 2020-93

A By-Law to Authorize an Agreement between the Corporation of the Township of West Lincoln and Serianni Construction Ltd. for the renovation of the old Town Hall Library space.

17. CONFIDENTIAL MATTERS

Moved By Councillor Jason Trombetta

Seconded By Councillor Harold Jonker

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:

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- (a) Treasurer/Director of Finance (Donna DeFilippis)
Re: Confidential Report T-21-2020 - Section 357 Property Tax Applications

Applicable closed session exemption(s):

- personal matters about an identifiable individual, including municipal or local board employees. (7:50 pm)

Carried

Moved By Councillor Harold Jonker

Seconded By Councillor William Reilly

That, this Council meeting does now resume in open session at the hour of 8:15 p.m.

Carried

- 17.1 Treasurer/Director of Finance (Donna DeFilippis)
Re: Confidential Report T-21-2020 - 357 Property Tax Applications

Mayor Bylsma stated that Council will be going into closed session at this time by calling into the meeting through Callbridge. Mayor Bylsma asked Members of Council and applicable staff to disconnect from ZOOM and call into the meeting by using Callbridge. Mayor Bylsma stated that following closed session, Members of Council will then need to sign back into ZOOM in order to pass the resolution to come out of closed session and to address the resolution as contained in the Treasurer/Director of Finance's Confidential Report T-21-2020 - Section 357 Property Tax Application.

All Members noted as present as well as the CAO, the Treasurer/Director of Finance and the Clerk were present during closed session deliberations.

Moved By Councillor Cheryl Ganann

Seconded By Councillor Jason Trombetta

1. That report, T-21-2020, regarding Confidential Report Section 357 Property Tax Applications, dated September 28, 2020 be received; and,
2. That the list of applications as contained in Appendix A be approved.

Carried

18. ADJOURNMENT

The Mayor declared the meeting adjourned at the hour of 8:17 p.m..



JOANNE SCIME, CLERK

MAYOR DAVE BYLSMA

SCHEDULE "A"
to the September 28, 2020 Council Minutes

Regional Councillors Report — Sept 28, 2020

Good evening Mayor, members of council and the public.

It has been a few months since my last report so I will give an overview of involvement in this period of time and share what we have been working on throughout the summer months.

I would like to start by mentioning that the Niagara Region is working through an official plan amendment. Items such as Woodlands bylaw will be now administrated by the Niagara Region as we were enforcing the by-law. The Niagara Conservation Authority will pass this along shortly.

I and many other have been engaging in the public meetings discussing Natural Heritage mapping that has been mandated by the province that we do. The agriculture community has been fully involved in the process thus far. A number of options have been presented and we are in the process of commenting on this. The Niagara Region has till July 2021 to incorporate the new mapping into the Official plan. In this policy there will also be an Water Resource System that will be mapped in partnership with the Niagara Conservation Authority.

As most of you know the province has set new targets for growth and added 10 more years that now extends to 2051. What does this mean for Niagara? Well what it means for us is that our challenge is to create

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81,000 employment positions and make available 215,000-275,000 new residences here in Niagara over this time period. Presently we are growing at a 1.5%-1.7% rate. We have become a highly desirable place to live.

In Sept we had a presentation by staff discussing Growth Management & Settlement areas by Isaiah Banach talked about the action plan and what it would look like in 2041. This would be the breakdown of housing types and numbers. Single homes at 150,000, semi-detached at 20,000, town homes at 38,000 and apartments at 57,000 these number would be totals of what is built and what needs to be built to reach the targets set back in 2016-2041. As We know West Lincoln will have opportunity in this growth.

In Public Works I have some updates on our Inter-municipal transit share rides. This project has taking off nicely and has met support from our communities here in West Niagara. The beauty of the program is that its on demand which provides our residences with a high level of transit service, as we break down the information of its use I will keep you up dated.

Secondly we received an update from SWIFT the broadband company that the Niagara Region has partnered with to deliver broadband internet service to us in Niagara, this years plans are to invest 13 million dollars into installing 172 kms of fibre to service 3,122 customers. The RFP went

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out in March and will close in October with the contract being awarded by mid December. As we all know in this post COVID world this is a high priority for many and this will be welcomed by the new customers.

And lastly on the public works front we can all look forward to our new collection contractor starting October 19, 2020 for a seven year term.

And yes I'm sure there will be a few ripples to work out in the first couple of weeks with new staff getting to know the areas. The Region also encourages those that want to to download the Mobile Waste App for upto date information and possible delays throughout the winter storms.

Green for Life will be the contractor for West Lincoln.

On the Public Health front we have seen increase use of PPE, training and coaching staff and those that have been redeployed from the Region.

The Public Health team have done an awesome job in getting the information out for those that need to be tested for COVID and keeping public updated on the web-site on the case counts and the appropriate measures to protect ourselves. As most of you know the Niagara Region and neighbouring municipalities received offset funding for COVID relief. This was welcomed by all to off set the extra costs and lost revenue for our communities.

In early Sept I was involved in a resolution requesting support for

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provincial funding to help those that were requesting safe housing from humantrafficking. We had a presentation by Elizabeth Zimmerman who is the director of the YMCA. Elizabeth and her team are going to set-up a 6 bed emergency crises housing project to help the victims escape and find support to re-enter society. Elizabeths team will also work with our Public Health staff in creating awareness for youth between the ages of 14-24. Niagara has been an area of concern for this activity for sometime and now we can address these concerns of society.

And lastly I have been working with the Mayor on concerns of our new construction of the roundabouts and public safety which to my understanding have been resolved. And last week I met with Niagara Public Works and roads to address some field flooding issues on Regional #2 and was glad to see our Police force out monitoring traffic on the newly paved Regional #2. I spoke with the officer and thanked him for what he was doing, and encourage him to help in the slow down in the community of Caister Center.

Thank-you for allowing me to present, if you have any questions I will answer them to the best of my abilities.

Councillor Witteveen



TOWNSHIP OF WEST LINCOLN

**PUBLIC MEETING UNDER THE PLANNING ACT MINUTES
AMENDMENT TO TOWNSHIP OF WEST LINCOLN'S ZONING BY-LAW**

October 13, 2020, 6:30 p.m.

Council:	Councillor Cheryl Ganann Councillor Harold Jonker Councillor William Reilly Councillor Jason Trombetta Councillor Mike Rehner Mayor Dave Bylsma
Absent:	Councillor Christopher Coady (notification provided)
Staff:	Bev Hendry, CAO Brian Treble, Director of Planning and Building Jessica Dyson, Deputy Clerk Gerrit Boerema, Planner II
Applicant(s) and/or Authorized Agent(s):	Oz Kemal, MHBC Planning Paul Heclmovic, Odan DeTech Peter Budd
Public Members:	Kathy Bertrim & Jeff Bearing Rick & Angie Bowles Earl Clint Dave Crawford Brad Dixon Robert Donaldson Chris Duff Lindsay Frith Sloan Halliday Henrietta Ross Amy Smith Burt and Mary Thombs Bryan Veldhuizen Brenda Walker Jeff Whattam Antony Wilchiwsky Mark Yeatman Laura Thompson Elisa & Mike Galle Jim Wheeler

(A) P BUDD DEVELOPMENTS - ZONING BY-LAW AMENDMENT & PLAN OF SUBDIVISION

1. Draft Plan of Subdivision and Zoning By-law Amendment

The Chair advised that this public meeting was being held to consider an amendment to the Township of West Lincoln's Zoning By-law Amendment and Plan of Subdivision under Sections 34(12) and 51(20) of the Planning Act as submitted by P Budd Developments (owner) and Odan Detech (Agent) for the property legally described as Lot 1, Plan M94.

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

A complete application for Draft Plan of Subdivision approval and Zoning Bylaw Amendment has been submitted by P Budd Developments (Owner) and Odan Detech (Agent) for the property legally described as Lot 1, Plan M94. The 36.5 acre lot is located directly north of the CP Rail line and directly east of South Grimsby Road 5, west of the Station Meadows Subdivision. The draft plan of subdivision application has proposed to create a series of internal streets and lots to create approximately 385 residential units, a public park and a recreational trail.

2. Purpose of the Public Meeting Being Held This Evening

The Chair advised that the purpose of this meeting was to give an opportunity for the public and Council Members to provide comments and/or ask questions regarding a Subdivision and Zoning By-law Amendment Application submitted by P Budd Developments (Owner) and Odan Detech (Agent) for the property legally described as Lot 1, Plan M94.

The Chair stressed that, at this point, no decision had been made on the proposed amendment being considered this evening and that any comments received would be taken into account by Council in their consideration. The Chair advised that the Planning Act requires through Section 34 (13) and under Ontario Regulation 543/06 that Council advise the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln before the by-law is passed, the person or public body is not entitled to appeal the decision of Council for the Township of West Lincoln to the Local Planning Appeal Tribunal (LPAT)

3. Public Meeting

The Chair requested that the Deputy Clerk advise the method and dates by which notice of the public meeting was given.

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The Deputy Clerk advised that proper notice was given by way of mailed notice to all properties within 120 metres of the subject property, and a sign posted on the subject property as well as advertised on the Township's website.

The Chair advised that this was a public meeting to consider a Zoning By-law Amendment and Draft Plan of Subdivision Application submitted by P Budd Developments (Owner) and Odan Detech (Agent) for the property legally described as Lot 1, Plan M94. (File No.: 2000-89-19 - Draft Plan of Subdivision) (File No.: 1601-21-19 - Zoning Amendment)

The Chair asked the Planner II, Gerrit Boerema, to explain the purpose and reason for the proposed Draft Plan of Subdivision and Zoning By-law Amendment.

The Planner II, Gerrit Boerema provided an overview of the application.

The Chair asked if the applicant or their authorized agent present to speak to the application.

Mr. Oz Kemal authorized agent provided a PowerPoint presentation (attached as **Schedule A**) related to the proposed application and was available to answer any questions from the public.

The Chair acknowledged that there were a large number of members of the public who were in attendance and in order to ensure all public members in attendance have their comments heard that each member would be called upon based on a list provided. The Chair also noted that if written comments have been submitted those comments have been added to the staff report and attached to the agenda, however, if public members wish to comment further on their written submission they can do so tonight.

The Chair asked if there were any oral or written submissions from any members of the public present as part of the Zoom meeting that wished to provide comments at this time with respect to the P Budd application for the Draft Plan of Subdivision and/or Zoning By-law Amendment (File No.: 2000-89-19 - Draft Plan of Subdivision) (File No.: 1601-21-19 - Zoning Amendment). The Chair suggested that if there were any Members of the Public present that wished to provide comments that they should state them now, as LPAT may not consider comments made during any other Council and/or Committee meetings.

1. Kathy Bertrim & Jeff Bearing

Ms. Bertrim and Mr. Bearing asked why access roads to Spring Creek Road

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have been removed. Ms. Bertrim also stated that they had concerns with the existing storm water pond expansion.

2. Rick & Angie Bowles

Mr. Bowles stated that he has concerns about having Van Woudenberg Way as a through access road and the amount of traffic and volume that is going to come through that area. Mr. Bowles suggested taking the lot that's there now and possibly making it an entrance to the new park and have the new survey exit out to Grimsby Road 5 and keep it as two separate areas.

3. Earl Clint

Mr. Clint put forward a few concerns and suggestions that included development density planning, drainage and traffic concerns. Mr. Clint stated that he feels like the development is a bit backwards and suggested starting with the higher density development in the west with the lower density abutting up to the existing subdivision.

4. Dave Crawford

Mr. Crawford stated that he has written down his concerns and they have been submitted; however, Mr. Crawford noted that his biggest concern is the traffic on Van Woudenberg Way and vehicles speeding on this street if it's open as well as the drainage being looked into further.

5. Brad Dixon

Mr. Dixon echoed other comments that have been made about traffic and drainage concerns.

6. Robert Donaldson

Mr. Donaldson stated that he has concerns with the high density development and that the higher density should be moved more west of the proposed development.

7. Chris Duff

Mr. Duff stated that one suggestion that he did not provide in his letter and would like to put on record, was that using Van Woudenberg Way as part of a proposed trail system along with the greenspace behind Las Road through the park, and use Van Woudenberg Way as a trail way instead of the road way to eliminate new traffic from Station Meadows. He also noted that higher density should be moved more West.

8. Lindsay Frith

Ms. Frith stated that she has concerns about traffic, location of the

PUBLIC MEETING – P. Budd Development – ZBA & Plan of Subdivision & TWL – Parking, Driveways, Boulevards, Culvert By-law Review – October 13, 2020

recreational trail, noise and concerns about not receiving mailed notification at 27 Las Road as indicated previously.

9. Sloan Halliday

Mr. Halliday stated that he is not directly affected by the development, however, still has concerns about the high density development. Mr. Halliday also noted that having a walkway instead of a throughway on Van Woudenberg Way is a great suggestion and the amount of traffic would raise a lot of concern.

10. Henrietta Ross

Ms. Ross stated that she has concerns with the high density development and does not feel it is appropriate to have this beside the single detached homes and would also like to see the higher density moved as suggested from others tonight.

11. Amy Smith

Ms. Smith made comments regarding the traffic in the area and stated that the traffic is already quite high, adding 1,000 cars is going to be even higher. Ms. Smith noted that she is still looking for answers from the traffic analyst from the open house. Ms. Smith also noted that the density is too high and feels that there is a technology barrier getting information out to the residents.

12. Burt and Mary Thombs

Mr. Thombs asked Mr. Oz Kemal about the map that was presented tonight and if the map of the park has changed since the last time the map was proposed. Mr. Oz Kemal stated that the Park is generally located in the same location, but noted that the difference would be the size of the park as it was originally .7 hectares and has changed to 1 hectare and south to Van Woudenberg Way. Mr. Thombs noted that he is worried about the trail crossing over the train track.

13. Bryan Veldhuizen

Mr. Veldhuizen stated the concerns with the proposed medium density being too close to the single residential and agreed with the suggestion of moving the higher density development west. Mr. Veldhuizen also noted concerns with regards to the standing water and property value of the homes.

14. Brenda Walker

Ms. Walker stated that she is worried about the high density development in West Lincoln. Ms. Walker also questioned the berm that is currently located in

PUBLIC MEETING – P. Budd Development – ZBA & Plan of Subdivision & TWL – Parking, Driveways, Boulevards, Culvert By-law Review – October 13, 2020

the proposed area and if that will be flattened and noted concerns about drainage.

15. Jeff Whattam

Mr. Whattam stated parking issues need to be addressed.

16. Antony Wilchiwsky

Mr. Wilchiwsky thanked the developer and township for putting in a park and stated that he is worried about the traffic.

17. Mark Yeatman

Mr. Yeatman stated that he is concerned about the high density as well as the traffic in the area and stated that if Van Woudenberg Way opens it will cause big traffic issues.

18. Laura Thompson

Ms. Thompson raised concerns about the drainage especially with the high density being proposed and with existing drainage issues in the subdivision. Ms. Thompson also noted concerns about the high density proposal and traffic issues. Ms. Thompson wanted to put on public record if an endangered species or ecological survey has been conducted on that property or will be prior to the proposed development.

19. Elisa & Mike Galle

Echoed others comments.

20. Jim Wheeler

Mr. Wheeler stated in the Zoom Chat that he was having audio issues; however his comments echoed those addressed by other residents during the meeting.

The Chair asked if any Members of the Council had any oral or written submissions on the proposed Draft Plan of Subdivision and/or Zoning By-law Amendment. The Chair advised that this may be the only Public meeting being held with respect to this application; therefore, he noted that if any Members of the Council had any comments they should state them now as the Local Planning Appeal Tribunal (LPAT) may not consider comments made during any other Council and/or Committee meetings.

Councillor Reilly thanked the public for attending the Zoom meeting tonight and recognised that this is an unusual way to conduct a public meeting, but appreciates everyone's time and comments. Councillor Reilly also stated that he

PUBLIC MEETING – P. Budd Development – ZBA & Plan of Subdivision & TWL – Parking, Driveways, Boulevards, Culvert By-law Review – October 13, 2020

has traffic concerns and suggests adding speed bumps or other means to stop the speed of traffic.

Mayor Bylsma noted that he received a call from one of the residents named Bob Hignett who was not able to attend tonight's meeting, but expressed similar concerns about the traffic on Van Woudenberg Way as well as density issues. Mayor Bylsma stated the previous proposal had three exits, but the new proposal has eliminated one of those exits and now only shows two exits, Mayor Bylsma noted that he would like to see something restored on Spring Creek Road.

Councillor Trombetta noted that the suggestions and concerns that have been submitted from the public have been heard and hopes that the consultants and developer are taking these concerns into consideration.

Councillor Jonker stated that he likes to see that the Township is trying to accommodate some of the diversity of development; however he would like to see the apartment proposal moved and agrees with the public comments and concerns regarding this issue. Councillor Jonker thanked the developers for looking into a development like this as well as the residents for taking the time to voice their concerns.

Councillor Rehner thanked everyone for voicing their concerns; there was a lot of echoing of comments which shows that there is a common concern. Councillor Rehner asked if we could have the concerns addressed tonight itemised so that the Councillors are able to work with the residents in the area in order to alleviate a lot of these concerns.

Councillor Ganann thanked everyone for their patience, kindness and their time. Biggest concerns that she heard was drainage, traffic and situation of the development density.

The Director of Planning & Building asked if he could put forward some points and stated that the density of the current development is approximately 10 units to the hectare, and this proposal is considerably lower than what the Township's policy currently allows for development. Increased density is going to be part of the picture, but how the developers do it is something that they will have to work on. The Director of Planning & Building also stated that the Administrative Office is now open to appointments and therefore, anyone who does not or cannot access this information technologically is welcome to make an appointment with planning staff in order for them to voice their concerns and collect any information about planning issues or developments. In response to Councillor Rehner, the Director of Planning & Building stated that there will be a summary of

public responses put together so that the Township has a full understanding of all the issues raised and so that the consultants and the Township can communicate accordingly with the concerns made.

Mr. Hecimovic provided an overview of the drainage proposal for the development. Some of the drainage issues that are occurring north of the subdivision that's all funnelling down to the lots south of the development as well as ponding occurring on the vacant lands. Mr. Hecimovic stated that the plan is to divert the current flow to the storm water management pond which is being expanded to accommodate all of the flow from the existing subdivision including the proposed subdivision. Mr. Hecimovic noted that areas to the north will be intercepted with a pipe and will convey the flow to the newly expanded pond.

In response to Councillor Reilly's comments regarding having a barrier placed separating the rail and a number of blocks, Mr. Hecimovic stated that there is a noise wall being proposed along the south edge and the trail is located on the north side of that wall, therefore there would be some protection along that route.

The Chair stated that a Technical Report was being considered by Council later, as part of this evening's Council meeting and that a recommendation report would be forthcoming to a future Committee and/or Council Meeting. The Chair advised that once Committee and/or Council has made a decision with respect to the Draft Plan of Subdivision and Zoning By-law Amendment and if approved by Council, a notice of its passing will be circulated with an appeal period. The Chair stated that if there was anyone who wished to be notified of Council's decision, they should email the Township Clerk, Joanne Scime at jscime@westlincoln.ca.

The Chair stated that anyone who is interested in observing Council and/or Committee discussions about a particular by-law should not solely rely on mailed notices and thus miss the opportunity to attend applicable meetings and suggested that you watch the Township's web site for posting of agendas to review items that will be discussed at Council and/or Committee meetings. The Chair advised that agendas for meetings are posted on the Township Web Site after 4 p.m. on the Friday prior to the meeting and that meeting schedules are also noted on the Township's website for the public to view. The Chair stated that anyone wishing to receive notices by email, should contact the Township Clerk to advise of your request and include your email address along with your mailing address and phone number.

4. Adjournment

PUBLIC MEETING – P. Budd Development – ZBA & Plan of Subdivision & TWL – Parking, Driveways, Boulevards, Culvert By-law Review – October 13, 2020

The Chair advised that this public meeting with respect to the proposed Draft Plan of Subdivision and Zoning By-law Amendment is concluded at the hour of 8:37 p.m.

(B) ZONING BY-LAW AMENDMENT - PARKING, DRIVEWAYS, BOULEVARDS, CULVERT BY-LAW REVIEW

1. Application for Zoning By-law Amendment

PROPOSED AMENDMENT TO THE TOWNSHIP OF WEST LINCOLN'S ZONING BY-LAW - Zoning By-law Amendment – Township of West Lincoln – Parking, Driveways, Boulevards & Culvert By-law Review – File No. 1601-007-20

The Chair advised that this public meeting was being held to consider an amendment to the Township of West Lincoln's Zoning By-law under Section 34 of the Planning Act as submitted by staff for the Township of West Lincoln's Zoning By-law Amendment for Parking, Driveways, Boulevards & Culvert By-law Review (File No.1601-007-20).

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

The Township of West Lincoln has commenced a review of the Township's Zoning Bylaw, Boulevard Alteration Bylaw, Culvert Bylaw and On Street Parking Bylaw in response to a growing number of issues including increased on-street parking during winter maintenance operations, unauthorized driveway alterations and widening's and Township boulevard alterations.

2. Purpose of the Public Meeting Being Held This Evening

The Chair advised that the purpose of this meeting was to give an opportunity for the public and Council Members to provide comments and/or ask questions regarding a Zoning By-law Amendment Application submitted by the Township of West Lincoln for a Zoning By-law Amendment for Parking, Driveways, Boulevards & Culvert By-law Review (File No.1601-007-20).

The Chair stressed that, at this point, no decision had been made on the proposed amendment being considered this evening and that any comments received would be taken into account by Council in their consideration. The Chair advised that the Planning Act requires in Section 34(13) that Council advise the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln before the by-law is passed, the person or public body is not entitled to appeal the decision

of Council for the Township of West Lincoln to the Local Planning Appeal Tribunal (LPAT).

3. Public Meeting

The Chair requested that the Deputy Clerk advise the method and dates by which notice of the public meeting was given.

The Deputy Clerk advised that proper notice was given by way of advertising in local newspaper and by way of a flyer distribution to households within West Lincoln as well as being posted on the Township's website.

The Chair advised that this was a public meeting to consider a Zoning By-law Amendment Application submitted by the Township of West Lincoln for the Zoning By-law Amendment – Parking, Driveways, Boulevards & Culvert By-law Review – File No. 1601-007-20.

The Chair asked the Planner II, Gerrit Boerema, to explain the purpose and reason for the proposed subdivision and zoning by-law amendment.

The Planner II, Gerrit Boerema provided an overview of the application.

The Chair asked if there were any oral or written submissions from any members of the public present as part of the Zoom meeting that wished to provide comments at this time with respect to the Zoning By-law Amendment – Township of West Lincoln – Parking, Driveways, Boulevards & Culvert By-law Review – File No. 1601-007-20. The Chair suggested that if there were any Members of the Public present that wished to provide comments that they should state them now, as LPAT may not consider comments made during any other Council and/or Committee meetings.

(i) Sloan Halliday

Mr. Halliday sent in comments on September 28th and wanted to confirm that the Planning Department did receive these comments. Planner II, Gerrit Boerema and Director of Planning & Building, Brian Treble confirmed that they have received Mr. Halliday's comments and that they could be found on page 184 of tonight's Planning/Building/Environmental Agenda. Mr. Halliday noted that his main concern was the parking by-law and stated that as soon as the Township gets rid of that overnight parking, it will remove the need for widening of driveways.

The Chair asked if any Members of the Council had any oral or written submissions on the proposed Zoning By-law Amendment. The Chair advised that this may be the only Public meeting being held with respect to this application;

PUBLIC MEETING – P. Budd Development – ZBA & Plan of Subdivision & TWL – Parking, Driveways, Boulevards, Culvert By-law Review – October 13, 2020

therefore, he noted that if any Members of the Council had any comments they should state them now as the Local Planning Appeal Tribunal (LPAT) may not consider comments made during any other Council and/or Committee meetings.

Mayor Bylsma raised concerns about property greenspace and stated that he does not want to put too much pressure on the Township's storm system when paving over yards to enlarge driveways. The Director of Planning & Building stated that there will need to be a balance of widening the driveways to our storm water issues and that Planner II, Gerrit Boerema has been leading with Planning, Public works and By-law staff to come up with a joint solution and hope to report back to Council soon.

Councillor Reilly thanked everyone for coming to tonight's meeting and for speaking on behalf of their community. As they go to review and make the changes to the overnight parking, it may reduce the need to widen their driveway.

In response to Councillor Trombetta's question regarding the culvert by-law, the Director of Planning & Building stated that the culvert by-law is more of a rural issue, whereas the lot coverage concern is more of an urban issue.

The Chair stated that a Technical Report was being considered by Council later, as part of this evening's Council meeting and that a recommendation report would be forthcoming to a future Committee and/or Council Meeting. The Chair advised that once Committee and/or Council has made a decision with respect to the Zoning By-law Amendment and if approved by Council, a notice of its passing will be circulated with an appeal period. The Chair stated that if there was anyone who wished to be notified of Council's decision, they should email the Township Clerk, Joanne Scime at jscime@westlincoln.ca.

The Chair stated that anyone who is interested in observing Council and/or Committee discussions about a particular by-law should not solely rely on mailed notices and thus miss the opportunity to attend applicable meetings and suggested that you watch the Township's web site for posting of agendas to review items that will be discussed at Council and/or Committee meetings. The Chair advised that agendas for meetings are posted on the Township Web Site after 4 p.m. on the Friday prior to the meeting and that meeting schedules are also noted on the Township's website for the public to view. The Chair stated that anyone wishing to receive notices by email, should contact the Township Clerk to advise of your request and include your email address along with your mailing address and phone number.

4. Adjournment

The Chair advised that this public meeting with respect to the proposed Zoning By-law Amendment is concluded at the hour of 8:56 p.m.



JESSICA DYSON, DEPUTY CLERK

**COUNCILLOR CHERYL GANANN,
CHAIR**

Statutory Public Meeting

ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION
STATION MEADOWS WEST, SMITHVILLE (WEST LINCOLN)

Presentation by Oz Kemal
MHBC Planning
Tuesday, October 13, 2020



Agenda

What we'll be covering and what we hope to achieve



Site Location and Context



ODAN-DETECH
CONSULTING ENGINEERS

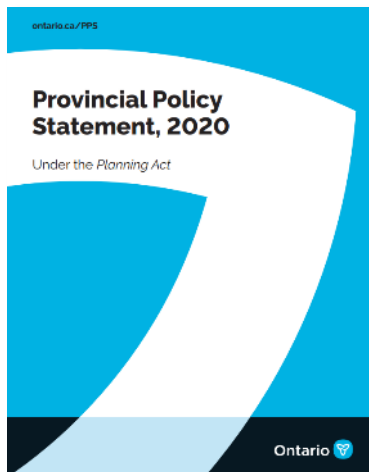
MHBC
PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE



Policy Context



PPS (2020)



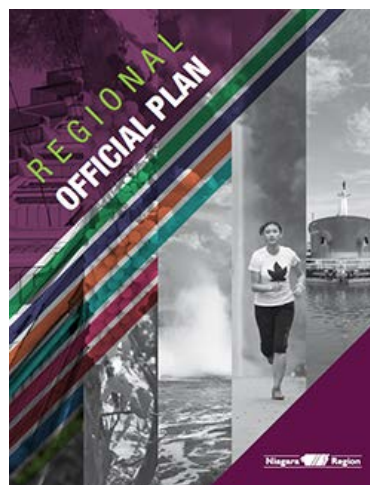
- Urban Area
- Greenfield Area

Growth Plan (2019)



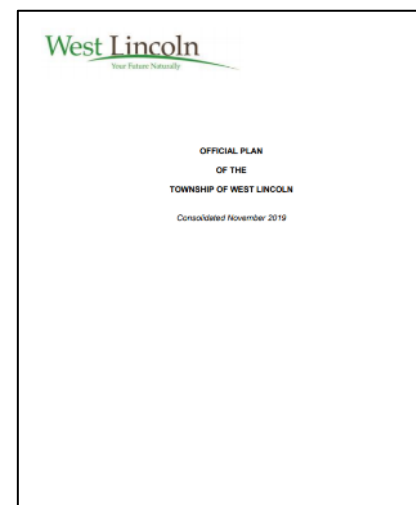
- Urban Area
- Greenfield Area

Niagara Region Official Plan



- Urban Area
- Greenfield Area

West Lincoln Official Plan



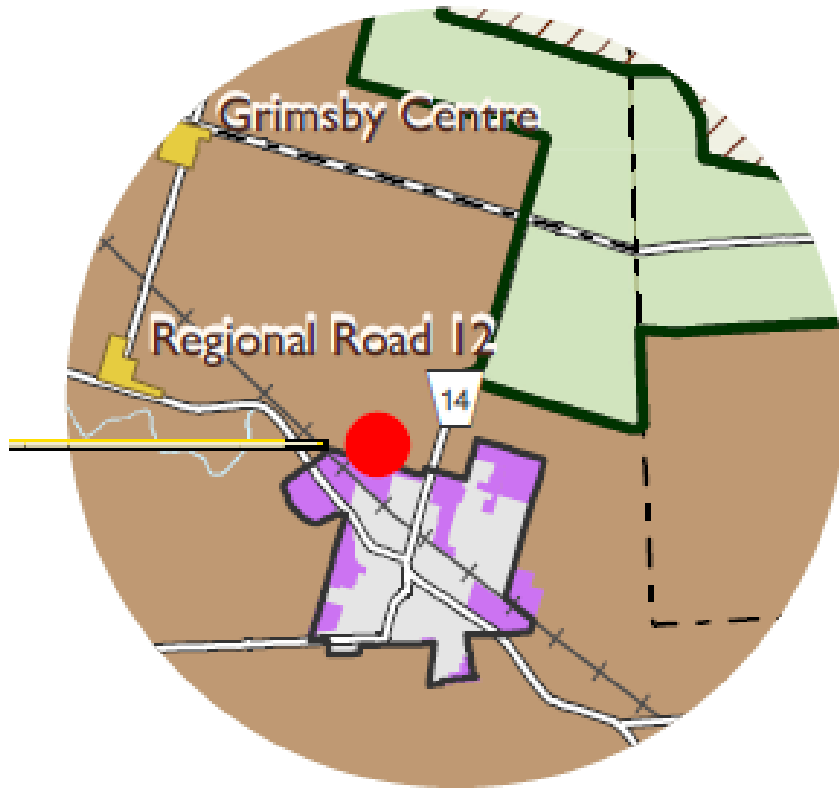
- Urban Area
- Greenfield Area
- Secondary Plan Area

Northwest Quadrant Secondary Plan



- Low Density Residential
- Medium Density Residential
- Future Development
- Park- .7 ha (Conceptual)
- Stormwater Management Area- 1.3 ha (Conceptual)

Regional Official Plan



- Located within the Region's Urban Area and identified as a **Designated Greenfield Area**

Official Plan

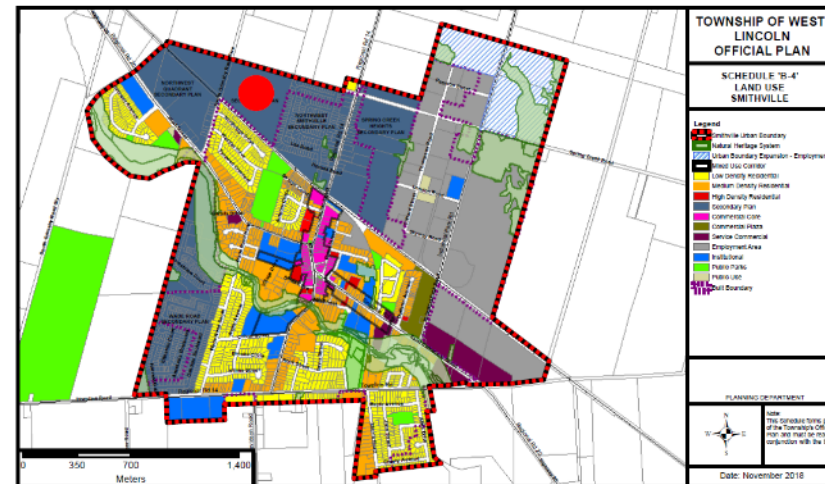
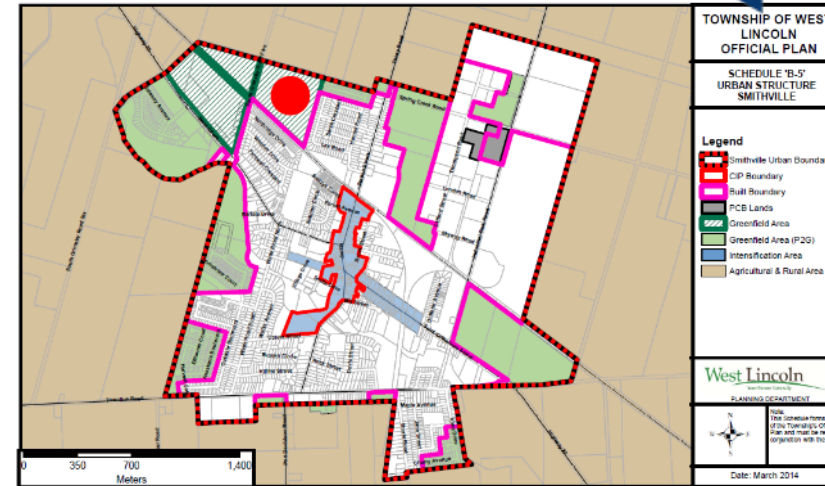
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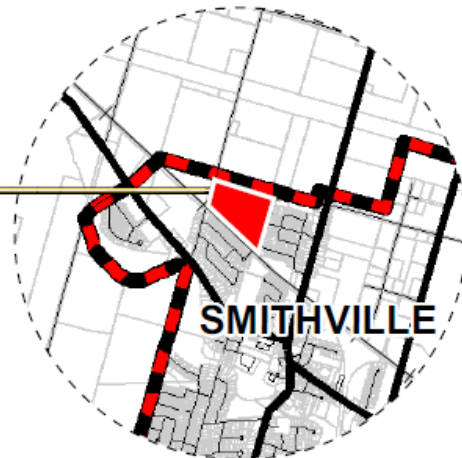
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CONSULTING ENGINEERS



MHBC
PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE



- Located within the Township's **Urban Area Boundary** and **Designated Greenfield Area**
- Designated as a **Secondary Plan Area**



Northwest Quadrant Secondary Plan



A variety of designations apply

- Low Density Residential
- Medium Density Residential
- Future Development
- Park- .7 ha (Conceptual)
- Stormwater Management Area- 1.3 ha (Conceptual)

Permitted uses include:

- Single detached
- Semi detached
- Townhouse
- Low-rise apartments

Overall Maximum Density for the entire development:
20-30 units per hectare

Low Density Residential Permissions: Maximum 2.5 storeys (height) and 30 units per hectare (density)
Medium Density Residential Permissions: 4 storeys (height) and 45 units per hectare (density)

Zoning By-law 2017-70



- Current Zoning: Development (D)
- The Development zone recognizes the area as appropriate for future residential development and permits only existing uses on the site until such time as a Zoning By-law Amendment application to implement intended uses on the site is made

Unit Type/
Element

Single Detached

Townhouse

Low Rise Apartment

Open Space
(Park)

Linear Trail

Number of
Units/ Site
Area

53

240

91

1 hectare
(2.47 acres)

.2 hectares
(.49 acres)

Height

Up to 2.5 storeys

2.5- 3 storeys,
depending on
location

3 storeys

n/a

n/a

Total site area: 13.14 hectares

Total unit count: 384

Overall site density: 29.223 units per hectare

Spring Creek Road (conceptual collector)

FUTURE RESIDENTIAL BLOCK 91

FUTURE RESIDENTIAL BLOCK 92

STREET A (20m R.O.W.)

STREET F (20m R.O.W.)

STREET D (20m R.O.W.)

STREET E (20m R.O.W.)

STREET G (20m R.O.W.)

VAN WOUTENBERG WAY (20m R.O.W.)

STREET B

STREET C

STREET D

STREET E

STREET F

STREET G

STREET H

STREET I

STREET J

STREET K

STREET L

STREET M

STREET N

STREET O

STREET P

STREET Q

STREET R

STREET S

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STREET BN

STREET BO

STREET BP

STREET BQ

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STREET BV

STREET BW

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STREET BZ

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Stormwater Management- the Secondary Plan provides a general strategy for stormwater management, noting the location and size to be approximate, with the ultimate size and location to be determined through detailed study submitted with a development application

This policy permits the adjustment of the location of the SWM pond to allow for the expansion of the park block and extension of the medium density residential designation along the rail corridor. It also permits the adjustment of streets and their alignments

Proposed Amendment

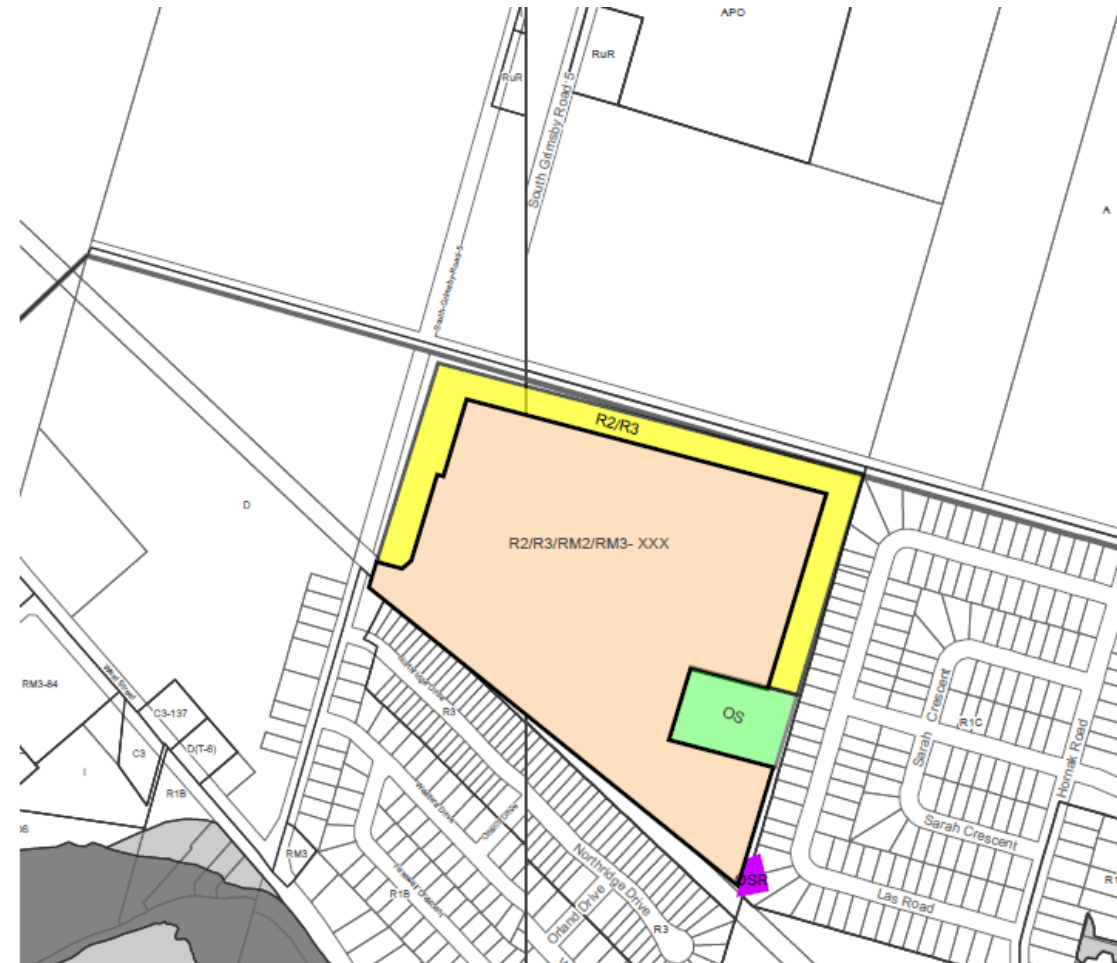
Zoning By-law Amendment:

The proposed Zoning By-law Amendment will apply a number of zoning standards to the Subject Lands, to account for the range and mix of dwelling types provided and allow for flexibility to respond to shifts in market demand. The image on the right shows the proposed zoning submitted with the application; however, The project team is currently working with Township Staff to address preliminary comments on the Draft By-law submitted and it is anticipated refinements will be made in advance of a formal recommendation to address comments from staff as well as any comments from stakeholders and citizens, as applicable.

Zones to apply to residential areas: R2, R3, RM2, RM3

Additionally, an Open Space (OS) zone will be applied to the proposed park block and multi-use trail

An Open Space Recreation (OSR) zone will also be applied to the lands recently severed from Lot 12 and Lot 13 of Registered Plan 30M-300 through Consent Application B15.2019WL to provide for a servicing corridor to the stormwater management pond consistent with the existing OSR zoning applied to the balance of the stormwater management pond.



Supporting Technical Studies



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URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

Reports:

- Planning Justification Report
- Stormwater Management Report
- Functional Servicing Report
- Transportation Impact Study
- Noise Study
- Traffic Impact Study
- Archaeological Study

Plans:

- Draft Plan of Subdivision
- Phasing Plan
- Landscape Plan
- Site Servicing & Grading Plans
- Drainage Plan



Process So Far

Submission # 1: December, 2019

Return of Technical Comments: February 13, 2020

Meeting with Township and Regional Staff to Discuss Technical Comments: April 2020

Revised Submission to Address Preliminary Comments: September 2, 2020

Open House: September 29, 2020

Public Meeting: October 13, 2020

Questions and Feedback Received to Date



- Density
- Permitted uses
- Location of apartment building
- Stormwater management and flooding
- Traffic and parking
- Property values
- Park space (not enough)
- Location of trail connections into Station Meadows
- Noise
- Existing berm
- Phasing and timing of construction/ full buildout

Next Steps

- **Receive and review additional comments from stakeholders and the public**
- **Revise/ Update draft plan and zoning amendment, as necessary**
- **Recommendation of staff: TBD**

Thank You

Questions? Comments? We're here to answer them!

Oz Kemal

Partner, MHBC Planning
okemal@mhbcplan.com

Paul Hecimovic

Engineer, Odan Detech
paul@odandetech.com



ODAN·DETECH
CONSULTING ENGINEERS



MHBC
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URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

Thank you!



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& LANDSCAPE
ARCHITECTURE

**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
SPECIAL COUNCIL – TRAINING – WATER RATES MINUTES**

MEETING NO. THIRTEEN

October 21, 2020, 10:00 a.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Mayor Dave Bylsma
Councillor Cheryl Ganann
Councillor Harold Jonker
Councillor Mike Rehner
Councillor William Reilly
Councillor Jason Trombetta

Absent: Councillor Christopher Coady

Staff: Joanne Scime, Clerk
Bev Hendry, CAO
Donna DeFilippis, Treasurer/Director of Finance
Mike DiPaola, Director of Public Works and Recreation
Steve McGean, Manager of Operations

Others: Gary Scandlan, Managing Partner and Director, Municipal
Finance, Watson & Associates Economists Ltd.
Byron Tan, Senior Consultant, Watson & Associates Economists
Ltd.

1. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST

There were no conflicts of pecuniary interest and/or conflict of interest declared by any Member of Council in attendance.

Special Council Minutes - October 21, 2020

2. CONFIDENTIAL MATTERS

Members of Council noted as present as well as the CAO, Treasurer/Director of Finance, Clerk, Manager of Roads, Water & Wastewater, Director of Public Works & Engineering as well as Gary Scandlan, Managing Partner and Director, Municipal Finance, and Byron Tan, Senior Consultant of Watson & Associates Economists Ltd. were in attendance during the confidential portion of the meeting.

Moved By Councillor Cheryl Ganann

Seconded By Councillor Harold Jonker

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:

- (a) Gary Scandlan, Managing Partner and Director, Municipal Finance & Byron Tan, Senior Consultant, Watson & Associates Economists Ltd.
Re: Council Training - Water Rate

Applicable closed session exemption(s):

- The meeting is held for the purpose of educating or training the members;
- At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee. (10:02 am)

Carried

Moved By Councillor Harold Jonker

Seconded By Councillor William Reilly

That, this Special Council meeting does now resume in open session at the hour 11:06 a.m.


Carried

- 2.1 Gary Scandlan, Managing Partner and Director, Municipal Finance & Byron Tan, Senior Consultant, Watson & Associates Economists Ltd.

The Council rose without reporting.

3. ADJOURNMENT

The Mayor declared the meeting adjourned at the hour of 11:07 a.m.



JOANNE SCIME, CLERK

MAYOR DAVE BYLSMA

From: Bev Packham

Sent: October 20, 2020 5:49 PM

To: Joanne Scime <jscime@westlincoln.ca>

Subject: Christmas Parade Committee

Hi Joanne,

I would like to request to sit on the Christmas Parade Committee. Thank You.

From: Shelley Bradaric
Sent: October 22, 2020 11:03 AM
To: Joanne Scime
Subject: filing of vacant ward two councillor position

Dear Clerk Scime,

It has come to my attention that the Councillor for Ward 2, Christopher Cody, has sent his letter of resignation. I wanted to take this opportunity to wish him well, but to also inform Council that if it is decided to appoint someone to this vacancy, I would be interested.

As you are aware, I did run in the fall of 2018 Municipal Elections for Ward 2 councillor and came in third place just behind Councillor Cody. I still have a desire to represent my community in this position and if Council deems it appropriate, I will graciously accept an appointment.

As the Executive Director of a not-for-profit organization, I believe that I have a lot to bring to the table. I operate a moderate size business with a three-million-dollar budget, 40 staff and hundreds of clients. I have a Bachelor of Science degree that focused on community development, social issues, and leadership. My work experience has allowed me to have a fulsome understanding of the operations of a corporation including but not limited to budget creation, staffing, human resources, policy creation, and customer service.

I would appreciate you reading this email to the council at the meeting this Monday. Let me know if you have any questions.

Sincerely,

Shelley Bradaric, BSc (Hons), RECE, AECEO.C
Executive Director

**TOWNSHIP OF WEST LINCOLN
PLANNING/BUILDING/ENVIRONMENTAL COMMITTEE
MINUTES**

MEETING NO. FIVE

October 13, 2020, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Councillor Cheryl Ganann
Councillor Harold Jonker
Councillor William Reilly
Councillor Jason Trombetta
Councillor Mike Rehner
Mayor Dave Bylsma

Absent: Councillor Christopher Coady

Staff: Bev Hendry, CAO
Brian Treble, Director of Planning and Building
Gerrit Boerema, Planner II
Jessica Dyson, Deputy Clerk

-
- 1. CHAIR - Councillor Cheryl Ganann**
 - 2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**

There were no disclosures of pecuniary interest and/or conflict of interest.

- 3. PUBLIC MEETING(S) UNDER THE PLANNING ACT**

Public meeting under the Planning Act to commence at 6:30 p.m.

3.1 Zoning By-law Amendment & Draft Plan of Subdivision

Re: P Budd Developments (Owner) and Odan Detech (Agent) for the property legally described as Lot 1, Plan M94. (File No. 2000-89-19 Draft Plan of Subdivision) (File No.1601-21-19 Zoning Amendment)

3.2 Zoning By-law Amendment

Re: Township of West Lincoln – Parking, Driveways, Boulevards & Culvert By-law Review (File No. 1601-007-20)

4. CHANGE IN ORDER OF ITEMS ON AGENDA

There were no changes in order of items on the agenda.

5. APPOINTMENTS

There were no appointments.

6. REQUEST TO ADDRESS ITEMS ON THE AGENDA

1. Jared Marcus, Consultant, IBI Group
Re: Item 9.1 Site Alteration – Marz Homes

Mr. Marcus stated that his clients, Marz Homes Developments is seeking approval of a site alteration permit that will allow them to move an additional 1,500 cubic metres of engineered fill from their Smithville station site downtown to their future development site The Thrive Project which is located at the Northwest quadrant of South Grimsby Road 5 and Regional Road 20. This will be in addition to the approx. 1,500 cubic metres that have already been moved to that development.

Mr. Marcus noted that this engineered fill that was imported to that project downtown would have likely been reviewed by soil engineers to ensure its compatibility for the development, and that the soil was used to bring the site up to grade to ensure its compatibility for grading and to use the soil for construction of those dwellings. Mr. Marcus also stated that a Draft Plan of Subdivision and Zoning amendment have been submitted, but unfortunately those have not been deemed completed yet due to delay from one of the consultants. He is hoping that the report will be ready in the next week or so.

Mr. Marcus provided comments in regard to some concerns that have been raised by the public including the timing of the work that is being proposed, height of the stock pile of soil as well as concerns about the general cleanliness of the work. Mr. Marcus' response to the timing of the work was that his clients are ready to start moving the fill as soon as it is approved and Township staff can issue that permit. Length of work is expected to take one week to complete the movement from the site, weather depending, and the length of time the soil will sit there will depend on the approval process. In response to the concerns regarding the height of the stock pile, Mr. Marcus stated that his client's intention is to grade out the soil to have it flattened out without moving any of the fill to the field so the field will remain agricultural.

Finally with regard to the general cleanliness of the work being completed, Mr. Marcus stated that the material that is being imported is engineered fill which is made up of a denser/ heavier composition than if you had a pile of

top soil, therefore it is less likely that wind is going to be able to grab that soil and move it, creating less likelihood that there will be dust impacts. In regard to general cleanliness of the site, the client has advised that they are required to do general cleaning of the streets in their development and it is their expectation that if there is any dirt or debris that they are required to clean it up.

7. CONSENT AGENDA ITEMS

7.1 ITEM P55-20

CONSENT AGENDA ITEMS:

Moved By Councillor William Reilly

Seconded By Mayor Dave Bylsma

That the Planning/Building/Environmental Committee hereby approves the following Consent Agenda items:

1. Item 1 and 2 be and is hereby received for information; and,
2. Items 3 and 4 are hereby received and the recommendations contained therein be adopted.

Carried

1. Technical Report No. PD-132-2020 - P Budd Developments - Application for Draft Plan of Subdivision and Application for Zoning Bylaw Amendment (File No. 1601-021-19) (File No. 2000-089-19)
2. Technical Report No. PD-134-2020 - Zoning By-law Amendment - Township of West Lincoln - Parking, Driveway, Boulevard and Culvert Bylaws Review
3. Recommendation Report No. PD-138-20 - DRAFT Official Plan Amendment for Spring Creek Heights Secondary Plan (DRAFT Amendment No. 57)
4. Recommendation Report No. PD-139-20 - Draft Renewable Energy Policies for the Township of West Lincoln Official Plan

8. COMMUNICATIONS

8.1 ITEM P56-20

Ms. Debbie France, Norfolk County Resident

Re: Stop Illicit Cannabis Grow Operations

Councillor Trombetta commented that this is an ongoing issue in the area and asked why the Niagara Regional Police (NRP) are not policing this issue. Councillor Trombetta asked what can we do as a municipality and as Councillor's to put an end to the illegal operations.

In response to Councillor Trombetta's questions, the Director of Planning & Building stated that the Township is dealing with a number of cannabis

grow operations this year, however the issues seem to be most prominent from the personal grows or designated grows. The Director of Planning and Building confirmed that the cannabis grow operations that the Township is dealing with all have Health Canada licenses however, the police will only get involved if there is evidence that they are growing more than what they are licensed to grow. The Director of Planning & Building also noted that the personal grows would have to comply with the Township's zoning requirements and if they do not comply it would result in a court issue. The Director of Planning & Building stated that he has been advised from other municipalities, including Norfolk, that the operations that are fully licensed by Health Canada with perimeter fencing and air pollution facilities in place are generally not the focus of the complaints, and that the concerns are the personal grows. The Director of Planning & Building also stated that he had reached out to Ms. France who said that the concerns that she is referring to in Norfolk are similar to the concerns that are being dealt with in the Township of West Lincoln.

Councillor Ganann asked the Director of Planning and Building if there was anything more we can do more than just receive this communication for information and asked if there is any way we can support the work that Ms. France has done? The Director of Planning & Building stated Ms. France's concerns are very similar to a letter that Council instructed staff to send last year dated November 13, 2019 to Health Canada. The Director of Planning & Building stated that the Township has asked for a meeting with Health Canada which never happened. The Director of Planning & Building also noted that he sees no reason why the Township cannot support Ms. France's correspondence about reaching out to various associations and getting this issue back on the radar.

Councillor Jonker asked the Director of Planning & Building if he could elaborate on the properties that the police have indicated the Township staff to stay away from and asked if the Township is able to look at the properties that do not have proper fencing. The Director of Planning & Building addressed Councillor Jonker's questions by stating that the properties in question would have to be discussed in closed session which can be addressed under the quarterly by-law report being put forward tonight. In regard to the fencing issue, the Director of Planning & Building noted that through the Township's zoning requirements, the Township has a chance to deal with some of those issues as the zoning by-law makes reference to parameter fencing and those requirements.

In response to Councillor Reilly's question regarding the letter that was prepared by Township staff back in 2019 in regard to Cannabis Grow Operations, the Director of Planning & Building stated that the Township wrote the letter dated November 13, 2019 and sent it to Health Canada and copied the Attorney General, the Premier, MP and MPP.

Councillor Reilly put forward a motion to resend that letter dated November 13, 2019 to include all federal and provincial representatives. Councillor Trombetta asked to have Council copied on the letter when it is sent out.

Moved By Mayor Dave Bylsma

Seconded By Councillor William Reilly

That, Staff resubmit the letter dated November 13, 2019 regarding Illicit Cannabis Operations to include Federal, Provincial, FCM, ROMA and AMO Organizations.

Carried

Moved By Mayor Dave Bylsma

Seconded By Councillor Harold Jonker

That, correspondence regarding "Stop Illicit Cannabis Grow Operations" submitted by Ms. Debbie France on September 13th, 2020, be received for information.

Carried

8.2 ITEM P57-20

Max & Linda Smith, Township of West Lincoln Residents

Re: Petition for Grimsby Airport

Mayor Bylsma provided clarity as to why this item was being presented on this committee agenda. Mayor Bylsma stated that Grimsby Airport is on the boundary of the Township of West Lincoln and the Town of Grimsby and that some of the neighbours who reside in the Township of West Lincoln have concerns about Grimsby Airport and have brought forward a petition. Mayor Bylsma noted that the Township wanted the residents to be aware that Council and staff are forwarding this correspondence to Town of Grimsby staff; however, the Township will be retaining a copy for our records. Mayor Bylsma also stated that the Town of Grimsby Mayor and CAO as well as the Township of West Lincoln's Mayor and CAO have been in communication with the residents to try to get a resolution around some of the challenges of the Grimsby airport.

Moved By Mayor Dave Bylsma

Seconded By Councillor William Reilly

That, Petition for Grimsby Airport submitted October 2nd, 2020, be received for information; and,

That, the Petition for Grimsby Airport be forwarded to the Town of Grimsby Council, CAO, By-law Enforcement as well as their Director of Planning.

Carried

9. STAFF REPORTS

9.1 ITEM P58-20

Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-126-20 - Site Alteration Application – Marz Homes Inc. (Agent- IBI Group, Contractor – Cardi Construction) West of South Grimsby Road 5 and North of Regional Road 20, being Lot 9, Plan M98 File No. 3000-007-20

In response to Councillor Rehner's question regarding the recommendation brought forward, the Director of Planning & Building stated that staff put forward the recommendations and included number three (3) due to complaints that staff had received earlier in the summer and therefore staff had anticipated similar concerns with this application. The Director of Planning & Building stated that the concerns that were raised were addressed by Mr. Marcus at the beginning of the night and he also noted that a letter was submitted to Council after the report was completed which he then read into the record.

Councillor Jonker asked why no security deposit was submitted with this application. The Director of Planning & Building stated that there should be a security deposit listed and that he will correct that error.

Moved By Councillor Harold Jonker

Seconded By Councillor Jason Trombetta

1. That, Report PD-126-20, regarding “Recommendation Report, Site Alteration Application –Marz Homes Inc (Agent - IBI Group, Contractor - Cardi Construction), West of South Grimsby Road 5 and North of Regional Road 20, being Part Lot 9, M98, File No. 3000-007-20”, dated October 13th, 2020, be RECEIVED; and,

2. That, a site alteration permit in a form similar to that found at attachment 3 to this report be approved by Township Council, subject to conditions as noted in the permit; and,
3. That, all efforts be taken to acknowledge and protect neighbouring residents, including, but not limited to: dust control, speed control, noise control, obedience of the highway traffic act, etc. Failure to do so will provide by-law staff with authority to revoke this permit at any time.

Carried

9.2 ITEM P59-20

Planner II (Gerrit Boerema) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-127-20 - 167 St. Catharines Street (2424568 Ontario Inc.) Site Plan Authorizing By-law and Easement Agreement File No. 2100-006-20

The Director of Planning & Building provided an overview of the report as requested by Councillor Ganann and stated that when staff completes a site plan review, it is circulated for agency comments. The comment stage has been completed and the comments received are fairly minor. The Director of Planning & Building noted that the Township is seeking authority to enter the agreement; however, there is one complication in this case that all of the houses along the north side of St. Catharines Street are serviced by a rear yard sewer. The Director of Planning & Building stated that to build the condo development they need to remove that sewer which can be re-routed at the developer's expense and to the satisfaction of the Public Works Department. The Director of Planning & Building noted that the Township has the survey and draft sewer easement agreement.

Moved By Councillor Harold Jonker

Seconded By Mayor Dave Bylsma

1. That, report PD-127-20, regarding "167 St. Catharines Street (2424568 Ontario Inc.) Site Plan Authorizing By-law and Easement Agreement for File No. 2100-006-20", dated October 13, 2020, BE RECEIVED; and,
2. That, the Mayor and Clerk be authorized to sign a Site Plan Agreement with 2424568 Ontario Inc., and any applicable mortgagees, once all site plan details are completed; and,

3. That, the Mayor and Clerk be authorized to enter into an agreement(s) and sign all pertinent documents relating to the relocation of the easement on the subject property and 177 St. Catharines Street.

Carried

9.3 ITEM P60-20

Planner II (Gerrit Boerema) and Director of Planning and Building (Brian Treble)

Re: Recommendation Report No. PD-131-20 - Crossings on the Twenty (South) DeHaan Homes Condominium Assumption Agreement - File No. 2100-072-08 CDM

Moved By Councillor Jason Trombetta

Seconded By Councillor Harold Jonker

1. That, report PD-131-20, regarding "Recommendation Report Crossings on the Twenty (South) DeHaan Homes Inc. Condominium Assumption Agreement; File No 2100-072-08 CDM", dated October 13th, 2020 be received; and,
2. That, the Clerk be authorized by By-law to sign the condominium Declaration, if required, and once Township Legal Counsel has reviewed; and
3. That, a By-law authorizing the Mayor and Clerk to enter into a Condominium Assumption Agreement and other related agreements between the Corporation of the Township of West Lincoln, DeHaan Homes Inc., Meridian Credit Union, and Condo Corporation No. XX(Number to follow), BE APPROVED.

Carried

9.4 ITEM P61-20

Planner II (Gerrit Boerema) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report Housekeeping - Amendments to Zoning Bylaw 2017-70, as Amended (Round 3)

Moved By Councillor William Reilly

Seconded By Mayor Dave Bylsma

1. That, report PD-133-2020, regarding "Housekeeping Amendments to Zoning Bylaw 2017-70, as Amended (Round 3)", dated October 13, 2020 be received, and;

2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, a bylaw to implement the housekeeping Zoning By-law Amendments submitted by the Township of West Lincoln, BE APPROVED.

Carried

9.5 ITEM P62-20

Planner II (Madyson Etzl) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report - College Street "Secondary Plan/ Land Use Plan" St Martins "Secondary Plan/Land Use Plan" FINAL Official Plan Policies (Amendment No.53 & 54) and FINAL Zoning By-Law Amendment

Mayor Bylsma stated that these secondary plans are a good step in the planning process and although they are smaller they provide an opportunity for the community to make comments and contribute to what is happening in their neighbourhood. Mayor Bylsma acknowledged Councillor Reilly's efforts to spread the word by using social medial platforms to get the public engaged in conversation.

In response to Councillor Reilly's questions about the design of McMurchie Lane and the Region's requirements of a detailed plan for review and approval to ensure the lane will operate smoothly solely as one way, the Director of Planning & Building stated that at the time of a future development application, the Region will want the developer to figure out how best to design McMurchie Lane. The Director of Planning & Building noted that there is nothing the Township has to do now, but once any application comes forward, the Region has placed us on notice that we will have to sort out McMurchie Lane.

Moved By Mayor Dave Bylsma

Seconded By Councillor Harold Jonker

1. That, Report No. PD-129-20, dated October 13th 2020, relating to the College Street School and St Martins School Secondary Plan- Final Secondary Plan Policies, BE RECEIVED, and;
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, Official Plan Amendments No. 53 and 54 and corresponding implementation bylaws be APPROVED and passed; and,

4. That staff be authorized to circulate the Notice of Decision on the approval of Official Plan Amendment No. 53 and 54 to the agencies and the public to commence the 20 day appeal period as Regional Council approval is not required; and.
5. That, Zoning By-law Amendments for each school site, be APPROVED and passed; and,
6. That, Staff be authorized to circulate the Notice of Decision for the Official Plan Amendments and Zoning By-law Amendments with the corresponding 20-day appeal period, with full force and effect occurring once Official Plan Amendment No. 53 (St Martins) and Official Plan Amendment No. 54 (College Street) have been approved without appeal.

Carried

9.6 ITEM 63-20

Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-135-20 – Site Alteration Application – 8265 Young Street – Bruno and Lilly Tassone – File No. 3000-001-20

Moved By Councillor William Reilly

Seconded By Councillor Jason Trombetta

1. That, Report PD-135-20, regarding “Recommendation Report, Site Alteration Application, 8365 Young Street – Bruno and Lilly Tassone, File No. 3000-001-20”, dated October 13th, 2020, be RECEIVED; and,
2. That, the following steps be satisfactorily completed prior to the issuance of an approved permit for 10,000m³ such as that found at attachment 4 to this report:
 - a. A detailed soils plan be provided to identify the source and quality of the soil to be imported. Further, a plan for the development of the orchard be submitted prior to approval, and
 - b. That a drainage plan be provided such that the flow of surface water is shown before and after to address concerns that fill will affect drainage patterns, and
 - c. That an agreement be signed and a \$15,000.00 security deposit be submitted for the importation plan; and,
 - d. That proper siltation fencing be installed, and
 - e. That the agreement include a truck route due to the concerns of the neighbours. Such truck route shall be reviewed and approved by Township Public Works staff prior to the operation commencing

and that the security also be held to repair road damage caused by this project, if any; and

- f. That a condition assessment of Young Street occur by Township Public Works staff before the permit is issued.
3. Upon completion of the steps noted in clause 2 above, a site alteration permit be issued for up to 10,000m³, subject to the agreement and security noted in 2c) and a final engineer's report; and,
4. That all soil to be imported shall be clean fill with no rubble or contaminants. The owner shall ensure compliance with soil standards of the Province; and,
5. The applicant shall acknowledge, that should a permit in Recommendation 2 be issued, that there shall be no excess trucks parked on area streets/roads waiting to dump and there shall be full transparency at all times with the Township of West Lincoln of when importation shall be occurring and the source of all soil; and,
6. Following importation of fill and final regrading of the site, then top soil shall be required and must be reapplied and if additional is required, it must meet Township standards before being imported to the subject lands; and,
7. A final Engineer's report shall confirm all works completed and drainage functions in a non-detrimental way for all neighbours. The release of security shall not occur until an agricultural crop is planted and growing on the lands to the satisfaction of the Township and based on comments from the tenant farmers, and roads are in a satisfactory condition to the satisfaction of Public Works.

Carried

9.7 ITEM P64-20

Director of Planning & Building (Brian Treble)

Re: Information Report No. PD-140-20 - Master Community Plan (MCP) – Update and Additional Study Work

Moved By Councillor William Reilly

Seconded By Councillor Harold Jonker

1. That, Report PD-140-2020, regarding "Information Report, Master Community Plan (MCP) Update and Additional Study Work", dated October 13th, 2020, be RECEIVED for information purposes.

Carried

9.8 ITEM P65-20

Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-137-20 - Renewal of Lease

Agreement with Bell Mobility for Cell Tower situated at 8635 Silver Street
(Fire Station 2) - Site Plan File No. 2100-097-01

In response to Councillor Trombetta's question regarding talking to the internet provider to see if the Township is able to get more internet access for rural residents, the CAO stated that this is definitely a question that can be raised and is a good question as it follows through with the Township's strategic plan.

Moved By Councillor Jason Trombetta

Seconded By Mayor Dave Bylsma

1. That, Report PD-137-20, regarding "Recommendation Report, Renewal of Lease Agreement with Bell Mobility for Cell Tower situated at 8635 Silver Street (Fire Station 2)", dated October 13th, 2020, be RECEIVED; and,
2. That, a by-law be passed to authorize the Mayor and Clerk to sign a new lease agreement with Bell Mobility, upon completion of negotiations to the satisfaction of the CAO.

Carried

10. OTHER BUSINESS

10.1 ITEM P66-20

Members of Committee

Re: Other Business Matters of an Informative Nature

- (i) Mayor Bylsma
Corporate Community Care Food Drive

Mayor Bylsma thanked everyone who participated in the Corporate Community Care Food Drive. Mayor Bylsma stated that there is a lot of good corporate citizens in our community who reached out to help and provide their assistance.

11. NEW BUSINESS

There were no new items of business.

12. CONFIDENTIAL MATTERS

Moved By Councillor William Reilly

Seconded By Councillor Jason Trombetta

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:

12.1 Director of Planning & Building (Brian Treble)

Re: Legal/Enforcement Matter – Quarterly By-law Update

Applicable closed session exemption(s):

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- the security of the property of the municipality or local board;
- advice that is subject to Solicitor-client privilege, including communications necessary for that purpose

12.2 Director of Planning & Building (Brian Treble)

Re: Confidential Information Report No. PD-119-20 -

South Grimsby Road 21 – Site Plan Update - File No. 2100-012-19

Applicable closed session exemption(s):

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- the security of the property of the municipality or local board;
- advice that is subject to Solicitor-client privilege, including communications necessary for that purpose

Carried

Moved By Councillor William Reilly

Seconded By Councillor Jason Trombetta

That, this Committee meeting now resume in open session at the hour of 10:50 p.m.

Carried

12.1 ITEM P67-20

Director of Planning & Building (Brian Treble)

Re: Legal/Enforcement Matter – Quarterly By-law Update

The Committee rose without reporting.

12.2 ITEM P68-20

Director of Planning & Building (Brian Treble)

Re: Confidential Recommendation Report No. PD-136-20 – South
Grimsby Road 21 Follow-up – Site Plan Update – File No. 2100-012-19

Moved By Councillor Jason Trombetta

Seconded By Councillor William Reilly

1. That, Report No. PD-136-2020, dated October 13, 2020, relating to Confidential Recommendation Report – Follow up on Regional Road 20 - Site Plan Update File No. 2100-012-19, BE RECEIVED; and,
2. That, that Undertaking and hold back be and hereby are accepted as security to address the status of the current site plan agreement.

Carried

13. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of 10:52 p.m.



JESSICA DYSON, DEPUTY CLERK

COUNCILLOR CHERYL GANANN, CHAIR

**TOWNSHIP OF WEST LINCOLN
ADMINISTRATION/FINANCE/FIRE COMMITTEE
MINUTES**

MEETING NO. FOUR

October 19, 2020, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Councillor Jason Trombetta
Mayor Dave Bylsma
Councillor Cheryl Ganann
Councillor Harold Jonker
Councillor Mike Rehner
Councillor William Reilly

Absent: Councillor Christopher Coady

Staff: Bev Hendry, CAO
Joanne Scime, Clerk
Mike DiPaola, Director of Public Works and Recreation
Vanessa Holm, Library CEO
Roberta Keith, IT Administrator
Jessica Dyson, Deputy Clerk

Others: Dennis Fisher, Fire Chief
Regional Councillor Albert Witteveen
Tristan Mark, News Now

1. CHAIR - Councillor Mike Rehner

Prior to commencing with the Administration/Finance/Fire Committee meeting agenda, Chair Rehner noted the following:

1. Due to efforts to contain the spread of COVID-19 and to protect all individuals, the Council Chamber will not be open to the public to attend Standing Committee and Council meetings until further notice.

ADMINISTRATION/FINANCE/FIRE COMMITTEE - Minutes - October 19, 2020

2. The public may submit comments for matters that are on the agenda to jscime@westlincoln.ca before 4:30 pm. on the day of the meeting. Comments submitted will be considered as public information and read into public record.
3. Any member of the public that wished to attend this meeting were required to contact the Clerk by email (jscime@westlincoln.ca) or by telephone prior to 4:30 p.m. on the day of the meeting.
4. The meeting will be recorded and available on the Township's website within 48 hours of the meeting, unless noted otherwise.

2. CHANGE IN ORDER OF ITEMS ON AGENDA

There were no requests to change the order of the items on the agenda.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST

There were no disclosures of pecuniary interest and/or conflict of interest declared by any Member of Committee present.

4. APPOINTMENTS

There were no appointments/presentations.

5. REQUEST TO ADDRESS ITEMS ON THE AGENDA

There were no members of the public present on the Zoom meeting call that noted they wished to address a specific item on the agenda. Additionally, the Clerk stated that there were no emails received from any member of the public with respect to any items on the agenda as permitted by Section 10.13(5) of the Procedural By-law.

6. COMMUNICATIONS

6.1 ITEM A32-20

Kim Fisher

Re: Request for Township to Install a Bench in Memory of her Father, Dave Willis, former Chair of the Christmas in the Village Committee

Moved By Mayor Dave Bylsma

Seconded By Councillor Jason Trombetta

That, the correspondence received from Kim Fisher, dated September 5, 2020, requesting that the Township purchase and install a bench at the Union Cemetery (near his burial site or at a location to be determined by staff), in memory of her father, Dave Willis, who passed away September 3, 2019 and whom was the Chair of the Christmas in the Village Committee for many years, be received, supported and referred to staff for recommendation on the best location.

Carried

6.2 ITEM A33-20

Jason Crossman

Re: Request to Waive the Provisions of the Township's Dog Control By-law 2011-44, as amended (Section 13 (b)) - Appeal of Order to Muzzle

There was concern regarding the Township's Dog Control By-law 2011-44, as amended and although Section 13(b) states "within 10 days after the Notice to Muzzle has been served", it was suggested as it may be confusing that perhaps the by-law or staff when replying to inquiries should specify that "10 days" means 10 calendar days and not 10 working days.

The Clerk stated that Council could waive the 10 days submission requirement for a dog owner to submit an appeal to a Notice/Order to Muzzle; however, she reminded Members of the Committee that should they decide to waive this provision, it may be setting precedence for future submissions that are received after the 10 day period after the Notice to Muzzle has been served. The Clerk stated that a very similar situation occurred in late August/early September whereby a dog owner submitted an application and fee after 10 days of receiving a Notice/Order to Muzzle, which staff had denied based on the requirements in Section 13(b) of the Township's Dog Control By-law. The Clerk stated that she had consulted with the Niagara SPCA & Humane Society on the matter that occurred in August/September and although it would be Council's decision if they wish to waive a provision in the Dog Control By-law, it was their opinion that the municipality should be following the regulations outlined in their by-law otherwise they would be setting precedence for future requests.

Moved By Councillor Cheryl Ganann

Seconded By Mayor Dave Bylsma

That, the letter from Jason Crossman, received October 14, 2020, requesting Township Council to waive the provisions of the Township of West Lincoln Dog Control By-law 2011-44, as amended, specifically Section 13(b) (Appeals) with respect to an Order to Muzzle - Vicious Dog which was issued by the Niagara SPCA & Humane Society on September 25, 2020 for his Cane Corso Mixed Dog and his subsequent appeal letter that was received in person by the Clerk on October 6, 2020 (11 days); be received.

Carried

6.3 ITEM A34-20

Councillor Christopher Coady

Re: Resignation as Ward 2 Councillor

Due to COVID and moving to virtual Standing Committee and Council meetings, Councillor Rehner suggested that Councillor Coady be

ADMINISTRATION/FINANCE/FIRE COMMITTEE - Minutes - October 19, 2020

contacted to inquire whether he would withdraw his resignation and remain on Council since he would be able to participate in meetings by ZOOM and any other issues by phone and/or email.

Councillor Ganann stated that as per the Municipal Act and the Township of West Lincoln's Procedural By-law there are far more duties than attending Standing Committee and/or Council Meetings and that the Role of Council also includes someone that lives in the community, represents the public and considers the well-being and interests of the municipality, develops and evaluates the policies and programs of the municipality and determine which services the municipality provides, etc. Councillor Ganann stated that she could not support Councillor Reilly's recommendation to have staff contact Councillor Coady and inquire whether he would withdraw his resignation and stay on Council and that Council should be respectful and accept his resignation.

The Clerk noted that Council has 60 days to either appoint or pass a by-law to hold a by-election and based on accepting Councillor Coady's resignation and declaring his seat as vacant at the October 26, 2020 Council meeting, a by-law must be adopted by no later than December 25th, 2020. The Clerk stated she hoped to present a recommendation report for Council's decision at November Administration/Finance/Fire Committee meeting with respect to the options of filling the vacancy of the Office for the Ward 2 Councillor position as a result of Councillor Coady's resignation.

Moved By Councillor Jason Trombetta

Seconded By Councillor Harold Jonker

That, the resignation received from Councillor Christopher Coady, dated October 13, 2020, be and is hereby accepted with regret; and,

That, the Office for one (1) Councillor position, for Ward 2 (Gainsborough), in the Township of West Lincoln, be and is hereby declared vacant in accordance with the "Vacancies" provisions of the Municipal Act.

Lost

Moved By Councillor William Reilly

Seconded By Councillor Jason Trombetta

That, staff contact Councillor Christopher Coady to inquire if he would be willing withdraw his resignation as Councillor for Ward 2 (Gainsborough) and continue to stay on Council and that staff report back at the October 26, 2020 Council Meeting and should Councillor Coady not be willing to withdraw his resignation that a resolution be presented at the October 26, 2020 Council Meeting to accept his resignation and declare the Office of Councillor for Ward 2 as vacant.

Lost

7. STAFF REPORTS

7.1 ITEM A35-20

Fire Chief (Dennis Fisher)

Re: Information Report No. WLFD-14-2020 - Monthly Update September 2020

Moved By Councillor William Reilly

Seconded By Mayor Dave Bylsma

1. That, report WLFD-14-2020 regarding “Monthly Update – September 2020”, dated October 19, 2020, be received for information purposes

Carried

7.2 ITEM A36-20

Clerk (Joanne Scime)

Re: Recommendation Report No. C-07-2020 - Electronic Meeting & Procedural By-law Amendment

Moved By Councillor Cheryl Ganann

Seconded By Mayor Dave Bylsma

1. That, Report RFD-C-07-2020, dated October 19, 2020 regarding “Electronic Meeting & Procedural By-law Amendment” be received; and,
2. That, the Township of West Lincoln’s Procedural By-law 2013-58, as amended, be further amended to facilitate continued electronic meeting participation until no later than the end of December 2021, during which period staff will provide a report which considers permitting electronic participation and proxy voting in meetings on a more permanent basis prior to the expiry date of December 31, 2021.

Carried

7.3 ITEM A37-20

Treasurer/Director of Finance (Donna DeFilippis)

Re: Recommendation Report No. T-22-2020 - September 2020 Budget Status Report

The Treasurer/Director of Finance addressed a number of questions and concerns brought forward by Councillor Rehner regarding the financial impact that was contributed to COVID-19 to December 31, 2020. The Treasurer/Director of Finance provided clarification as to why the financial impacts had changed from the previous month, which included but not limited to the estimated portion of wastewater reconciliation related to COVID-19, staffing costs related to screening at the community center and additional cleaning costs.

ADMINISTRATION/FINANCE/FIRE COMMITTEE - Minutes - October 19, 2020

With respect to Councillor Rehner's comments regarding the hiring of staff approved in the 2020 Budget, the CAO stated that the hiring of these positions were delayed until the end of June, per Council's direction, and that these positions were needed in order to proceed with projects that are mandated by the Province and needs.

The CAO noted that staff are working approximately 80% coming into the office on a daily basis and 20% coming into the office two to three days a week with the other day or two working from home. The CAO stated that those staff that are working from home have been provided the tools to do their job remotely without any loss of productivity and service to our residents. The CAO noted that public health encourages employers to have employees work from home, whenever possible, to curb the outbreak of COVID.

With respect to Councillor Rehner's inquiry regarding the comment contained on page 5 of the Treasurer/Director of Finance's report that "certain employees have been working on modified schedules, resulting in loss of productivity", the Treasurer/Director of Finance explained that at the beginning of COVID, Senior Managers and Members of the Emergency Operations Centre (EOC) were spending endless time at meetings (EOC and Recovery Meetings) from which she estimated the number of hours per week that these staff were dealing with the pandemic which was then converted to an estimated cost. The Treasurer/Director of Finance stated that this did not mean that staff was not working during the pandemic but quite the opposite whereby extra pressure had been placed on staff to address operations as the result of COVID while continuing to do their regular duties and responsibilities. The Treasurer/Director of Finance stated that the \$724,800 was within our budget and does not have any impact on the budget but was a figure that was used by Niagara Region to request funding from the Federal and Provincial governments due to the affects that COVID had on municipal governments. The Treasurer/Director of Finance advised that all the work that Niagara Region had done, on behalf of the local municipalities, contributed to the advocacy from the municipal section. Through this advocacy the Provincial and Federal Governments have provided funding to each municipality based on households. The Treasurer/Director of Finance stated that the net impact/expense of COVID was \$256,815 on the Township's Budget whereas the \$724,800 (opportunity costs) was the amount of time that staff had spent to deal with the pandemic which was the amount provided to Niagara Region to advocate for Provincial and Federal funding.

Moved By Councillor Harold Jonker

Seconded By Councillor Cheryl Ganann

1. That, Report T-22-2020 dated October 19, 2020, regarding the "September 2020 Budget Status Report", be received for information.

ADMINISTRATION/FINANCE/FIRE COMMITTEE - Minutes - October 19, 2020

2. That, the Township will not apply for Safe Restart Phase 2 funding given that Phase 1 funding received totalling \$329,800 is sufficient to cover 2020 COVID-19 net expenditures

Carried

7.4 ITEM A38-20

Treasurer/Director of Finance (Donna DeFilippis)

Re: Recommendation Report No. T-23-2020 - Amendments to the Purchasing Policy

Moved By Councillor Cheryl Ganann

Seconded By Mayor Dave Bylsma

1. That, Report T-23-2020 dated October 19, 2020, regarding the “Amendments to the Purchasing Policy”, be received for information; and,
2. That, reference made to “Biddingo.com” in Report RFD-T-08-2020 attached as Appendix A to this report be replaced with “an on-line bidding portal”; and
3. That, the following staff positions be authorized to have purchasing authority up to \$5,000 – Supervisor of Administrative Services, Supervisor of Tech Services and Supervisor of Library Programs.

Carried

8. OTHER BUSINESS

8.1 ITEM A39-20

Councillor William Reilly

Re: Water Services in West Lincoln

In response to Councillor Reilly's inquiry regarding whether the Township had considered a summer time water rebate for residents, the Treasurer/Director of Finance stated that this issue is addressed as part of the review of the water and wastewater structure which is addressed every 5 years. The Treasurer/Director of Finance stated that in November 2020, a report will be presented to Council with respect to a new proposed rate structure that will implemented over the next four years. With respect to giving residents a rebate, the Treasurer/Director of Finance noted that if rates were lowered during the summer months, the same amount of revenue would need to be collected which would result in the rates being increased during the other non-summer months. The Treasurer/Director of Finance stated that water and wastewater costs are self-funding and not only include operating costs but also capital projects.

8.2 ITEM A40-20

Members of Committee

Re: Verbal Updates from Members of Boards and Committees - If required

There were no verbal updates provided by any Member of Committee in attendance.

8.3 ITEM A41-20

Members of Council

Re: Other Business Items of an Informative Nature

(1) Mayor Bylsma

Re: Mayor's Corporate Challenge - West Lincoln Community Care Food Drive

Mayor Bylsma stated that he wanted to thank the community and the businesses that participated in the Corporate Challenge that resulted in Stanpac being the winner of the Mayor's Corporate Challenge, who collected a substantial amount of food and monetary donations for West Lincoln Community Care as part of their Thanksgiving Food Drive.

9. NEW BUSINESS

There were no new items of business brought forward by any Member of Committee present.

10. CONFIDENTIAL MATTERS

There were no confidential matters.

11. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of 8:24 p.m.



JOANNE SCIME, CLERK

COUNCILLOR MIKE REHNER, CHAIR

PLANNING & DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: Mayor and Council

FROM: Brian Treble, Director of Planning and Building


DATE: October 26th, 2020

**SUBJECT: AUTHORIZATION TO ENTER INTO A SITE ALTERATION AGREEMENT
WITH MARZ HOMES (SMITHVILLE WEST) INC. (IBI GROUP- AGENT,
CARDI CONSTRUCTION LTD - CONTRACTOR)**

Included in the Council Agenda for October 26th, 2020 is By-law 2020-102 to authorize the Mayor and Clerk to sign a Site Alteration Agreement with Marz Homes (Smithville West) Inc. (IBI Group – Agent, Cardi Construction Ltd - Contractor), Lot 9, M98, Regional Road 20, Smithville.

The recommendation report approved at Planning/Building/Environmental Committee on October 13th, 2020 outlined the intention of Planning staff to provide a Site Alteration Permit to Marz Homes (Smithville West) Inc. after Council ratification on October 26th, 2020. However, it was recommended by the Committee that the Township of West Lincoln also enter into a Site Alteration Agreement with Marz Homes (Smithville West) Inc. Therefore, this memo and by-law (2020-102) are provided to authorize the Mayor and Clerk to sign said agreement on behalf of the Township.

Sincerely,



Brian Treble, MCIP, RPP
Director of Planning and Building

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2020-94

A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN AT ITS REGULAR MEETING HELD ON THE 28th DAY OF SEPTEMBER, 2020 ITS SPECIAL MEETING HELD ON THE 21st DAY OF OCTOBER, 2020.

WHEREAS the Municipal Act 2001, S.O. 2001, Chapter 25, as amended, Section 5(1), provides that the powers of a municipal corporation shall be exercised by its Council;

AND WHEREAS the Municipal Act 2001, S.O. 2001, Chapter 25, as amended, Section 5(3) provides that except where otherwise provided, the powers of any Council shall be exercised by by-law;

AND WHEREAS in many cases, action which is taken or authorized to be taken by Council does not lend itself to the passage of an individual by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

1. That the minutes of the twelfth meeting, regular, held on the 28th day of September, 2020, and the thirteenth meeting, special, held on the 21st day of October, 2020 of the Municipal Council of the Corporation of the Township of West Lincoln, be and the same are hereby adopted.
2. That where no individual by-law has been or is passed with respect to the taking of any action authorized in or by the above mentioned minutes or with respect to the exercise of any powers by the Council in the above mentioned minutes, then this By-law shall be deemed for all purposes to be the By-law required for approving and authorizing and taking of any action authorized therein or thereby, or required for the exercise of any powers therein by the Council.
3. That the Mayor and the proper officers of the Corporation of the Township of West Lincoln are hereby authorized and directed to do all things necessary to give effect to the said action of the Council or to obtain approvals where required and, except where otherwise provided, the Mayor, Clerk, and/or the Administrator are hereby directed to execute all documents necessary on behalf of the Corporation of the Township of West Lincoln and to affix thereto the corporate seal of the Corporation of the Township of West Lincoln.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
26th DAY OF OCTOBER, 2020.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2020-95

**BEING A BY-LAW TO AMEND SCHEDULE G
OF BY-LAW 2018-114 WHICH CONFIRMED
VARIOUS APPOINTMENTS TO BOARDS AND
COMMITTEES**

WHEREAS the Council of the Corporation of the Township of West Lincoln deems it desirable and necessary to appoint, and/or recommend for appointment, Members to Boards, Committees and Municipal Positions;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF
WEST LINCOLN ENACTS AS FOLLOWS:**

- 1. That the person named in the following Schedule attached hereto and forming part of this by-law be and are hereby appointed, and/or recommended for appointment, as a member(s) of the Boards and/or Committees or municipal positions as designated on the Schedule and for the term so designated:
- 2. That Schedule G of By-law 2018-114 be deleted and replaced with the attached revised Schedule G.
- 7. Schedule G – West Lincoln Christmas Parade Committee

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
26th DAY OF OCTOBER, 2020.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

**SCHEDULE “G” TO BY-LAW 2018-114
(As Amended by By-law 2020-95)**

APPOINTMENT TO THE WEST LINCOLN CHRISTMAS PARADE COMMITTEE

That, the following person be and are hereby appointed to serve on the West Lincoln Christmas Parade Committee for the Township of West Lincoln for the period ending November 15, 2022:

- 1. Nicole Scime
- 2. Joel Scime
- 3. Chan Poliquin
- 4. Roxanne Muizelaar
- 5. Scott Crawford
- 6. Vicky Poliquin
- 7. Jeni Fisher
- 8. Scott Williams
- 9. Carol Sorbara
- 10. Bev Packham**
- 11. Wendy Beaty – Township Liaison

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2020-96

BEING A BY-LAW TO AMEND BY-LAW 2013-58 WHICH ADOPTED RULES FOR PROCEDURES OF COUNCIL AND COMMITTEES THEREOF, THE CONDUCT OF ITS MEMBERS AND THE CALLING OF MEETINGS, TO PERMIT CONTINUED ELECTRONIC MEETING PARTICIPATION.

WHEREAS Section 238(2) of the Municipal Act, 2001, S.O. 2001, c. 25, requires every municipality and local board to pass a procedural by-law governing the calling, place, and proceedings of meetings; and,

WHEREAS the Council of the Township of West Lincoln has enacted Procedural By-law 2013-58, as amended, and,

WHEREAS on March 17, 2020, a province-wide emergency was declared by the Premier of Ontario under Order in Council 518/2020 (Ontario Regulation 50/20) pursuant to Section 7.0.1 of the Emergency Management and Civil Protection Act and subsequently renewed on a repeat basis under the same authority in response to the global public health pandemic surrounding the 2019 Novel Coronavirus (COVID-19); and

WHEREAS on March 19, 2020, the Municipal Emergency Act, 2020 (Bill 187) received Royal Assent from the Legislature of Ontario; and,

WHEREAS Section 238(3.3) of the Municipal Act, 2001, S.O. 2001, c.25, as amended by the Municipal Emergency Act, 2020 (Bill 187), allowed for a member of Council, a local board, or a committee of either of them to participate electronically in a meeting of the municipality which was open or closed to the public and be counted towards quorum during a period in which an emergency had been declared to exist in all or part of the municipality under Section 4 or Section 7.0.1 of the Emergency Management and Civil Protection Act, provided that the municipality's procedural by-law so allowed; and,

WHEREAS on March 24, 2020, the Council of the Township of West Lincoln enacted By-law 2020-26 to amend Procedural By-law 2013-58 to authorize members of Council, its committees, and its local boards to participate in meetings that are open or closed to the public and be counted towards quorum during a period in which an emergency has been declared to exist in all or part of the municipality under Section 4 or Section 7.0.1 of the Emergency Management and Civil Protection Act; and,

WHEREAS on July 23, 2020, the COVID-19 Economic Recovery Act, 2020 (Bill 197) received Royal Assent from Legislature of Ontario; and

WHEREAS Section 238(3.1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended by the COVID-19 Economic Recovery Act, 2020 (Bill 197), allows for a member of Council, a local board, or a committee of either of them to participate electronically in a meeting of the municipality which is open or closed to the public and be counted towards quorum, provided that the municipality's procedural by-law so allows, and that such authority is no longer limited to periods in which an emergency is declared to exist in all or part of the municipality under Section 4 or Section 7.0.1 of the Emergency Management and Civil Protection Act; and,

WHEREAS the province-wide emergency declared by the Premier of Ontario under Order in Council 518/2020 (Ontario Regulation 50/20) pursuant to Section 7.0.1 of the Emergency Management and Civil Protection Act in response to the COVID-19 pandemic was permitted to expire on July 29, 2020, and it has been resolved that a province-wide emergency will not be further declared at this time; and,

WHEREAS the Council of Township of West Lincoln considers it necessary to continue to conduct meetings of Council, its committees, and its local boards by electronic communications to ensure the continuity of municipal operations and the provision of

essential municipal services while observing the recommendations of public health authorities in relation to the COVID-19 pandemic;

NOW THEREFORE the Council of the Corporation of the Township of West Lincoln enacts as follows:

1. THAT Procedural By-law No. 2013-58 be, and is hereby amended by deleting the following to the **DEFINITIONS** section of the by-law:

“**Emergency**” means any period of time during which an emergency has been declared to exist in all or part of a municipality by the Head of Council or the Lieutenant Governor in Council or by the Premier, under sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act.”

“**Emergency Management and Civil Protection Act**” means the Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E.9, as amended.”

2. THAT the Township of West Lincoln Procedural By-law No. 2013-58 be, and is hereby amended by removing Sections 2.11 and 10.16 and replacing it with the following new Sections 2.11 and 10.16 to allow municipal Council and committees to participate in open and closed meetings electronically to be counted for purposes of quorum:
 - (i) Electronic Meeting – A regular meeting or special meeting may be conducted by Electronic Meeting, in accordance with this Section and the Electronic Meeting Protocol (Appendix C).
 - (ii) Quorum and Voting for Electronic Meeting – Members attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the meeting, and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the meeting in person.
 - (iii) Closed Session – An Electronic Meeting may include a Closed Session which shall be conducted in the absence of the public and in accordance with the provisions of the Municipal Act, S.O. 2001, c.25, as amended, specifically Sections 239(2) and (3).
 - (iv) Appointment/Presentations – An Electronic Meeting shall permit appointments/presentations to attend an electronic meeting in accordance with rules and procedures outlined in Section 6 of the Township of West Lincoln Procedural By-law.
 - (v) Public Attendance Request in Writing – An Electronic Meeting shall permit public attendance electronically that requests to attend a meeting be received in advance of the meeting, which shall be submitted to the Clerk via email or by phone prior to 4:30 p.m. of the day of the meeting and shall be provided to members at the meeting.
 - (vi) Public Comments – An Electronic Meeting shall permit public comments in accordance with Section 6.7 (Council Meeting) or Section 10.13 (5) and (6) (Committees of Council) of the Township’s Procedural By-law. Public Comments shall be submitted to the Clerk either by (1) email or by submitting in person at the Township Administration Office prior to 4:30 p.m. of the day of the meeting; or (2) by providing advanced notice to the Clerk by email or by phone prior to 4:30 p.m. of the day of the meeting advising they wish to attend the electronic meeting to provide public comments at which time information will be provided for the public member to attend the electronic meeting. Any written comments will be read into the record by the Clerk and shall be provided to members at the meeting.
3. THAT all other provisions of By-law 2013-58, as amended, shall continue to apply.

4. THAT Appendix C (Emergency Electronic Meeting Protocol) to By-law 2013-58, as amended, be replaced with the attached new Appendix C (Electronic Meeting Protocol)
5. THAT this by-law be and is hereby enacted and shall come into force and effect as of the date and time of its passing.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
26th DAY OF OCTOBER, 2020**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

**Electronic Meeting Protocol
Appendix C to By-law 2013-58**

The Township of West Lincoln Procedural By-law shall continue to apply to an Electronic Meeting held pursuant to this Protocol, and that amendments to this Protocol may be permitted to be made by simple majority vote of Council and committee members, known as Members, to accommodate an effective and efficient meeting, so long as any such amendments are consistent with the intent of the Procedural By-law and do not directly conflict with the Procedural By-law or are contrary to prevailing Provincial legislation or orders.

General:

- The method and technology used for an Electronic Meeting in Open Session or Closed Session shall be determined by the CAO and Clerk, in consultation with the Mayor or Acting Mayor, or by the majority vote of Council, based on advice and resources available from the Township's Information Technology staff and the prevailing circumstances and context for a meeting.
- The Mayor or Acting Mayor and Committee Chair or Vice Chair, or designate, shall lead the meeting and be present from a designated meeting location supported by the Clerk, or designate, where possible.
- Members shall follow meeting leadership of the Chair being the Mayor or Acting Mayor, Committee Chair or Vice Chair or his/her designate.
- The Chair is to announce each agenda item on the floor of the meeting and shall maintain an orderly meeting process keeping Members informed.

Request to Speak and Speaker's List:

- Any Member participating in-person or electronically shall indicate to the Chair or Clerk a request to speak by putting up their hand either electronically or by raising their hand towards the screen;
- Chair or Clerk are to maintain a speaker's list, based on the Chair's discretion, to ensure all members are able to participate in debate in keeping with meeting rules;
- Chair will call out the name of the Member assigned to speak.

Member Speaking:

- Time allotment may be used to speak, ask questions of staff and/or introduce a motion/amendment;
- Members to speak through the Chair.

Voting:

- A Member shall vote by one of the following methods:
 - (i) Through the Township's electronic meeting management system (eScribe) upon opening of the vote by the Clerk.
 - (ii) By raising their hand to the screen on their computer (must be in video mode) when the Chair calls for the vote.
 - (iii) Verbally when the Chair calls for the vote, if the video mode is unavailable.
 - (iv) Through a recorded vote, when a recorded vote is requested by a Member.
- When a recorded vote is requested by a Member, at the direction of the Chair the Clerk shall call the name of each Member deemed present;
- If Member is present in person or electronically and no response to indicate vote is provided, Clerk will ask one more time and if no indication of vote, the vote is recorded in the negative;
- The Clerk will announce the results to the Chair with respect to the voting done through the Township's electronic meeting management system (eScribe) or by recorded vote.

Member Conduct:

- Each Member shall remain silent and attentive to the proceeding when not assigned as the speaker;
- Each Member to listen for their name to be assigned as speaker or to vote;
- Each Member to take direction from the Chair in order to facilitate an effective, efficient and orderly Electronic Meeting.

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2020-97

**A BY-LAW TO AMEND ZONING BY-LAW NO. 2017-70, AS
AMENDED, OF THE TOWNSHIP OF WEST LINCOLN**

WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED TO ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, 1990, AS AMENDED;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:

1. THAT, Part 3 “General Provisions” of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Subsection 3.2.1 (a):

An area of no greater than 10 square metres on the ground floor is permitted to be used for entrance purposes to the above ground floor accessory dwelling unit.

2. THAT, Part 3 “General Provisions” of Zoning By-law 2017-70, as amended, is hereby amended by amending Subsection 3.12.6 (a) Table 6: Required Parking Facilities:

Use	Minimum Number of Parking Spaces to be Provided
Apartment dwelling, townhouse dwelling or stacked Townhouse Dwelling	1.75 parking spaces per dwelling unit
Residential uses not specifically listed above	2 parking spaces per dwelling unit

3. THAT, Part 3 “General Provisions” of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Subsection 3.12.6 d):

vii. Private residential garages for single detached, semi-detached and townhouse must be a minimum of 3.5 metres wide by 6 metres long (measured from interior walls) unobstructed in order to be counted as a required parking space.

4. THAT, Part 3 “General Provisions” of Zoning By-law 2017-70, as amended, is hereby amended by deleting Subsection 3.7.1 (g), 3.7.2 (g), 3.11 l) & 3.23 and replace with the following:

Signs shall be erected in accordance with the sign bylaw, 2020-54, as amended from time to time

5. THAT, Map C2 to Schedule ‘A’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on 9380 and 9382 Silver Street, shown on Schedule ‘A’, attached hereto and forming part of this By-law from a Commercial “C3” zone to a Rural Residential “RuR” zone.
6. THAT, Map S5 to Schedule ‘A’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on part of the subject lands (116 West Street) shown on Schedule ‘A’, attached hereto and forming part of this By-law from an Open Space “OS” zone to an Institutional ‘I’ zone.
7. THAT, Map S1 to Schedule ‘A’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on part of the subject lands (6659 RR 20) shown on Schedule ‘A’, attached hereto and forming part of this By-law from a Development “D” zone to an Institutional “I” zone.

8. THAT, the Clerk of the Township of West Lincoln is hereby authorized to effect any minor modifications or corrections to the By-law of a descriptive, numerical or grammatical nature as may be deemed necessary after passage of this By-law.
9. THAT, this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS 26th
DAY OF OCTOBER, 2020.**

MAYOR DAVE BYLSMA

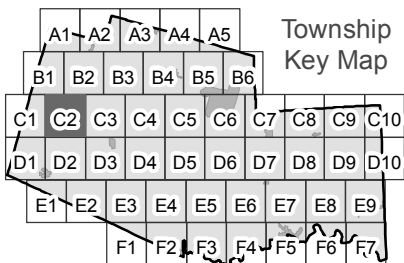
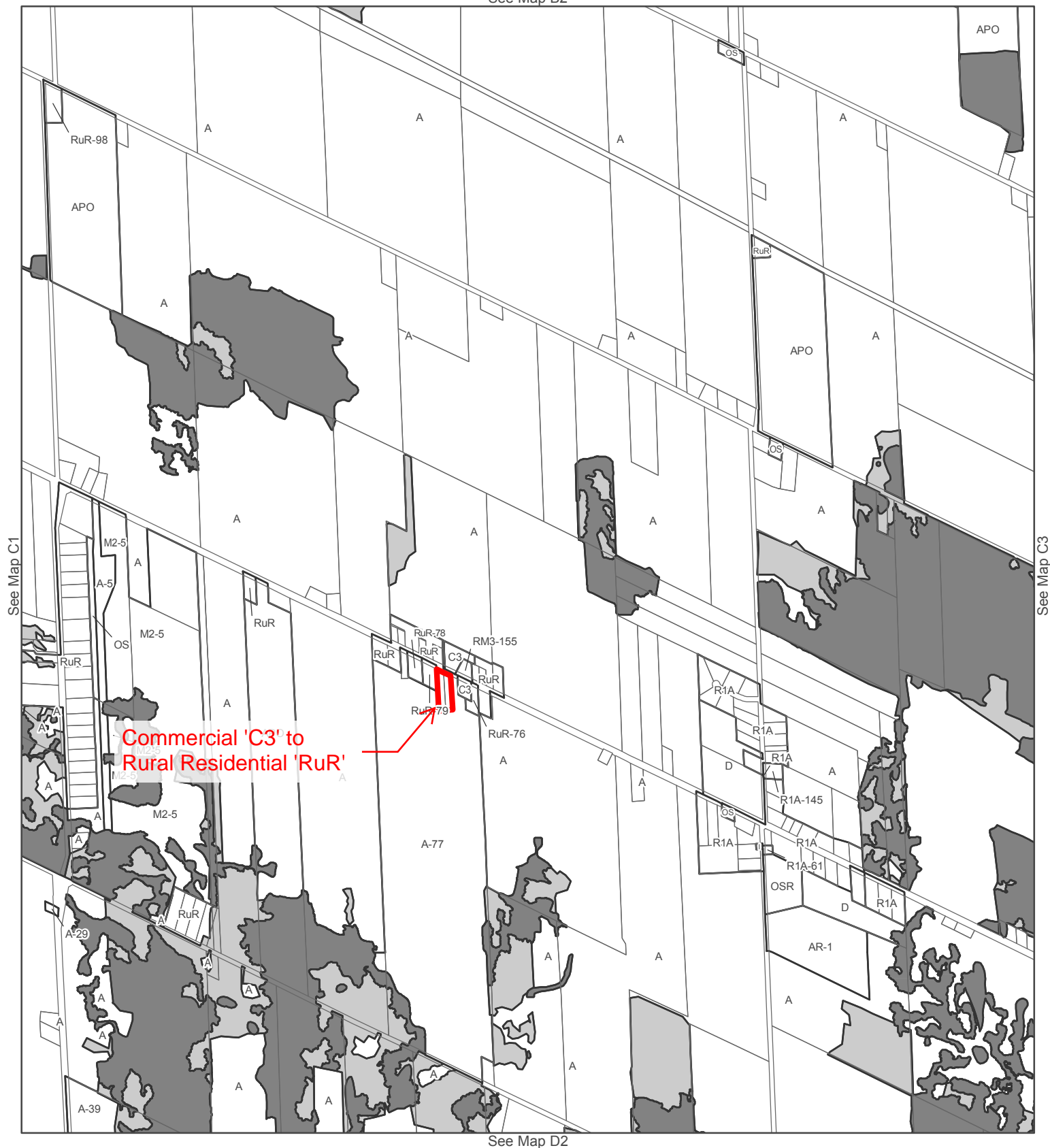
JOANNE SCIME, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2020-97

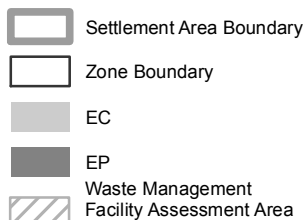
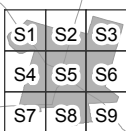
The Township's Comprehensive Zoning By-law 2017-70 was passed by the Council of the Corporation of the Township of West Lincoln on June 26, 2017. This By-law amends Zoning By-law 2017-70, as amended, to address issues that have become apparent during its first three years of implementation.

A Public Meeting was held on September 14, 2020. No members of the public provided oral comments. One comment was received from property owners in support of the zoning changes. No other public comments were received. All comments received were evaluated by staff and Council through their decision.

File: 1601-022-19
Township of West Lincoln



Smithville Key Map



Township of West Lincoln

Schedule A

Zoning By-law No. 2017-70

1:20,000

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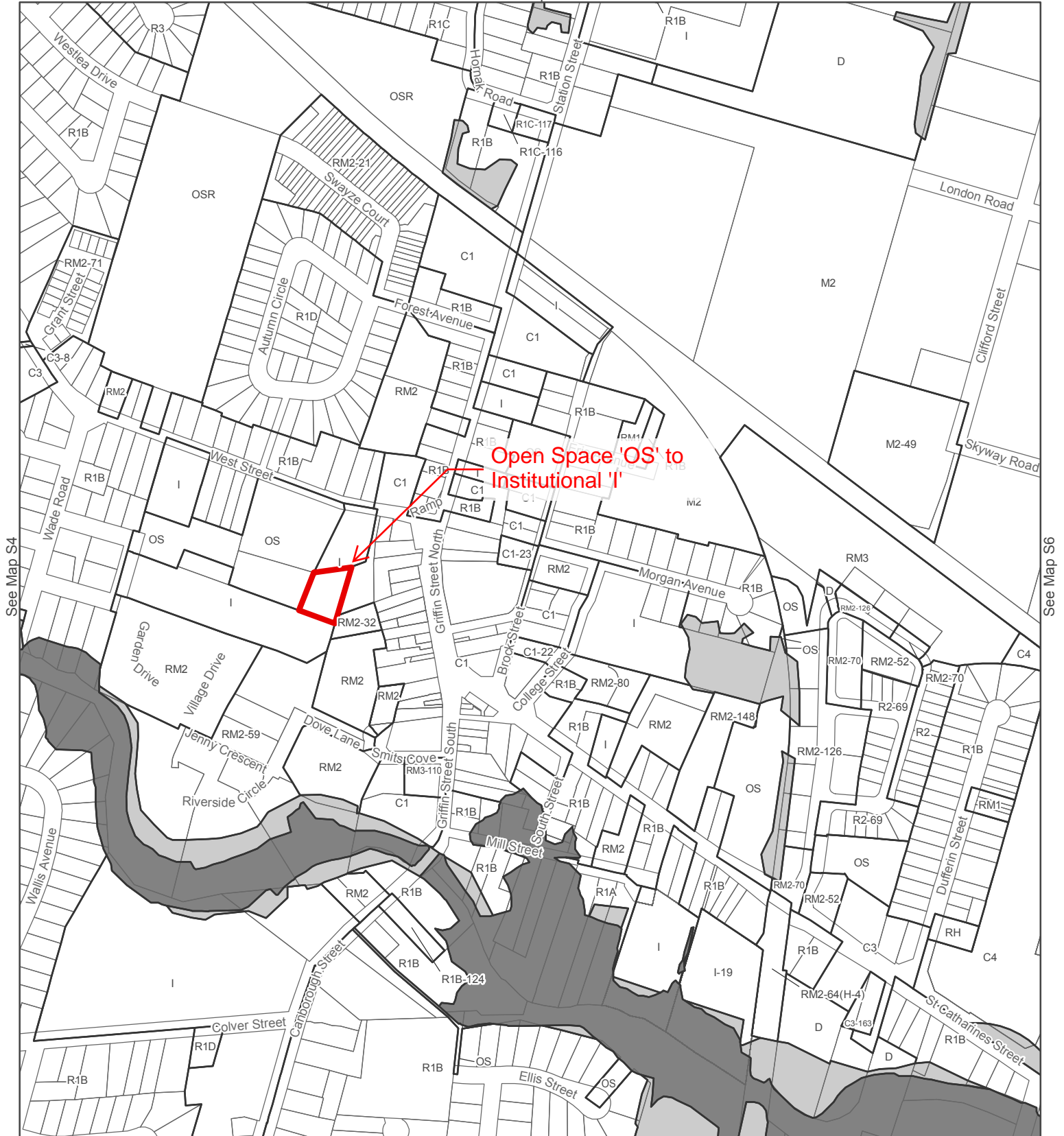
Last Updated: By-Law 2020-97

Last Updated 10/22/2020

Map

C2

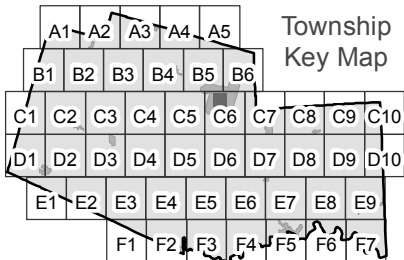
See Map S2



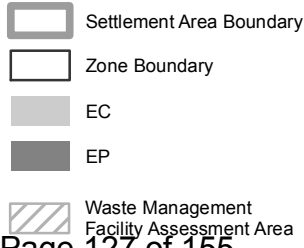
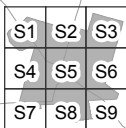
See Map S4

See Map S6

See Map S8



Smithville Key Map



Township of West Lincoln
Schedule A
Zoning By-law No.2017-70

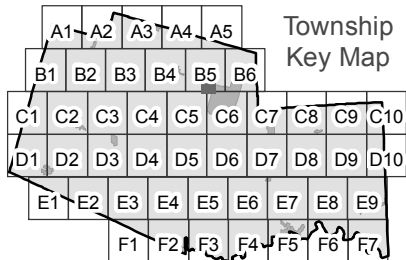
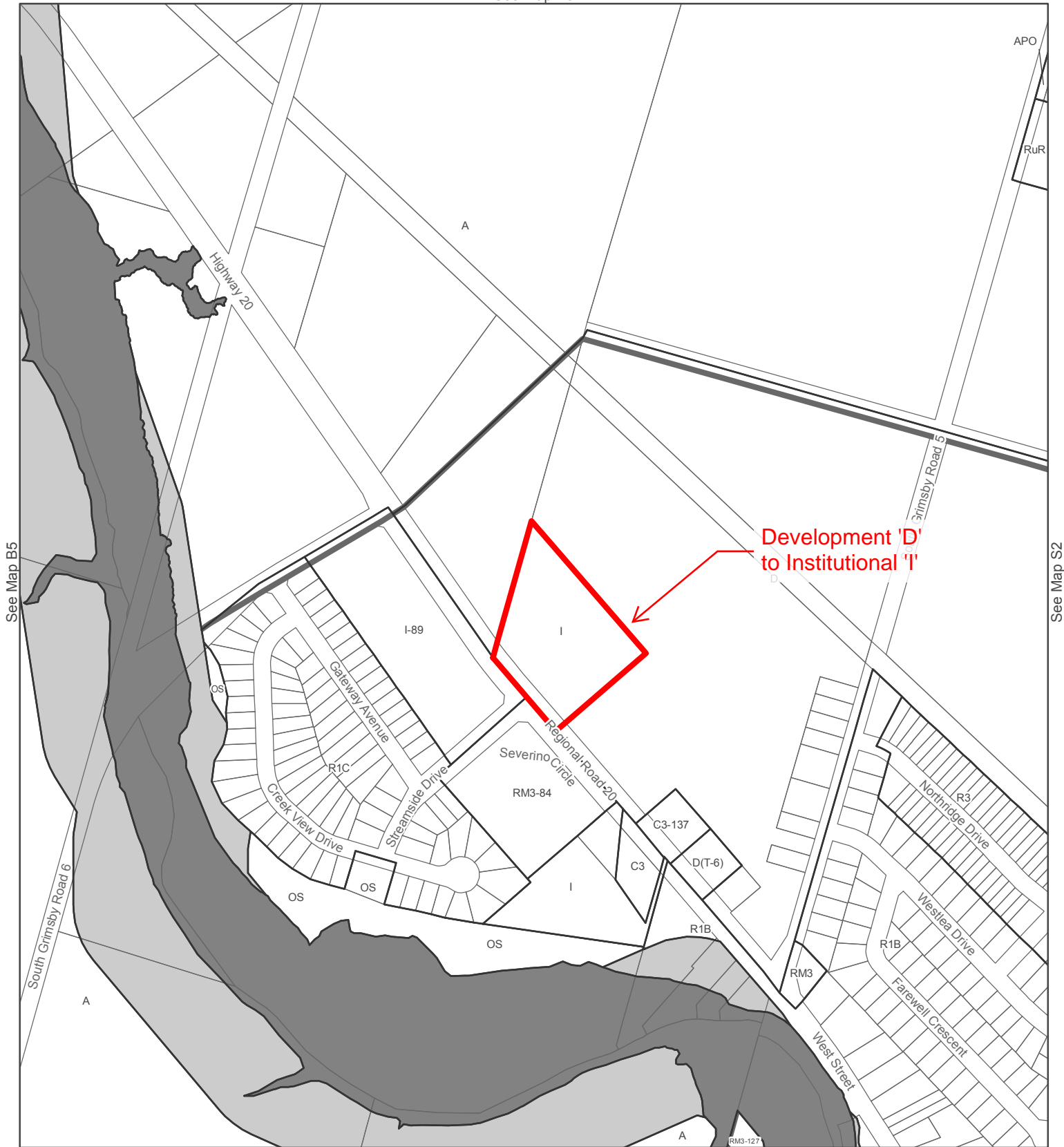
Map
S5

1:6,000
0 150 m

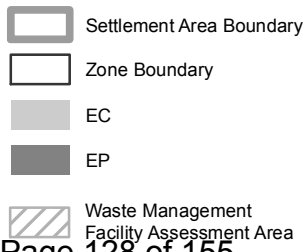
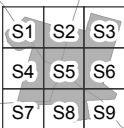
Last Updated: By-Law 2020-97
Last Updated 10/22/2020

Page 127 of 155

Page 52 of 56



Smithville Key Map



Township of West Lincoln
Schedule A
Zoning By-law No.2017-70

Map
S1

1:6,000
0 150 m

Last Updated: By-Law 2020-97
Last Updated 10/22/2020

Page 48 of 56

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW 2020-98

**BEING A BY-LAW TO ADOPT AMENDMENT NO. 53 (RE-
DESIGNATION OF FORMER ST. MARTIN SCHOOL SITE AND
ADJACENT TOWNSHIP OWNED PROPERTY) TO THE
OFFICIAL PLAN FOR THE TOWNSHIP OF WEST LINCOLN**

The Council of the Corporation of the Township of West Lincoln in accordance with the provisions of the Planning Act, R.S.O. 1990, hereby enacts as follows:

1. THAT, Amendment No. 53 (Re-designation of Former St. Martin School Site and Adjacent Township Owned Property) to the Official Plan for the Township of West Lincoln, attached hereto, is hereby adopted and implemented as detailed in Schedule 'A'.
2. THAT, staff be directed to circulate a Notice of Decision in accordance with the Planning Act, 1990, as amended based on a Regional Municipality of Niagara exemption.
3. AND THAT, this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
26th DAY OF OCTOBER, 2020.**

DAVE BYLSMA, MAYOR

JOANNE SCIME, CLERK

AMENDMENT NUMBER 53
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN
186 MARGARET STREET

AMENDMENT NUMBER 53
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN
AS AMENDED

PART 1 – THE PREAMBLE

1.1 TITLE

This Amendment when adopted by Council shall be known as Amendment Number 53 to the Official Plan of the Township of West Lincoln.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached Schedule 'A'. The preamble does not constitute part of the actual amendment, but is included as background information.

1.3 PURPOSE

The purpose of this Amendment is to provide the best and most efficient use for the former St. Martin's School Site, located at 186 Margaret Street and the adjacent Township Owned Parcel.

1.4 BASIS OF THE AMENDMENT

The Township of West Lincoln is proposing to amend the Official Plan to re-designate the subject lands and provide for a site specific policy to permit for a minimum height of 3 storeys and a maximum height of 6 storeys on the Township Owned Parcel (Smits Cove/McMurchie Lane).

1.5 APPENDICES

The following items are considered appendices to this amendment:

- Staff Info Reports
- Technical Report PD-112-20
- Recommendation Report PD-129-20
- MHBC Planning Report
- Crozier Transportation Analysis

PART 2 – THE AMENDMENT

2.1 PREAMBLE

All of this part of the document entitled PART 2 – THE AMENDMENT, consisting of the following text and mapping changes constitutes Amendment No. 53 to the Official Plan of the Township of West Lincoln.

2.2 DETAILS OF THE AMENDMENT

2.2.1 The text of the Township of West Lincoln Official Plan is hereby amended by adding in Section 6.11 Site Specific Policy Provisions, and renumbering the following sections accordingly, as follows:

6.11 Site Specific Policy Provisions

6.11.2 Smit's Cove/McMurchie Lane

a) Building heights shall not be less than 3 storeys nor exceed 6 storeys.

6.11.3 186 Margaret Street

a) Design compatibility may require parking and access along the southerly side of the lot.

2.3 LOCATION MAP

Schedule “A” of this amendment illustrates the location of this amendment.

Land Use Plan B-5 is hereby amended by changing the designation of 186 Margaret Street from Institutional to a High Density Residential designation and the Township owned parcel from a High Density Residential designation to a High Density Residential designation with Special Policy 6.11.2 as illustrated in the attached drawing in Schedule A.

2.4 IMPLEMENTATION

This amendment will be required to be adopted by Township Council and forwarded to Regional Council for approval. This amendment will be implemented through notification of the Regional Clerk's department by the decision of Regional Council to approve, modify and approve, or deny.

Should the final approval be delegated to the Township, this amendment will be implemented through notification of the Township Clerk's department of decision to approve, modify and approve, or deny.

If no appeals are received within the appeal period, the amendment will be in full force and effect as approved by the appropriate Council.

3.0 APPENDICES

- Staff Info Reports
- Technical Report PD-112-20
- Recommendation Report PD-129-20
- MHBC Planning Report
- Crozier Transportation Analysis

AMENDMENT NUMBER 53
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN
AS AMENDED

Official Plan Amendment Number 53 was adopted by the Council of the Corporation of the Township of West Lincoln by By-law No. 2020-98 in accordance with the provisions of Section 17 (22) of The Planning Act, R.S.O. 1990, amendments made thereto on the 26th day of October, 2020

Joanne Scime, Clerk

Mayor Dave Bylsma

I, Joanne Scime, the Clerk of the Corporation of the Township of West Lincoln, hereby certify that the requirements for the giving of Notice, and the holding of at least one Public Meeting as set out in Section 17(22) of the Planning Act, R.S.O. 1990 have been complied with for Official Plan Amendment Number 53.

Joanne Scime, Clerk

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW 2020-99

**BEING A BY-LAW TO AMEND ZONING BY-LAW NO. 2017-70,
AS AMENDED, OF THE TOWNSHIP OF WEST LINCOLN**

**WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED TO
ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE
PLANNING ACT, 1990;**

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP
OF WEST LINCOLN HEREBY enacts as follows:**

1. THAT Schedule 'A' Map 'S5' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Plan M92, Pt of Lot 40, Township of West Lincoln, municipally known as 186 Margaret Street and Plan M92, PT Lot 25, RP30R;10008 Parts 1-7, Township of West Lincoln and shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
2. THAT Map 'S5' to Schedule 'A' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Institutional 'I' zone to Residential Medium Density – Type 3 'RM3' zone.
3. THAT Map 'S5' to Schedule 'A' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from a Residential Medium Density – Type 2 'RM2' zone to a Residential High Density zone with a site specific exception 'RH-194' zone.
4. THAT Section 6 of Zoning By-law 2017-70, as amended, is hereby further amended by adding the following to Section 13.2:
RH-194:
 Permitted Uses:
 As per the parent zone.

 Regulations:
 As per the parent zone, plus:
 Minimum height = 9m
 Maximum height = 18m
5. THAT, all other provisions of By-law 2017-70 continue to apply.
6. AND THAT, this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
26th DAY OF OCTOBER, 2020.**

DAVE BYLSMA, MAYOR

JOANNE SCIME, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2020-99

Location:

This By-law involves a parcel of land legally known as Plan M92, Pt of Lot 40, Township of West Lincoln, municipally known as 186 Margaret Street and Plan M92, PT Lot 25, RP30R;10008 Parts 1-7, Township of West Lincoln.

Purpose & Effect:

186 Margaret Street was zoned Institutional 'I'. The proposed rezoning for these lands changes the zoning to a Residential Medium Density – Type 3 'RM3' Zone with no site specific provisions.

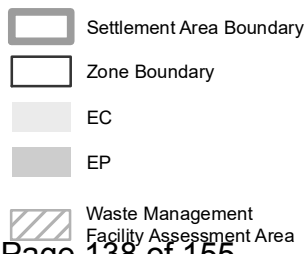
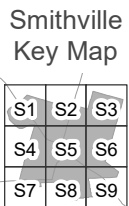
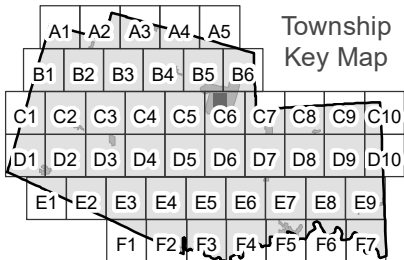
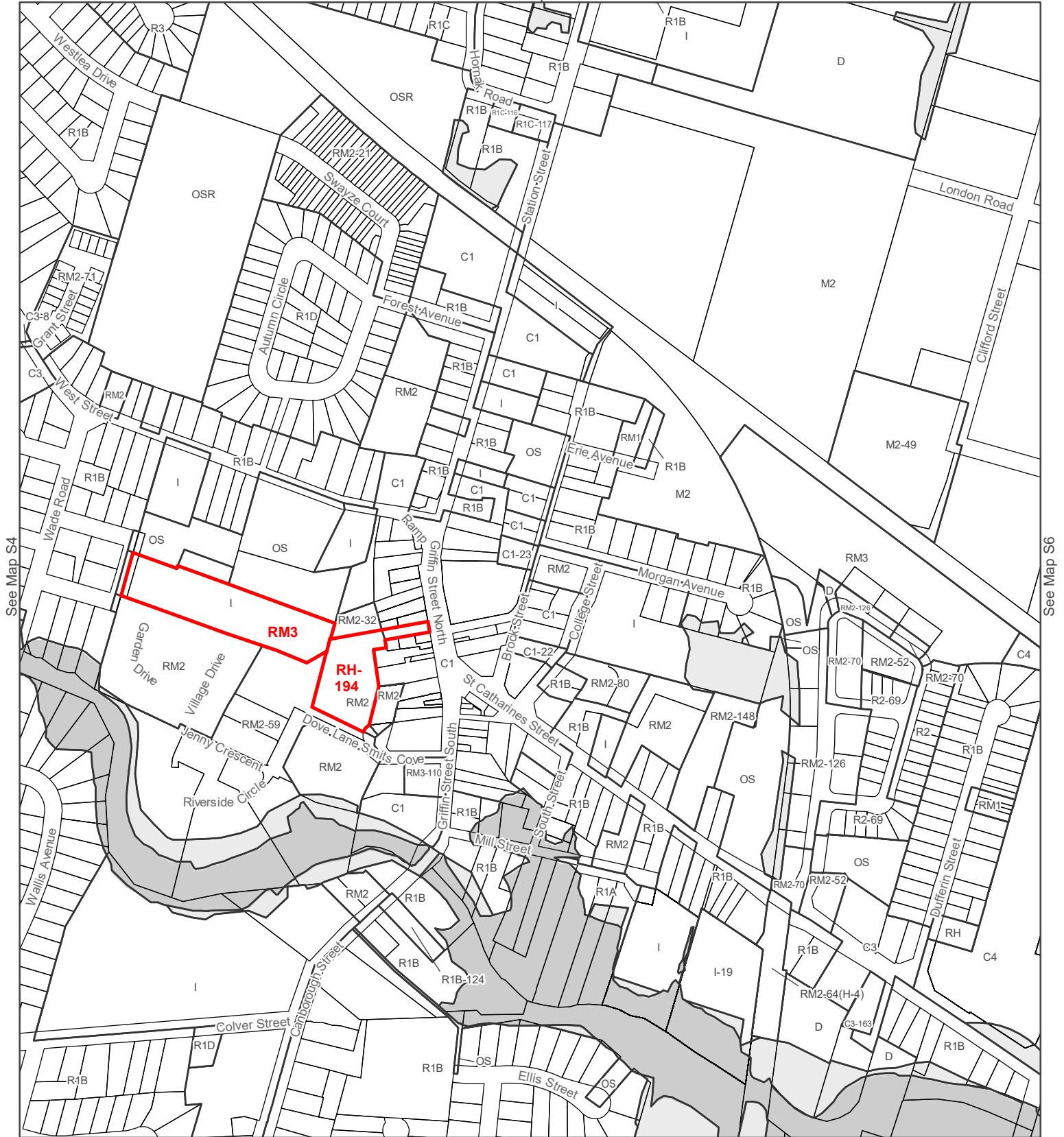
Plan M92, PT Lot 25, RP30R;10008 Parts 1-7, Township of West Lincoln being another parcel of the subject lands was zoned Residential Medium Density – Type 2 'RM2'. The rezoning for these lands rezoned the subject lands to a Residential Medium Density – Type 3 'RM3-195' Zone with a site specific exception to permit for a minimum height of 9m and a maximum height of 18m. This would enable up to a 6 storey apartment building to be constructed.

Public Consultation:

The Public Meeting was held on September 14th, 2020. Two Public Information Centres/Open Houses were also held. The Township received verbal and written comments from 10 neighbour(s) regarding this application. All written and oral comments were considered in the making of the decision by Council.

File: 1601-005-20

Applicants: Township of West Lincoln



Township of West Lincoln
Schedule A
Zoning By-law No.2017-70

Map **S5**

1:6,000

0 150 m

Last Updated: July 2019

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW 2020-100

**BEING A BY-LAW TO ADOPT AMENDMENT NO. 54 (RE-
DESIGNATION OF FORMER COLLEGE STREET SCHOOL
SITE) TO THE OFFICIAL PLAN FOR THE TOWNSHIP OF WEST
LINCOLN**

The Council of the Corporation of the Township of West Lincoln in accordance with the provisions of the Planning Act, R.S.O. 1990, hereby enacts as follows:

1. THAT, Amendment No. 54 (Re-designation of Former College Street School Site) to the Official Plan for the Township of West Lincoln, attached hereto, is hereby adopted and implemented as detailed in Schedule 'A'.
2. THAT, staff be directed to circulate a Notice of Decision in accordance with the Planning Act, 1990, as amended based on a Regional Municipality of Niagara exemption.
3. AND THAT, this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
26TH DAY OF OCTOBER, 2020.**

DAVE BYLSMA, MAYOR

JOANNE SCIME, CLERK

AMENDMENT NUMBER 54
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN

AMENDMENT NUMBER 54
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN
AS AMENDED

PART 1 – THE PREAMBLE

1.1 TITLE

This Amendment when adopted by Council shall be known as Amendment Number 54 to the Official Plan of the Township of West Lincoln.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached Schedule 'A'. The preamble does not constitute part of the actual amendment, but is included as background information.

1.3 PURPOSE

The purpose of this Amendment is to provide the best and most efficient use for the former College Street School, located at 132 College Street and surrounding parcels.

1.4 BASIS OF THE AMENDMENT

The Township of West Lincoln is proposing to amend the Official Plan to re-designate the subject lands and provide for a site specific policy to require a minimum density of 40 units per hectare for the site.

1.5 APPENDICES

The following items are considered appendices to this amendment:

- Staff Info Reports
- Technical Report PD-112-20
- Recommendation Report PD-129-20
- MHBC Planning Report
- Crozier Transportation Analysis

PART 2 – THE AMENDMENT

2.1 PREAMBLE

All of this part of the document entitled PART 2 – THE AMENDMENT, consisting of the following text changes constitutes Amendment No. 54 to the Official Plan of the Township of West Lincoln.

2.2 DETAILS OF THE AMENDMENT

2.2.1 The text of the Township of West Lincoln Official Plan is hereby amended by adding in Section 6.11 Site Specific Policy Provisions, and renumbering the following sections accordingly, as follows:

6.11 Site Specific Policy Provisions

6.11.1 College Street Redevelopment & Intensification

a) That gross density of the High Density Residential designation shall be more than 40 units per hectare.

2.3 LOCATION MAP

Schedule “A” of this amendment illustrates the location of this amendment.

Land Use Plan B-5 is hereby amended by changing the designation of a portion of 132 College Street and neighbouring properties from Institutional to a Medium Residential Area designation and the remainder of 132 College Street and an adjacent property from Institutional and Medium Residential Area to a Residential/Mixed Use Area (Smithville) with Special Policy 6.11.1.

2.4 IMPLEMENTATION

This amendment will be required to be adopted by Township Council and forwarded to Regional Council for approval. This amendment will be implemented through notification of the Regional Clerk’s department by the decision of Regional Council to approve, modify and approve, or deny.

Should the final approval be delegated to the Township, this amendment will be implemented through notification of the Township Clerk’s department of decision to approve, modify and approve, or deny.

If no appeals are received within the appeal period, the amendment will be in full force and effect as approved by the appropriate Council.

3.0 APPENDICES

- Staff Info Reports
- Technical Report PD-112-20
- Recommendation Report PD-129-20
- MHBC Planning Report
- Crozier Transportation Analysis

AMENDMENT NUMBER 54
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN
AS AMENDED

Official Plan Amendment Number 54 was adopted by the Council of the Corporation of the Township of West Lincoln by By-law No. 2020-100 in accordance with the provisions of Section 17 (22) of The Planning Act, R.S.O. 1990, amendments made thereto on the 26th day of October, 2020

Joanne Scime, Clerk

Mayor Dave Bylsma

I, Joanne Scime, the Clerk of the Corporation of the Township of West Lincoln, hereby certify that the requirements for the giving of Notice, and the holding of at least one Public Meeting as set out in Section 17(22) of the Planning Act, R.S.O. 1990 have been complied with for Official Plan Amendment Number 54.

Joanne Scime, Clerk

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW 2020-101

**BEING A BY-LAW TO AMEND ZONING BY-LAW NO. 2017-70,
AS AMENDED, OF THE TOWNSHIP OF WEST LINCOLN**

**WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED TO
ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE
PLANNING ACT, 1990;**

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP
OF WEST LINCOLN HEREBY enacts as follows:**

1. THAT Schedule 'A' Map 'S5' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Plan M90, Lot 31, in the Township of West Lincoln, known municipally as 132 College Street, Plan M90, Lots 29 & 30, Township of West Lincoln, and Plan M90 Pt of Lot 44, Township of West Lincoln, known municipally as 131 St. Catharines Street and shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
2. THAT Map 'S5' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Institutional 'I' zone to Residential Medium Density – Type 2 'RM2' zone.
3. THAT Map 'S5' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Institutional 'I' zone to a Residential Medium Density – Type 3 zone with a site specific provision 'RM3-195.'
4. THAT Map 'S5' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from a Residential Medium Density – Type 2 'RM2' zone to a Residential Medium Density – Type 3 'RM3' zone.
5. THAT Section 6 of Zoning By-law 2017-70, as amended, is hereby further amended by adding the following to Section 13.2:

RM3-195:

Permitted Uses:

As per the parent zone, plus:

On the ground floor: *Dry cleaning/laundry depot, day care, office, including a medical office, personal service shop, restaurant, retail store, service shop, studio, and veterinary clinic.*

Regulations:

As per the parent zone.

6. THAT, all other provisions of By-law 2017-70 continue to apply.
7. AND THAT, this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
26 DAY OF OCTOBER, 2020.**

DAVE BYLSMA, MAYOR

JOANNE SCIME, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2020-101

Location:

This By-law involves a parcel of land legally known as Plan M90, Lot 31, in the Township of West Lincoln, known municipally as 132 College Street, Plan M90, Lots 29 & 30, Township of West Lincoln, and Plan M90 Pt of Lot 44, Township of West Lincoln, known municipally as 131 St. Catharines Street.

Purpose & Effect:

The lands rezoned to Residential Medium Density – Type 2 ‘RM2’ with no site specific were rezoned from an Institutional ‘I’ zone. This will permit residential development to occur for the portion of the subject lands fronting onto Morgan Avenue.

The lands rezoned to Residential Medium Density – Type 3 ‘RM3-194’ with a site specific to permit for a number of convenient and service commercial uses on the ground floor. These lands were rezoned from an Institutional ‘I’ zone. This will permit for mixed use development by enabling commercial uses to be established on the ground floor with residential uses above.

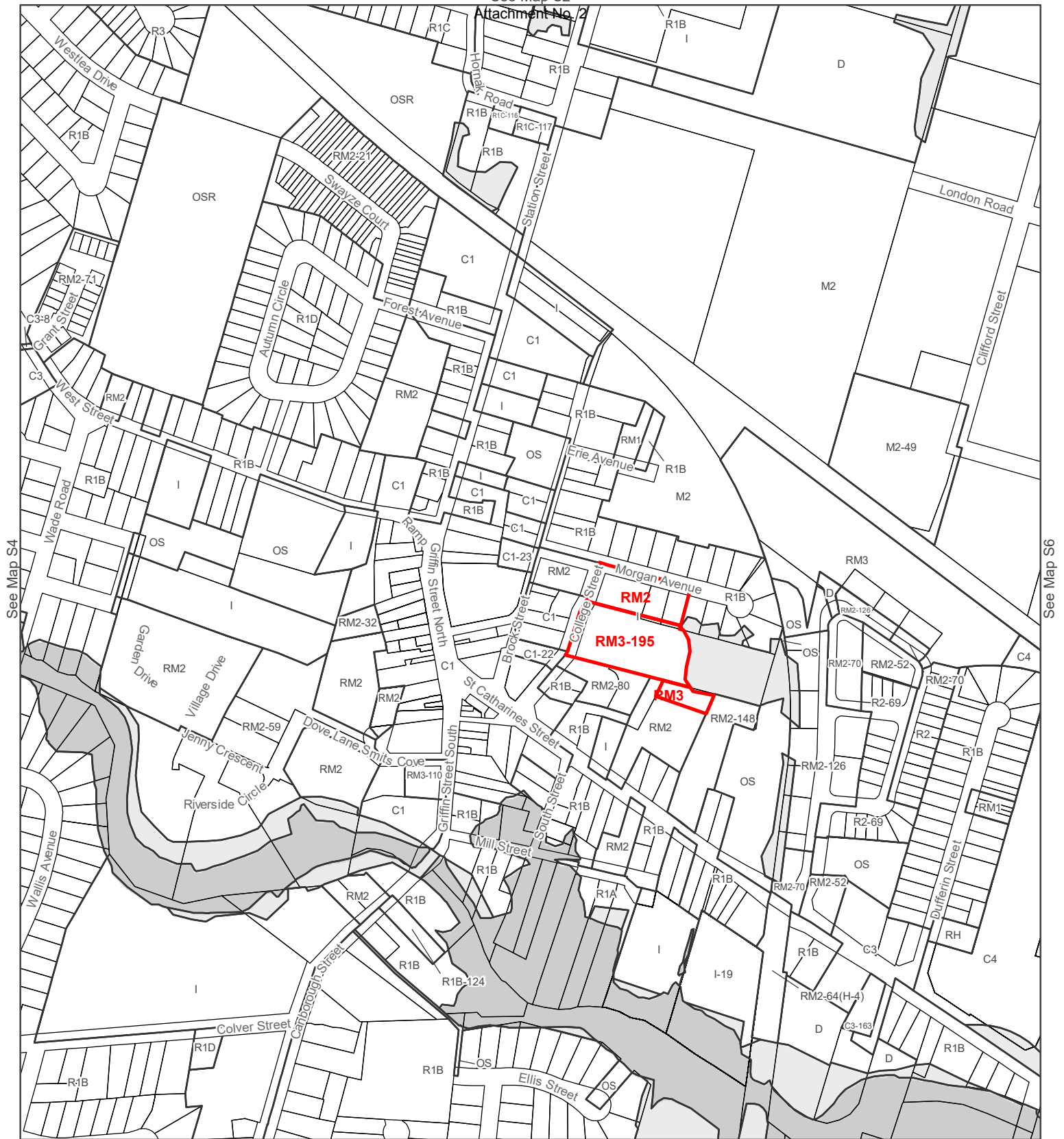
The lands rezoned to Residential Medium Density – Type 3 ‘RM3’ with no site specific were rezoned from a Residential Medium Density – Type 2 ‘RM2’ zone. The RM3 zone will permit a denser form of Townhouses than the RM2 zone and permit apartment buildings.

Public Consultation:

The Public Meeting was held on September 14th, 2020. Two Public Information Centres/Open Houses were also held. The Township received verbal and written comments from 10 neighbour(s) regarding this application. All written and oral comments were considered in the making of the decision by Council.

File: 1601-006-20

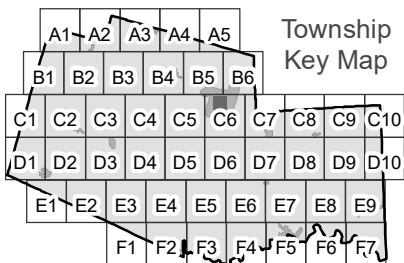
Applicants: Township of West Lincoln



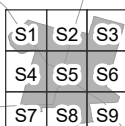
See Map S4

See Map S6

See Map S8



Smithville Key Map



- Settlement Area Boundary
- Zone Boundary
- EC
- EP
- Waste Management Facility Assessment Area

Township of West Lincoln
Schedule A
Zoning By-law No.2017-70

Map
S5

1:6,000
0 150 m

Last Updated: July 2019

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2020-102

A BY-LAW TO AUTHORIZE A SITE ALTERATION AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN AND MARZ HOMES (SMITHVILLE WEST) INC. (IBI GROUP – AGENT, CARDI CONSTRUCCION LTD. - CONTRACTOR) FOR LANDS DESCRIBED AS LOT 9, PLAN M98, REGIONAL ROAD 20, IN THE TOWNSHIP OF WEST LINCOLN.

WHEREAS the Corporation of the Township of West Lincoln deems it expedient to enter into a Site Plan Agreement with Marz Homes (Smithville West) Inc. (IBI Group – Agent, Cardi Construction Ltd - Contractor) for lands legally described as Lot 9, Plan M98, Regional Road 20, in the Township of West Lincoln;

AND WHEREAS approval and authority for such Agreement is required;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:

1. That the Council of the Corporation of the Township of West Lincoln enter into a Site Alteration Agreement with Marz Homes (Smithville West) Inc. (IBI Group – Agent, Cardi Construction Ltd - Contractor) for lands legally described as Lot 9, Plan M98, Regional Road 20, in the Township of West Lincoln.
2. That the Mayor and Clerk be and each of them is hereby authorized to sign the said Site Alteration Agreement and any other document or documents necessary to implement the intent of this By-law and the said Site Alteration Agreement, and the Clerk is hereby authorized to affix the Corporate Seal thereto and deliver the same to the appropriate parties.
3. That a copy of the said Site Alteration Agreement and any supplementary Agreements, when executed by the said parties shall be attached hereto as “Schedule A”, and shall form part of this By-law, upon registration on title.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
26TH DAY OF OCTOBER, 2020.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2020-103

A BY-LAW TO AUTHORIZE A SITE ALTERATION AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN AND BRUNO AND LILLY TASSONE, FOR LANDS DESCRIBED AS PART LOT 19, CONC GORE A, IN THE FORMER TOWNSHIP OF SOUTH GRIMSBY, NOW IN THE TOWNSHIP OF WEST LINCOLN BEING 8365 YOUNG STREET.

WHEREAS the Corporation of the Township of West Lincoln deems it expedient to enter into a Site Alteration Agreement with Bruno and Lilly Tassone for lands legally described as Part Lot 19, Conc Gore A, in the former Township of South Grimsby, now in the Township of West Lincoln being 8365 Young Street;

AND WHEREAS approval and authority for such Agreement is required;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:

1. THAT the Council of the Corporation of the Township of West Lincoln enter into a Site Alteration Agreement with Bruno and Lilly Tassone, on the Lands described as Part Lot 19, Conc Gore A, in the former Township of South Grimsby, now in the Township of West Lincoln.
2. That the Mayor and Clerk be and each of them is hereby authorized to sign the said Site Alteration Agreement and any other document or documents necessary to implement the intent of this By-law and the said Site Alteration Agreement, and the Clerk is hereby authorized to affix the Corporate Seal thereto and deliver the same to the appropriate parties.
3. That a copy of the said Site Alteration Agreement and any supplementary Agreements, when executed by the said parties shall be attached hereto as "Schedule A", and shall form part of this By-law, upon registration on title.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
26TH DAY OF OCTOBER, 2020.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2020-104

A BY-LAW TO AUTHORIZE THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN TO ENTER INTO AN AGREEMENT WITH DEHAAN HOMES INC., ANY MORTGAGEES, AND NIAGARA NORTH VACANT LAND CONDOMINIUM CORPORATION NO. ____ WITH RESPECT TO THE LANDS DESCRIBED AS UNITS 1-24 INCLUSIVE, LEVEL 1, NIAGARA NORTH STANDARD CONDOMINIUM PLAN NO. ____ AND THEIR APPURTENANT COMMON INTEREST, TOWNSHIP OF WEST LINCOLN BEING ALL OF PINS _____ TO _____ INCLUSIVE.

WHEREAS The Corporation of the Township of West Lincoln deems it expedient to enter into an Agreement with DeHaan Homes Inc., Meridian Credit Union and Niagara North Vacant Land Condominium Corporation No. ____ with respect to the lands described as Units 1-24 inclusive, Level 1, Niagara North Standard Condominium Plan No. ____ and their appurtenant common interest, Township of West Lincoln being all of PINS _____ to _____ inclusive, to provide for the assumption of the obligations set out in a Site Plan Agreement registered on February 12, 2019 as Instrument No. NR503842 as amended on August 28, 2019 as Instrument No. NR519352;

AND WHEREAS approval and authority for such Agreement is required;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

1. That the Corporation of the Township of West Lincoln enter into an Agreement with DeHaan Homes Inc., Meridian Credit Union, and Niagara North Vacant Land Condominium Corporation No. ____ with respect to the property described as Units 1-24 inclusive, Level 1, Niagara North Standard Condominium Plan No. ____; and their appurtenant common interest, Township of West Lincoln being all of PINS _____ to _____ inclusive, to provide for the assumption of the obligations set out in a Site Plan Agreement registered on February 12, 2019 as Instrument No. NR503842 (the "Property"), as amended on August 28, 2019 as Instrument No. NR519352 attached as Schedule A.
2. That the Mayor and Clerk be and each of them is hereby authorized to sign the said Agreement and any other document or documents necessary to implement the intent of this By-law and the Agreement on behalf of The Corporation of the Township of West Lincoln, and the Clerk is hereby authorized to affix the Corporate Seal thereto and deliver the same to the appropriate parties.
3. That a copy of the Agreement and any supplementary Agreements, when executed by the said parties shall be registered on title to the Property.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS 26th
DAY OF OCTOBER, 2020.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2020-105

A BY-LAW TO AUTHORIZE A RENEWED LEASE AGREEMENT BETWEEN BELL MOBILITY CELLULAR INC. AND THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN (RENEWAL OF AGREEMENT AUTHORIZED BY BY-LAW 2000-120)

WHEREAS the Council of the Corporation of the Township of West Lincoln deems it expedient to enter into a renewed lease agreement with Bell Mobility Cellular Inc. for a portion of property being approximately 6150 square feet of property located at 8635 Regional Road # 65 and more particularly described as Part of Lot 11, Concession 5, former Township of Caistor, now Township of West Lincoln, and as shown on the attached plan affixed as Schedule “A” hereto;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

1. That, the Corporation of the Township of West Lincoln enter into a renewed lease agreement with Bell Mobility Cellular Inc. for a portion of property being approximately 6150 square feet of property located at 8635 Regional Road # 65 and more particularly described as Part of Lot 11, Concession 5, former Township of Caistor, now Township of West Lincoln, and as shown on the attached plan affixed as Schedule “A” hereto;
2. That, the Mayor and Clerk be authorized to sign the above mentioned renewed Lease Agreement and to affix the Corporate Seal thereto.
3. That a copy of the said renewed Lease Agreement and any supplementary agreements, when executed by the said parties shall be attached hereto as “Schedule B” and shall form part of this By-law.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
26TH DAY OF OCTOBER, 2020.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2020-106

A BY-LAW TO AUTHORIZE A SEWER EASEMENT WITH 2424568 ONTARIO INC., BENJAMIN BLAKE, & MIKAELA EVELYN WOODS, AND ANY MORTGAGEES ON LANDS DESCRIBED AS LOTS 47, 51 & 52 OF PLAN M90 AND PART 1 OF RP 30R11616 (167 ST CATHARINES STREET); & LOT 32 OF PLAN M90 (177 ST CATHARINES STREET); TOWNSHIP OF WEST LINCOLN

WHEREAS the Corporation of the Township of West Lincoln deems it expedient to authorize a sewer easement with 2424568 Ontario Inc., Benjamin Blake, Mikaela Evelyn Woods, and any mortgagees on lands described as Lots 47, 51 & 52 of Plan M90 (167 St. Catharines Street); & Lot 32 of Plan M90 (177 St. Catharines Street); Township of West Lincoln and to remove part of the sewer easement over 167 St. Catharines Street.

AND WHEREAS approval and authority for such Agreement is required;

NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

1. That the Council of the Corporation of the Township of West Lincoln hereby authorizes a sewer easement with 2424568 Ontario Inc., Benjamin Blake, Mikaela Evelyn Woods, and any mortgagees on lands described as Lots 47, 51 & 52 of Plan M90 and Part 1 of 30R11616 (167 St. Catharines Street); & Lot 32 of Plan M90 (177 St. Catharines Street); Township of West Lincoln; and,
2. That the Council of the Township of West Lincoln hereby authorize the transfer to the Township of the easement in favour of the Ontario Water Resources Commission contained in instruments RO 160989, RO 142061 and RO 141342 and authorize its removal of the existing easement that is being relocated, and which is hereby described as Parts 2 & 4 of Plan 30R-15159, from lands described as Lots 47, 51 & 52 Of Plan M90; and,
3. That the Mayor and Clerk be and each of them is hereby authorized to sign any document or documents necessary to implement the intent of this By-law and the said Sewer Easement, and the Clerk is hereby authorized to affix the Corporate Seal thereto and deliver the same to the appropriate parties.
4. That, once the new easement is established and the construction of the new sewer has been completed to the satisfaction of the Director of Public Works, the existing easement which has become redundant be removed from title, once ownership of the easement has been transferred to the Township or otherwise resolved.
5. That a copy of the said Sewer Agreement and any supplementary Agreements, when executed by the said parties shall be attached hereto as "Schedule A" and shall form part of this By-law.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS 26th
DAY OF OCTOBER, 2020**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2020-107

**A BY-LAW TO AUTHORIZE A SITE PLAN AGREEMENT WITH
2424568 ONTARIO INC. AND ANY MORTGAGEES ON LANDS
DESCRIBED AS LOTS 47, 51 & 52 OF PLAN M90 AND PART 1
OF RP 30R11616; TOWNSHIP OF WEST LINCOLN**

WHEREAS the Corporation of the Township of West Lincoln deems it expedient to enter into a Site Plan Agreement with 2424568 Ontario Inc. and any mortgagees on lands described as Lots 47, 51 & 52 of Plan M90 and Part 1 of 30R11616; Township of West Lincoln.

AND WHEREAS approval and authority for such Agreement is required;

**NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
ENACTS AS FOLLOWS:**

1. That the Council of the Corporation of the Township of West Lincoln enter into a Site Plan Agreement with 2424568 Ontario Inc. and any mortgagees on lands described as Lots 47, 51 & 52 of Plan M90 and Part 1 of 30R11616; Township of West Lincoln.
2. That the Mayor and Clerk be and each of them is hereby authorized to sign the said Site Plan Agreement and any other document or documents necessary to implement the intent of this By-law and the said Site Plan Agreement, and the Clerk is hereby authorized to affix the Corporate Seal thereto and deliver the same to the appropriate parties.
3. That a copy of the said Site Plan Agreement and any supplementary Agreements, when executed by the said parties shall be attached hereto as "Schedule A" and shall form part of this By-law.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS 26th
DAY OF OCTOBER, 2020**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK