



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN COUNCIL AGENDA

MEETING NO. FOURTEEN

Monday, September 27, 2021, 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 4:30 pm on September 27, 2021. 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. LAND ACKNOWLEDGEMENT STATEMENT

On behalf of the Members of Council and staff, we wish to acknowledge this land on which the Township of West Lincoln operates. The land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabeg peoples and is still home to many indigenous people today. We are grateful to have the opportunity to work here today and to follow the Haudenosaunee system of blending laws and values and the Anishinaabe beliefs to strive to live in harmony and balance throughout the Municipality. We acknowledge that we are all treaty people and accept our responsibility to honour all our relations.

3. OPENING PETITION - Councillor Harold Jonker

4. CHANGE IN ORDER OF ITEMS ON AGENDA

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

6. 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.

Chair to inquire if there are any members of the public present who wish to address a specific item on the agenda as permitted by Section 6.7 of the Procedural By-law.

7. APPOINTMENTS/PRESENTATIONS

- 7.1. Carolyn Ryall & Beth Brens, Niagara Region 8
Re: 1-5 year Transportation Capital Budget Outlook
POWERPOINT PRESENTATION

8. REGIONAL COUNCILLOR’S REMARKS

9. CONFIRMATION OF MINUTES

- 9.1. Council Minutes - Regular 30
Re: July 26, 2021

Moved By Councillor Shelley Bradaric
That, the minutes of the July 26, 2021 regular Council meeting be accepted.

- 9.2. Public Meeting Under the Planning Act 65
Re: Minutes of July 26, 2021

Moved By Councillor Cheryl Ganann
That, the minutes of the public meetings held on July 26, 2021 under Section 34 of the Planning Act, with respect to:

- a. Zoning By-law Amendment - Giro Estates - 5482 Twenty Mile Road - File No. 1601-010-21
- b. Zoning By-law Amendment - Temporary - Garden Suite - Richard & Anita Merritt -File No. 1601-011-21

be accepted.

- 9.3. Public Meeting Under the Planning Act 72
Re: Minutes of September 13, 2021

Moved By Councillor Mike Rehner
That, the minutes of the public meetings held on September 13, 2021 under Sections 17 & 34 of the Planning Act, with respect to:

- a. Official Plan Amendment - Garden Suite Policy Amendment (File No. 1701-003-21); and,
- b. Zoning By-law Amendment - Township of West Lincoln Housekeeping Amendments No. 5 (File No. 1601-0012-21);

be accepted.

10. COMMUNICATIONS

10.1. Deanne MacIntosh

79

Re: Appointment to the West Lincoln Parade Committee

Moved By Councillor William Reilly

1. That, the email received from Deanne MacIntosh, dated September 23, 2021 requesting to sit on the West Lincoln Christmas Parade Committee be received; and,
2. That, Deanne MacIntosh 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 Deanne MacIntosh as a Member of the West Lincoln Christmas Parade Committee.

11. MAYOR'S REMARKS

12. REPORT OF COMMITTEE

12.1. Planning/Building/Environmental Committee

80

Re: Minutes of September 13, 2021

Moved By Councillor William Reilly

That, the minutes of the open session portion of the September 13, 2021 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 September 13, 2021 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.

12.2. Administration/Finance/Fire Committee

96

Re: Minutes of September 20, 2021

Moved By Councillor Jason Trombetta

That, the minutes of the open session portion of the September 20, 2021 Administration/Finance/Fire 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 September 20, 2021 Administration/Finance/Fire Committee meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with Section 239 of the Municipal Act.

- 12.3. Public Works/Recreation/Arena Committee
Re: Minutes of September 20, 2021

106

Moved By Councillor Harold Jonker

That, the minutes of the Public Works/Recreation/Arena Committee meeting held on September 20, 2021 be accepted and that the recommendations contained therein, be approved with the exception of Item #(s) _____.

13. 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.

14. 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.

15. OTHER BUSINESS

- 15.1. Deputy Treasurer (Katelyn Hall)
Re: Recommendation Report T-24-2021 - Administrative Amendment to By-law 2004-42

112

Moved By Councillor Harold Jonker

1. That, Report T-24-2021, regarding the “Administrative Amendment to By-law 2004-42” dated September 27, 2021, be received for information; and,
2. That, By-law 2021-78 be adopted, to allow for Schedule “B” of By-law 2004-42 to be amended to include the previously

approved Water on Construction fees.

114

- 15.2. By-law Enforcement Officer (Tiana Dominick)
Re: Memorandum - Addition of Open Air Fire Penalties to the Non-Parking AMPS By-law
FOR INFORMATION

- 15.3. Councillor Cheryl Ganann
Re: Acknowledges the Work of the Emergency Operations Centre

Moved By Councillor Cheryl Ganann

WHEREAS the Township of West Lincoln's Emergency Operation Centre Management Team, commonly referred to as the EOC, provides the overall management and coordination of local support activities and recovery by gathering together to collectively and collaboratively support the emergency response and manage the consequences of an emergency; and

WHEREAS the EOC has been consistently reviewing provincial regulations since March 2020 regarding the global COVID-19 pandemic, adjusting operations in accordance with the provincial regulations and communicating such changes with Council, Staff and the Community; and,

WHEREAS the Township has an obligation to protect the employees of the organization under the Occupational Health and Safety Act; and,

THAT, the Township of West Lincoln Council acknowledges the time commitment, dedication and collaborative efforts of the CAO and the Township Emergency Operations Centre (EOC) and supports their diligent work to protect both its workers and the public from potential health hazards presented by the spread of COVID-19 and its variants, while following the statutory requirements of the Occupational Health and Safety Act, whereby the Township is taking all reasonable steps to ensure a safe and healthy workplace environment for all workers.

- 15.4. Members of Council
Re: Council Remarks

16. 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.

17. BY-LAWS

Moved By Councillor Shelley Bradaric

That, leave be granted to introduce By-laws # 2021-74, 2021-75, 2021-76, 2021-77, 2021-78, 2021-79, 2021-80, 2021-81, 2021-82, 2021-83 and 2021-84 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.

SUMMARY OF BY-LAWS

17.1.	BY-LAW 2021-74 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 26th day of July, 2021.	115
17.2.	BY-LAW 2021-75 Being a By-law to amend Schedule G of By-law 2018-114 which confirmed various appointments to Boards and Committees Amends By-law 2018-114 Christmas Parade Comm. (remove Bev Packham)	116
17.3.	BY-LAW 2021-76 A By-law to authorize an agreement between the Corporation of the Township of West Lincoln and Griffin Construction for 2021 Hot Mix Spot repair at various locations	118
17.4.	BY-LAW 2021-77 A By-law to authorize an agreement between the Corporation of the Township of West Lincoln and Play Power for the supply and installation of the Dennis Drive Playground equipment	119
17.5.	BY-LAW 2021-78 Being A By-law to amend By-law 2004-42, as amended, which regulates the supply of water and provides for the imposition and collection of water and wastewater rates - Schedule B Water on Construction Fee	120
17.6.	BY-LAW 2021-79 A By-law to authorize a Site Plan Agreement with Niagara Regional Sportsman Club and any Mortgagees, if applicable, on lands described as Concession 4 Part Lot 15; West Lincoln this plan is not a plan of subdivision with the meaning of the Planning Act.	122
17.7.	BY-LAW 2021-80 Being a By-law to adopt Amendment No. 61 Temporary Use By-law and Garden Suites Policies to the Official Plan for the Township of West Lincoln	123
17.8.	BY-LAW 2021-81 A By-law to amend Zoning By-law No. 2017-70, as amended, of the Township of West Lincoln - Merritt	130
17.9.	BY-LAW 2021-82 A By-law to revoke an agreement between the Corporation of the	133

Township of West Lincoln and Anthony Schipper and Lois Schipper,
authorized by By-law 2017-03, for Temporary Residency during
construction of a replacement dwelling

- 17.10.

BY-LAW 2021-83
A By-law to amend Zoning By-law No. 2017-70, as amended, of the
Township of West Lincoln - Giro

134
- 17.11.

BY-LAW 2021-84
A By-law to establish a system of Administrative Penalties for Non-
Parking Offences within the Township of West Lincoln

137

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

19. **ADJOURNMENT**
The Mayor to declare the meeting adjourned at the hour of _____ p.m.

TRANSPORTATION SERVICES

CAPITAL PROJECTS - 5 YR OVERVIEW



Agenda

- I-5 Year Capital Forecast
- 10 Year Capital Outlook
- Safety Initiatives
- Regional Vision

Capital Budget Allocation

Niagara Region's Capital Budget is broken down into four (4) main areas:

- Network Expansion
- Intersection Improvement Program
- Roads Rehabilitation Program
- Structure Rehabilitation Program

Program Definitions

➤ **Network Expansion**
includes the construction of new roads, and the widening of existing roads to accommodate growth and development as part of the Region's 10-Year Capital Roads Program identified in the Transportation Master Plan.

➤ **Intersection Improvement Program**
involves modifications to improve the safety of the intersection, such as adding turn lanes and curbs, resurfacing the road and changing pavement markings, installing new traffic signals, and creating roundabouts.

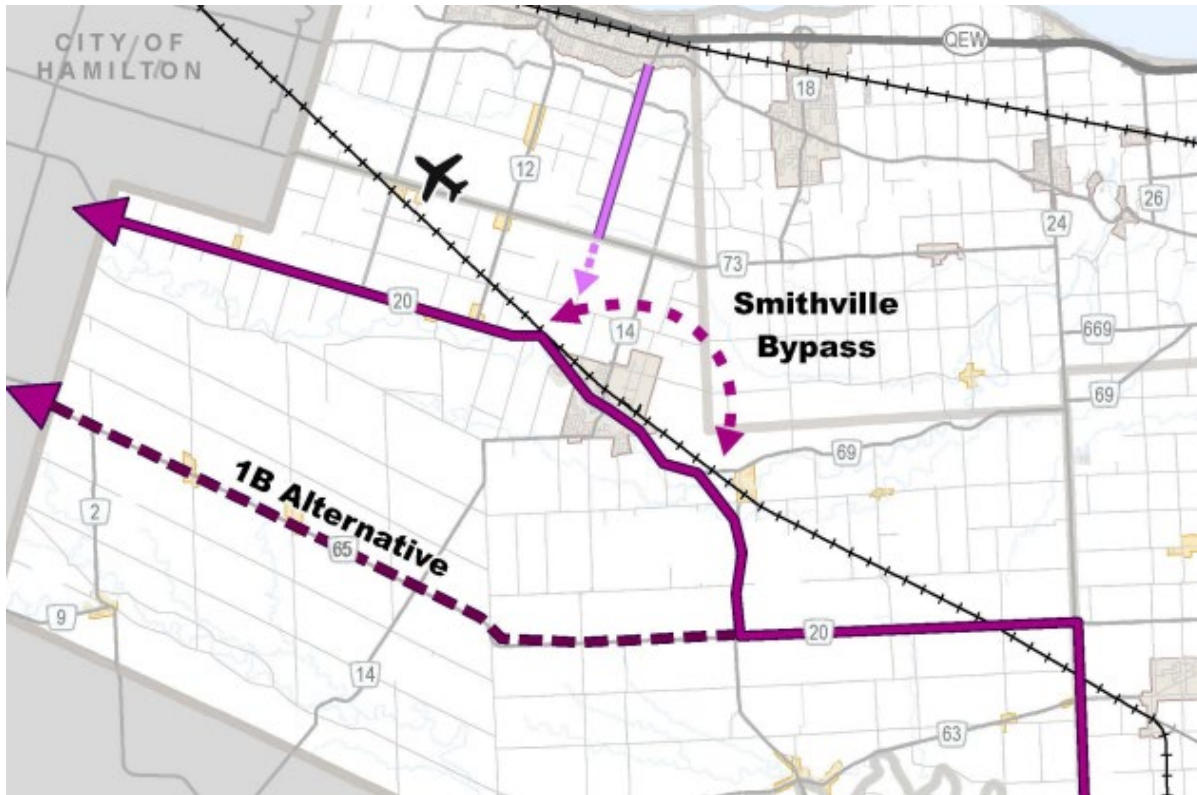
➤ **Roads Rehabilitation Program**
involves reconstruction of roads to address deteriorating pavement conditions and improve the cross section. This may include new buried infrastructure, curb and gutter and active transportation.

➤ **Structure Rehabilitation Program**
Will include one of the following strategies:
Bridge Rehabilitation involves the modification, alteration or improvement of existing bridges on Regional Roads. The work is performed to correct deficiencies that will extend the service life or increase the load carrying capacity.
Bridge Replacement involves the replacement of existing bridge structures that have reached the end of their service life.

I-5 Year Capital Forecast Network Expansion

Hwy 20 Smithville Bypass Study

Status
Future Project



Hwy 20 Smithville Bypass area from 2017 TMP
Page 12 of 153

I-5 Year Capital Forecast Intersection Improvement Program

Regional Road 14 Thirty Rd At Young St

Status
Future Project



RR14 Thirty Rd looking north at Young St
Page 13 of 153

I-5 Year Capital Forecast Intersection Improvement Program

Regional Road 24 Victoria Ave

At RR63 Canboro Rd

Status

Design Phase



Victoria Avenue - looking north



Canboro Road - looking west

I-5 Year Capital Forecast Roads Rehabilitation Program

Regional Road 2 Caistorville Rd From Regional Boundary to Concession 1 Rd

Status

Design to commence in 2022



RR2 Caistorville Rd looking north to Concession 1 Rd

I-5 Year Capital Forecast Roads Rehabilitation Program

Regional Road 20 West St Phase 4 South Grimsby Rd 5 to Wade Rd

Status
Detailed Design underway



RR20 West St looking west to South Grimsby Rd 5

I-5 Year Capital Forecast Roads Rehabilitation Program

Regional Road 20 St. Catharines St Phase 5 Griffin St to Industrial Park Rd

Status
Detailed Design underway



RR20 St. Catharines St looking east to Industrial Park Rd

I-5 Year Capital Forecast Roads Rehabilitation Program

Regional Road 63 Canborough Rd from RR27 Wellandport Rd to the Wellandport Community Centre

Status

Preliminary Design underway



Canborough Rd west of Lincoln St - looking west



Canborough Rd east of Welland St - looking east

I-5 Year Capital Forecast Roads Rehabilitation Program

Regional Road 69 Twenty Mile Rd from RR24 Victoria Ave to Mountain Rd

Status
Future Project



RR69 Twenty Mile Rd looking west at Snyder Rd
Page 19 of 153

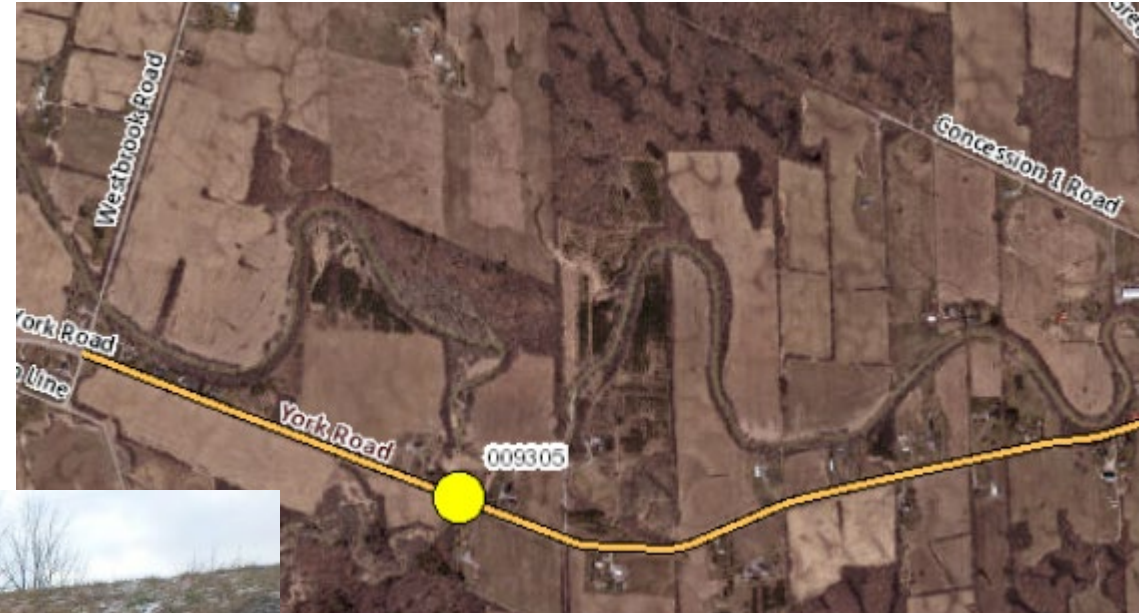
I-5 Year Capital Forecast Structure Rehabilitation Program

York Rd Culvert

Roadway over the culvert looking east

Status

Future Project



York Rd Culvert
– north elevation



I-5 Year Capital Forecast Structure Rehabilitation Program

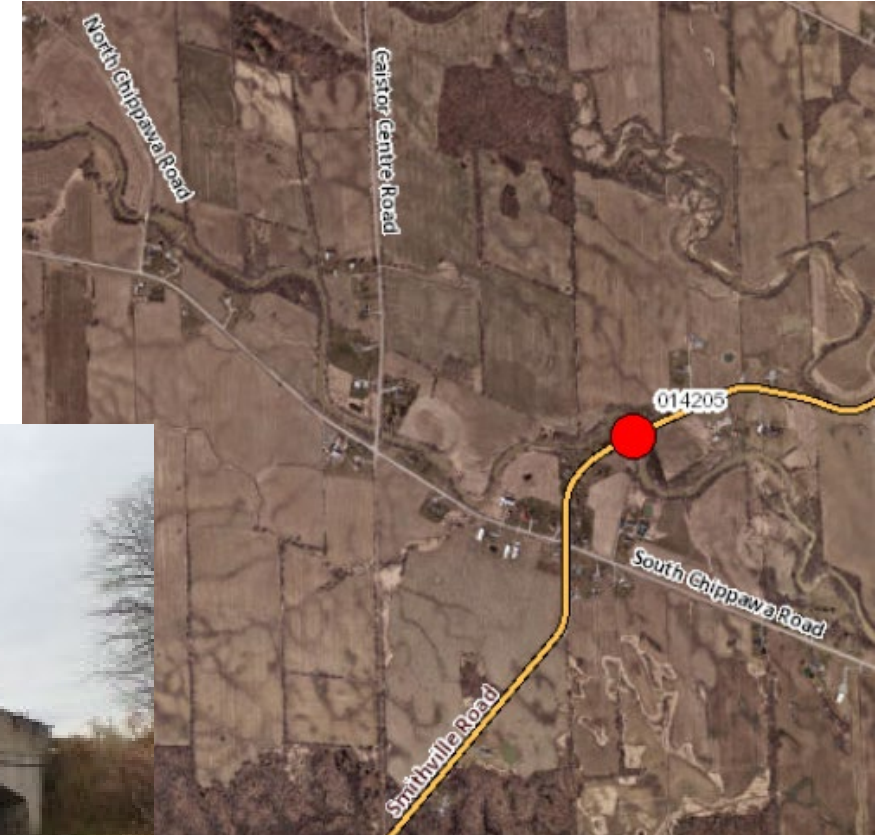
Warner Bridge

Smithville Rd over structure looking south

Status
Future Project



Warner Bridge –
east elevation

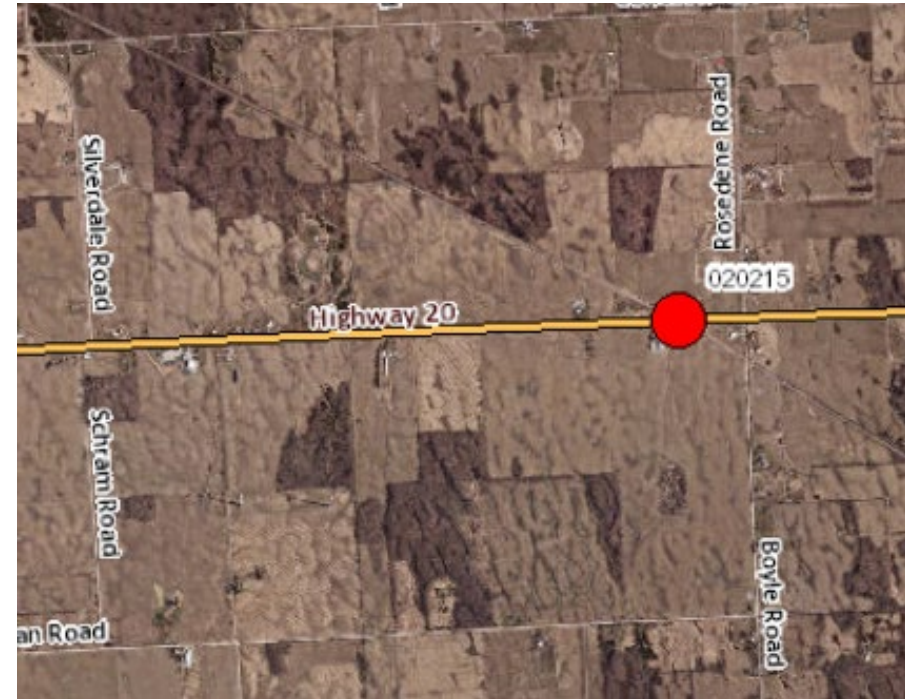


I-5 Year Capital Forecast Structure Rehabilitation Program

Hwy 20 CPR Subway Bridge

Roadway under structure looking east

Status
Future Project



I-5 Year Capital Forecast Structure Rehabilitation Program

Beaver Creek Bridge

Roadway under structure looking west

Status
Future Project



Beaver Creek Bridge – north elevation



6-10 Year Capital Forecast Structure Rehabilitation Program

Ellis Bridge and Caistorville Rd Bridge

Ellis Bridge - Caistorville Rd looking south

Status
Future Project



Caistorville Rd Bridge - looking south

Status
Future Project



Ellis Bridge -
east elevation



Caistorville Rd Bridge –
west elevation



6-10 Year Capital Forecast Structure Rehabilitation Program

Thirty Rd Bridge

Roadway over bridge looking south

Status
Future Project



Thirty Rd Bridge –
west elevation



6-10 Year Capital Forecast Structure Rehabilitation Program

Canborough Rd Bridge

Roadway over Culvert – looking east

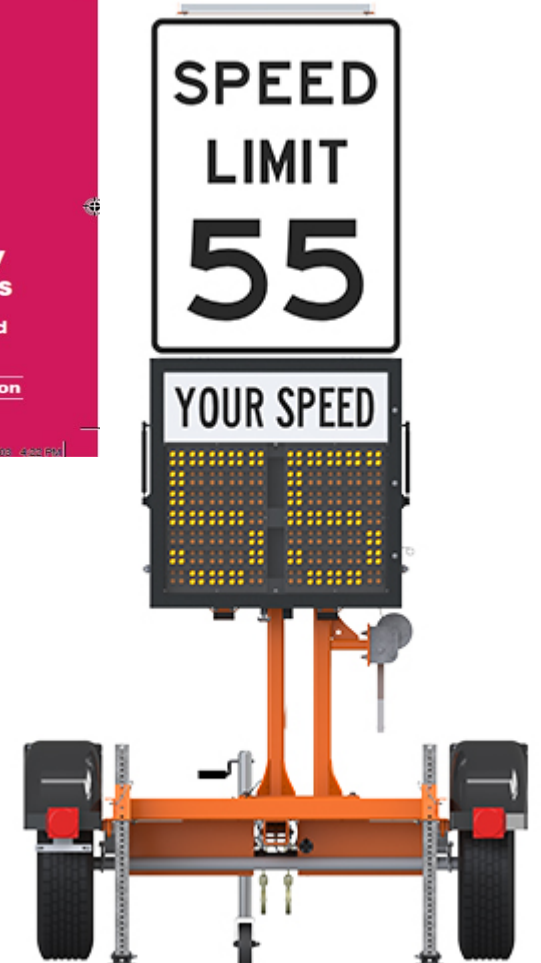
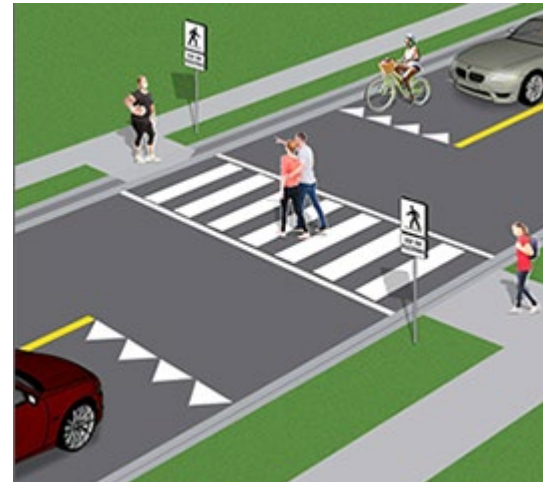
Status
Future Project



Canborough Rd Bridge –
South elevation

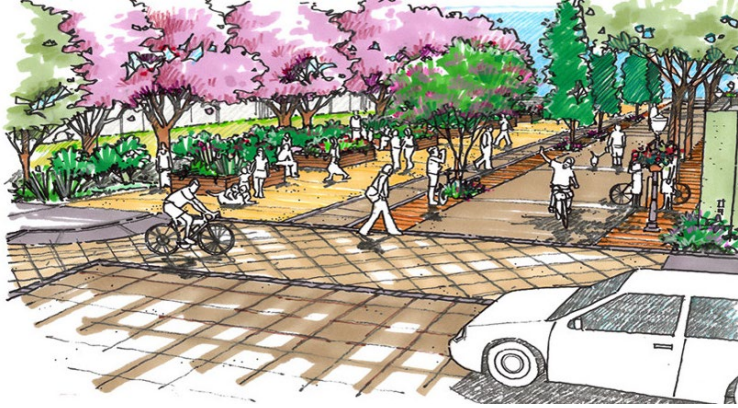
Safety Initiatives

- Vision Zero Road Safety Program
- Pavement Line Marking and Crosswalks
- Speed Display Trailer
- Sign Installations

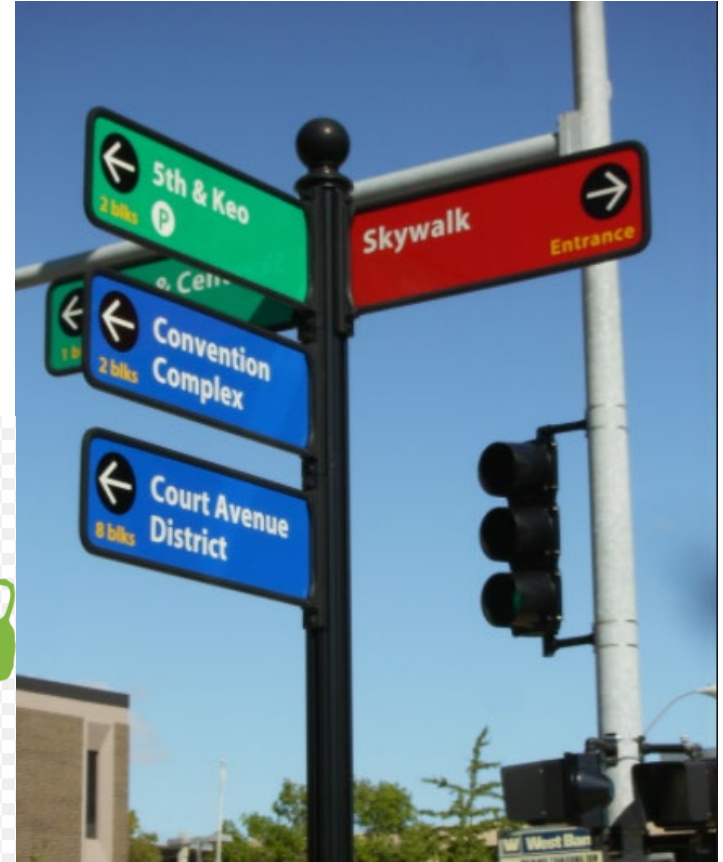


Regional Vision

➤ Complete Streets



➤ Regional Wayfinding



➤ Niagara-Hamilton Trade
Corridor



Thank-you

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

MEETING NO. THIRTEEN

July 26, 2021, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

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

Staff: Joanne Scime, Clerk
Bev Hendry, CAO
Donna DeFilippis, Treasurer/Director of Finance
Dennis Fisher, Fire Chief
Mike DiPaola, Director of Public Works and Recreation
Brian Treble, Director of Planning and Building
Gerrit Boerema, Planner II
Roberta Keith, IT Manager
Jessica Dyson, Deputy Clerk
Meghan Birbeck, Planner I
Cindy Weir, Interim Library CEO

Others: Regional Councillor Albert Witteveen*
Matt Kernahan, Upper Canada Consultants (Giro Estates)*
Anita Merritt*
Pamela Blackwood, McNally House Hospice*
Murray Bain, McNally House Hospice*
Matt Robinson, Niagara Region*
Scott Fraser, Niagara Region*
Heather Talbot, Niagara Region*
Albino Giro*
Jowett Lau, Phelps Homes*
Linda Sivyer
Alf Connell
Moosa Imran, Niagara This Week*
Tristan Marks, News Now*

* IN ATTENDANCE PART TIME

1. PUBLIC MEETING UNDER THE PLANNING ACT

NOTE: The Public Meeting under the Planning Act will commence at 6:30 p.m.

- 1.1 Zoning By-law Amendment - Giro Estates - 5482 Twenty Mile Road - File No. 1601-010-21

The Public Meeting under the Planning Act adjourned at 6:49 p.m.

- 1.2 Zoning By-law Amendment - Temporary - Garden Suite - Richard & Anita Merritt - File No. 1601-011-21

The Public Meeting under the Planning Act adjourned at 7:01 p.m. and the Chair called a brief recess prior to the Council Meeting commencing.

2. SINGING OF "O CANADA"

Prior to commencing with the Council meeting, Mayor Bylsma provided the following announcements:

1. Due to efforts to contain the spread of COVID-19 and to protect all individuals, and to comply with the Province's state of emergency order, the Council Chambers are not open to the public to attend Council Meetings until further notice.
2. As noted on this evening's agenda, any Members of the Public who wanted to provide comments, could do so at the meeting under the "Request to Address Items in the Agenda" or by emailing the Clerk by 4:30 pm today. Please note that any email comments submitted are considered to be public information and will be read into public record later in the agenda.
3. Any Members of the Public could attend this evening's Council meeting virtually by contacting the Clerk by email prior to 4:30 p.m. day to request a Zoom invitation to the meeting; and,
4. This meeting was being audio and video recorded and will be posted on the Township's web site within 48 hours.

3. LAND ACKNOWLEDGEMENT STATEMENT

Mayor Bylsma read the following Land Acknowledgement statement:

On behalf of the Members of Council and staff, we wish to acknowledge this land on which the Township of West Lincoln operates. The land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabeg peoples and is still home to many indigenous people today. We are grateful to have the opportunity to work here today and to follow the Haudenosaunee system of blending laws and values and the Anishinaabe beliefs to strive to live in harmony and balance throughout the Municipality. We acknowledge that we are all treaty people and accept our responsibility to honour all our relations.

4. OPENING PETITION - Councillor Cheryl Ganann

5. CHANGE IN ORDER OF ITEMS ON AGENDA

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

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

There were no Members of Council that declared a pecuniary interest and/or conflict of interest.

7. REQUEST TO ADDRESS ITEMS ON THE AGENDA

The Chair inquired if the IT Manager was aware if there were any members of the public in attendance virtually on the Zoom meeting call that wished to address a specific item on tonight's agenda as permitted under Section 6.7 of the Procedural By-law, for which the IT Manager confirmed there were not.

Additionally, the Chair asked the Clerk and Deputy Clerk if either of them had received any emails or correspondence from a member of the public prior to 4:30 p.m. today to read into the record, for which the Clerk and Deputy Clerk both confirmed they had not.

8. APPOINTMENTS/PRESENTATIONS

- 8.1 Pamela Blackwood, Executive Director - McNally House Hospice
Re: Expansion Project - Additional Information

Mr. Bain (Board Chair & President of the McNally House Hospice), provided a presentation to Council (attached as **Schedule A**) regarding additional information with respect to the McNally House Hospice Expansion project. Mr. Bain stated that the information presented tonight is to clarify a number of questions that arose from the McNally house presentation at the Administration/Finance/Fire presentation in June and provide additional information regarding the expansion project to Council.

In response to Councillor Rehner's question regarding the McNally House interpretation of any future monetary requests from Hospice Niagara and those requests being supported by the Niagara Region, Mr. Bain stated that Hospice Niagara has made a request for a specific monetary amount to the Region of Niagara that will be considered for the Region's next budget, however Mr. Bain stated that he expects that once the request is presented during the Region's budget deliberation that there will be questions with respect to the Hospice request. Councillor Rehner stated that he had concerns that there was no dollar value or capped value in the Niagara Region's support of any future requests made from Hospice Niagara. Councillor Rehner stated that he would be in support of referring the McNally House request for financial assistance to the Township's 2022 budget for future deliberation.

Councillor Reilly stated that he wanted to clarify some confusion that may have arisen from the McNally House presentation in June and stated that Council did not deny the motion to support McNally House, but rather that Council chose to accept the correspondence for information and that the information be discussed at the appropriate time. Councillor Reilly spoke of his concerns with respect to the increase in taxes this may have on the tax payers as many are facing financial strains due to the pandemic. Mr. Bain stated that he understands Council's responsibility to decide what goes through at budget and Council's considerations of the Township's financial priorities.

Councillor Trombetta stated he has heard from many of his constituents that have shared the importance of the McNally House Hospice and noted that it would have been influential for these constituents to be a part of, or their comments be included, in the McNally House presentation. Councillor Trombetta also stated that he agrees that this request should be referred to the Township's 2022 budget for deliberation and consideration.

Councillor Ganann stated that when the McNally House project was presented at Committee in June, there was not a motion to refer the request to budget, noting that it would have been difficult to bring this request forward for budget consideration. Councillor Ganann also stated that \$70,000 over 5 years is not an amount that will stay on the tax base for a long period of time. Councillor Ganann expressed the importance of the Hospice service and shared that the Township should be considering the healthcare of our residents.

The Director of Finance provided clarity to Council with respect to the appropriate wording for the resolution being discussed, stating that if Council decides to make a recommendation that this request be referred to budget then staff will look at all financing options and fairly present them to Council in order to make an appropriate decision, therefore no additional wording in the resolution would be required.

In response to Councillor Reilly's question regarding other funding options, such as a surplus or reserve, for the McNally House project, the Director of Finance stated that there are options available for funding such as reserves that can be explored.

Moved By Councillor Shelley Bradaric

Seconded By Councillor Cheryl Ganann

- (1) That, the letter dated July 21, 2021 from Murray Bain and Debbie Zimmerman, Campaign Co-Chair, McNally House Hospice, which provides new additional information relating to the McNally House Hospice Expansion project be received; and,

- (2) That, the request for financial assistance of \$70,000 over 5 years (\$14,000/year) be referred to the Township's 2022 Budget for further deliberation and consideration.

Carried

- 8.2 Matt Robinson, Niagara Region, Director GO Implementation
Re: Niagara Transit Governance - Revised Strategies Reflecting Phase 1 Municipal Consultation

Mr. Matt Robinson (Niagara Region), reviewed the PowerPoint presentation (attached as **Schedule B**) regarding the revised Niagara Transit Governance strategies, which outlines steps towards an integrated, consolidated transit system.

Councillor Ganann noted that she appreciates that Council's concerns were heard when developing the revised Niagara Transit Governance strategies. Councillor Ganann stated that West Lincoln residents do not currently have transportation services within the municipality and questioned how Council would be able to address these concerns to the citizens of West Lincoln. In response to Councillor Ganann's question, Mr. Robinson stated that the extension of service locally is \$250,000 annually because it is the jurisdiction of each local municipality. Mr. Robinson stated that the annual fee is the short term option for local transit and stated that if, or when, the service is consolidated and Niagara Region has a new Commission, the fee would ultimately go to the Regional Levy. Mr. Robinson added that at that point, it would be at the request of Council to the Commission and the Commission will determine whether service should be extended locally. In response to Councillor Ganann's question regarding the amount of \$250,000 set for the pilot project and the possibility of that amount changing, Mr. Robinson stated that the price is subject to change moving forward based on the future direction and decision of the NRT agreement. Mr. Robinson added that the current agreement which includes the \$250,000 annual buy-in for municipalities extends to August 2022, beyond that, the Niagara Region will have to make a decision on whether the agreement extends, or if the Niagara Region goes back to market or uses their own Commission.

Councillor Reilly questioned whether private sectors were considered as he feels like there is an opportunity for a partnership so that the service is not solely funded by the taxpayers. In response to Councillor Reilly's question, Mr. Robinson stated that the private sector would be along the lines of letting the market provide a solution, because right now a private sector operator provides a service contracted by the Niagara Region. Mr. Robinson stated that an extensive amount of consultation and feedback from the public was considered during the process and noted that services such as a taxi service were found to be unreliable, very difficult to find,

expensive and infrequent. Mr. Robinson also noted that the market has not provided any transit services into all of West Niagara, therefore the Region has stepped in to fill that void at a rate that is affordable to Niagara residents. In response to Councillor Reilly's question regarding if the Niagara Region Transit board positions were paid positions, Mr. Robinson stated that there have not been discussions with respect to remunerations for the 15 members that are being proposed, however, referred that question to the Regional Clerk.

Councillor Trombetta stated that \$250,000 is a lot of money to on the Township's tax levy adding that other municipalities in the Region would benefit more from the Township's contribution to this service than the residents of West Lincoln. Councillor Trombetta noted that this service may be something that would be beneficial in the future, but not something that would benefit the municipality at this current time.

The CAO provided some comments to Council with respect the NRT On Demand service sharing that the Niagara Transit group is doing a consultation with a number of users and have had a lot of interest from students who are looking for transit to schools outside the municipality, as well as local business that are interested in the service, therefore feels that there is a growing demand that Council should be aware of. The CAO also clarified that any resident in West Lincoln can take advantage of the NRT On Demand service and be transported from their location in West Lincoln to any other municipality in Niagara for \$6.00 one way. Councillor Reilly questioned what type of feedback will be provided to the Niagara Region, stressing that he does not want to agree to commit to anything at the current time as he does not feel the municipality can afford it. In response to Councillor Reilly's question, the CAO stated the information that is before Council outlines the Township's current level of service and contribution to the Regional Levy, adding that Council is receiving a report that outlines Niagara Region's revised strategies from Council's concerns raised during the Niagara Region's last presentation. The CAO added that if Council wished to provide comments on what the composition should be, she would be happy to pass along any additional comments stating that she understands Council's position on the budget and the concerns raised.

In response to Councillor Trombetta's question regarding why residents cannot receive transit service within West Lincoln, Mr. Robinson stated that local transit cannot be delivered by the Niagara Region as it is a local responsibility, therefore each municipality is responsible for agreeing to allow the Niagara Region to offer that local transit service. Councillor Trombetta requested a recorded vote.

Moved By Councillor Cheryl Ganann

Seconded By Councillor Shelley Bradaric

1. That, Niagara Region Report LNTC-C 3-2021 regarding "Niagara Transit Governance - Revised Strategies Reflecting Phase 1 Municipal Consultation" as well as the PowerPoint Presentation presented at the July 26, 2021 Council Meeting be received for information; and,
2. That, staff be and are hereby directed to provide any additional municipal feedback on the revised Financial Strategy, Board Composition model, and Service Standards Strategy, by no later than August 25, 2021.

	For	Against
Mayor Dave Bylsma	X	
Councillor Shelley Bradaric	X	
Councillor Cheryl Ganann	X	
Councillor Harold Jonker	X	
Councillor Mike Rehner	X	
Councillor William Reilly	X	
Councillor Jason Trombetta		X
Results	6	1

Carried (6 to 1)

9. REGIONAL COUNCILLOR'S REMARKS

Regional Councillor Albert Witteveen provided a verbal update on the following local Regional Issues:

- (1) Addressing with Niagara Region staff with respect to the rehabilitation of Regional Road 20 from South Grimsby Road 5 to Wade Road, specifically the crosswalk that is to be designed and installed near Wade Road and the West Lincoln Community Centre.
- (2) Following up with respect to concerns that were brought forward by Councillor Bradaric and Councillor Ganann regarding childcare and that he has forwarded any questions and/or concerns that he has received from residents to Niagara Region Public Health staff in order for them to respond accordingly; and,
- (3) He had met with the new Farmers' Market Coordinator prior to the Farmers' Market starting on Friday, July 23, 2021, and had given her the Farmers' Market trailer that he had used when the Farmers' Market operated out of the Convenience Street Parking Lot a few years ago.

Councillor Reilly advised that he appreciated the feedback from Regional Councillor Witteveen and his advocacy with respect to the installation of a new crosswalk which was very important to many members of the community and he hoped that the new crosswalk would be installed in the Fall or early Winter.

10. CONFIRMATION OF MINUTES

- 10.1 Council Minutes - Regular
Re: June 28, 2021

Moved By Councillor Mike Rehner

Seconded By Councillor Cheryl Ganann

That, the minutes of the open session portion of the June 28, 2021 regular Council meeting be accepted; and,

That, the confidential minutes relating to the closed session portion of the June 28, 2021 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.

Carried

- 10.2 Council Minutes - Special
Re: July 19, 2021

Councillor Reilly advised that he was absent from this meeting and therefore would not be participating in the vote of the minutes.

Moved By Councillor Harold Jonker

Seconded By Councillor Mike Rehner

That, the minutes of the open session portion of the July 19, 2021 special Council meeting be accepted; and,

That, the confidential minutes relating to the closed session portion of the July 19, 2021 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.

Carried

11. COMMUNICATIONS

There were no communications.

12. MAYOR'S REMARKS

Mayor Dave Bylsma provided the following remarks:

- (1) He had been invited, along with MPP Sam Oosterhoff, the Mayors of Grimsby and Lincoln as well as the West Niagara Regional Councillors, to attend a photo-op and announcement that was made by the Provincial Minister of Education, Stephen Lecce, at the site of the West Niagara Secondary School with respect to the Province providing funding of \$6.8 million dollars towards the construction of a new theatre and high school; and,

- (2) He had been invited by the Regional Chair along with the Mayors of the 11 local area municipalities to enter a discourse and discussion with local business partners and business strategists with respect to recovery from the COVID-19 Pandemic, which he found to be a very informative and productive; and,
- (3) Advised that he was on vacation last week but he wanted to acknowledge the West Lincoln Farmers' Market which opened this past Friday (July 23), which from the pictures on Facebook looked like it was a great success and he wanted to praise Township staff for the hard work in getting the Farmers' Market operating within a very short timeframe. Mayor Bylsma stated that he looked forward to attending the Farmers' Market this Friday and many more thereafter.

13. REPORT OF COMMITTEE

There were no Reports of Committee.

14. RECONSIDERATION

There were no items put forward for reconsideration.

15. NOTICE OF MOTION TO RESCIND

There were no motions to rescind put forward by any Member of Council.

16. OTHER BUSINESS

16.1 CONSENT AGENDA

Moved By Councillor William Reilly

Seconded By Councillor Cheryl Ganann

That Council hereby approves the following Consent Agenda Items:

1. Items 1, 2, 3, 4, 5, 6 and 7 be and hereby received for information; and,
2. Items 8, 9, 10 and 11 be and are hereby received and that the recommendations contained therein be adopted.

Carried

SUMMARY OF APPROVED CONSENT AGENDA ITEMS:

1. West Lincoln Public Library Board - Minutes of June 11, 2021
2. Final 2020 Audited Financial Statement - For Information (Draft Previously Approved)
3. Information Report T-19-2021 - Financial Update as of June 30, 2021
4. Information Report WLFD-12-2021 - Monthly Update June 2021
5. Information Report No. PD-83-2021 – 2020 Building Department Annual Budget Report 2020
6. Information Report No. PD-91-2021 - Region of Niagara – New Official Plan (Official Plan 5 Year Review) and Regional Report PDS-17-2021

7. Information Report No. PD-90-2021 - Township and Regional staff Response to ERO Posting No. 019-2785 - Proposed Land Use Compatibility Guideline
8. Technical Report No. PD-82-2021 - Zoning By-law Amendment (Temporary Use By-law) Anita Merritt Garden Suite Application
9. Technical Report No. PD-84-2021 - Giro Estates - Zoning By-law Amendment File No. 1601-010-21
10. Recommendation Report No. PD-89-2021 - South Grimsby Road 10 Road Allowance
11. Recommendation Report No. PD-085-2021 - Update Report on Proposed Car Wash and Proposal to Pass a New By-law to Provide Authority to Sign a Site Plan Agreement with 2090754 Ontario Inc.

16.2 CAO (Bev Hendry)
Re: Employee Professional Accomplishments

1. Gerrit Boerema - Planner II - Masters in Environmental Science in Planning - University of Waterloo

The CAO acknowledged the professional accomplishments of Gerrit Boerema, Planner, who recently received his Masters in Environmental Science in Planning at the University of Waterloo.

Many Members of Council congratulated Mr. Boerema on this outstanding accomplishment.

16.3 Fire Chief (Dennis Fisher)
Re: Recommendation Report WLFD-13-2021 - Purchase of New Tanker Apparatus

Moved By Councillor Jason Trombetta
Seconded By Councillor Mike Rehner

1. That, report WLFD-13-2021 regarding "Purchase of New Tanker Apparatus" dated July 26, 2021 be accepted; and,
2. That, Staff be authorized to proceed with the purchase of a 2022 Tanker from SafeTek at a cost of \$444,090.00 plus HST.

Carried

16.4 Treasurer/Director of Finance (Donna DeFilippis)
Re: Recommendation Report T-20-2021 - 2020 Accumulated Operating Surplus

Moved By Councillor Shelley Bradaric
Seconded By Councillor Jason Trombetta

COUNCIL (INCLUDES ALL COMMITTEES) MINUTES - July 26, 2021

1. That, report T-20-2021, regarding "2020 Accumulated Operating Surplus" dated July 26, 2021, be received; and,
2. That, Council authorizes the transfer of \$150,000 of the 2020 Accumulated Operating Surplus to be used as revenue in the 2022 budget; and,
3. That, Council approve budget amendment BA2021-08 , which authorizes the following reserve transfers: \$500,000 to the Fire Reserve, \$50,000 to the Bridge Reserve, \$125,000 to the Contingency Reserve, \$110,500 to the Winter Control Reserve and \$83,500 to the Capital Reserve.

Carried

- 16.5 Treasurer/Director of Finance (Donna DeFilippis)
Re: Recommendation Report T-21-2021 - 2022 Budget Process and Schedule

Moved By Councillor Cheryl Ganann

Seconded By Councillor Harold Jonker

1. That, report T-21-2021, regarding "2022 Budget Process and Schedule" dated July 26, 2021, be received; and,
2. That, the Preliminary Draft 2022 Operating and Capital Budgets and Ten Year Capital Plans be presented at the Administration/Finance/Fire Committee meeting scheduled for Monday, January 17, 2022 at 6:30 pm; and
3. That a Public Budget Open House be held on Wednesday, February 2, 2022 at 7:00 pm; and,
4. That, the draft 2022 Operating and Capital Budgets be presented at the Administration/ Finance/Fire Committee Meeting scheduled for Tuesday, February 22, 2022 at 6:30 pm, with an additional date set for further deliberation, if required, for Wednesday, February 23, 2022 at 6:30 pm; and,
5. That, budget ratification take place at the Council Meeting scheduled for Monday, February 28, 2022.

Carried

- 16.6 Planner II (Gerrit Boerema) & Director of Planning and Building (Brian Treble)
Re: Recommendation Report No. PD-78-2021 - Comprehensive Zoning Bylaw 2017-70, as amended Housekeeping Amendments No. 4

The Planner II, Gerrit Boerema, read into the record two emails he had received earlier today with respect to Housekeeping Amendment No. 4 to the Zoning By-law 2017-70, which are attached as **Schedules "C" & "D"** to the minutes.

In response to Mayor Bylsma's concerns regarding Mr. Harvey Pot's email and whether an amendment was needed to address Mr. Pot's request for his lands on Vaughan Road to remain zoned as Commercial C3, the Planner II advised that a portion of the property Mr. Pot owns, being approximately 9 acres that fronts onto Vaughan Road that currently contains a chicken barn and field crops has been zoned Commercial C3 since the original Zoning By-law was enacted in 1979. The Planner II stated that staff were unsure why the property was zoned Commercial C3 as it is believed there was never a commercial use on the property, and which Mr. Pot was never aware of either until he received notice from the Township that we were seeking to align the zoning to the agricultural designation in the Official Plan. The Planner II advised that from staff's perspective, it is felt that the rezoning from Commercial C3 to Agricultural A2 was appropriate due to the fact that there is no commercial use on the property and there was no plans at the time when the notice was circulated to Mr. Pot. The Planner II advised that the surrounding lands were primarily agricultural with other chicken barns in the area and keeping the Commercial C3 zone on the property could have a negative impact on the agricultural uses on the subject property as well as surrounding properties.

The Director of Planning & Building further noted that Mr. Pot's property on Vaughan Road, which was currently zoned Commercial C3 has a chicken barn located in the middle of the property, which was a incompatibility issue. The Director of Planning & Building advised that although staff do not have any details with respect to Mr. Pot's commercial proposal and if it were a business to serve the agricultural community, it would most likely make sense for him to operate the business from his property on Regional Road 20. The Director of Planning & Building advised that staff will work with Mr. Pot and that he did not feel that the Housekeeping Zoning By-law needed to be held back due to the comments contained in his email.

Moved By Councillor Harold Jonker

Seconded By Councillor William Reilly

1. That, Report PD-78-2021, regarding "Recommendation Report - Housekeeping Amendments No. 4 to Zoning Bylaw 2017-70, as amended File No. 2100-009-21", dated July 26, 2021 be received; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, an application for Zoning By-law Amendment, 1601-009-21, submitted by the Township of West Lincoln and a corresponding bylaw be APPROVED and passed; and,
4. That Staff be authorized to circulate the Notice of Decision for the Zoning Bylaw Amendment with the corresponding 20-day appeal period.

Carried

- 16.7 Planner II (Gerrit Boerema) & Director of Planning and Building (Brian Treble)
Re: Technical Report No. PD-80-2021 - Marz Homes (Smithville West) Inc.
– Thrive – Draft Plan of Subdivision and Rezoning

Moved By Councillor Mike Rehner

Seconded By Councillor Cheryl Ganann

1. That, report PD-80-2021 regarding “Technical Report No. 2 - Marz Homes (Smithville West) Inc. – Thrive - Draft Plan of Subdivision and Rezoning – File No. 2000-90-20” dated July 26, 2021, BE RECEIVED; and,
2. That, Staff, prepare a recommendation report for presentation at a future Planning/Building/Environmental Committee Meeting once all comments have been adequately addressed and the additional environmental reports have been received by the agencies.

Carried

- 16.8 Planner II (Gerrit Boerema) & Director of Planning and Building (Brian Treble)
Re: Recommendation Report No. PD-81-2021 - Comprehensive Zoning Bylaw 2017-70, as amended Housekeeping Amendments No. 5 - Introduction of New Housing Types

Moved By Councillor William Reilly

Seconded By Councillor Cheryl Ganann

1. That, Report PD-81-2021, regarding “Housekeeping Amendments No. 5 to Zoning Bylaw 2017-70, as Amended – Introduction of New Housing Types”, dated July 26, 2021 be received; and,
2. That, proper notice be given and a public meeting be held, as required by the Planning Act, at a future Planning/Building/Environmental Committee Meeting.

Carried

- 16.9 Director of Planning and Building (Brian Treble)
Re: Recommendation Report No. PD-86-2021 – Garden Suite Official Plan Policy Amendment

The Director of Planning & Building advised that Provincial policy states that a Garden Suite can remain in effect for 20 years whereas the Township's policy was 10 years and that staff will be making an amendment to be in line with the Province's policy prior to approving the Merritt's rezoning application. The Director of Planning & Building advised

that a Public Meeting and Recommendation Report to address the alignment of the Township's policy with the Provincial Policy for Garden Suites will be done in September.

Moved By Councillor Jason Trombetta

Seconded By Councillor Mike Rehner

1. That, report PD-86-2021, regarding "Recommendation Report, Garden Suite Official Plan Policy Amendment", dated July 26, 2021 be RECEIVED; and,
2. That, staff be and are hereby authorized to commence a public meeting to set the garden suite temporary use by-law limitation period to 20 years in accordance with Provincial Policy.

Carried

- 16.10 Director of Planning and Building (Brian Treble)
Re: Information Report No. PD-087-21 – Revised Site Drawing Submission Guideline

Moved By Councillor Shelley Bradaric

Seconded By Councillor Jason Trombetta

1. That, Report PD-087-21, regarding "Revised Site Drawing Submission Guideline", dated July 26, 2021, be RECEIVED for INFORMATION.

Carried

- 16.11 Director of Planning and Building (Brian Treble)
Re: Recommendation Report No. PD-79-2021 - Site Plan Approval Authorization Clifford Street Business Park Inc.

The Director of Planning & Building noted that a new industry will be setting up in the West Lincoln Industrial Park, and they hoped to be operating by early 2022.

Moved By Councillor Cheryl Ganann

Seconded By Councillor Harold Jonker

1. That, report PD-79-2021, regarding "Recommendation Report, Site Plan Approval Authorization, Clifford Street Business Park Inc., File No. 2100-010-21" dated July 26, 2021, BE RECEIVED; and,
2. That, a Bylaw be passed to authorize the Mayor and Clerk to sign a Site Plan Agreement with Clifford Street Business Park and any mortgagees, once all site plan details are completed to the satisfaction of the Planning Department.

Carried

16.12 Director of Planning & Building (Brian Treble)

Re: Recommendation Report No.PD-92-2021 - Preliminary Report on Update of Parkland/Parkette By-law and Naming of Parks, Parkettes and Trails in Smithville

Moved By Councillor Harold Jonker

Seconded By Councillor William Reilly

1. That, report PD-92-2021, regarding “Recommendation Report, Preliminary Report on Update of Parkland/Parkette By-law and Naming of Parks, Parkettes, and Trails in Smithville”, dated July 26th, 2021 be received; and,
2. That, staff be authorized to finalize the parkland by-law and procedure for the naming of parks, parkettes, and trails in West Lincoln and report back for final approval; and,
3. That, the following names be assigned to the new unnamed parks/parkettes as follows:
 - a. Streamside Subdivision – Catalina Parkette
 - b. Dennis Drive – Olde Town Parkette
 - c. Harvest Gate – Auburn Trail Parkette
4. That, staff report back with a final naming procedure and park by-law at a future meeting.

Carried

16.13 Planner I (Meghan Birbeck) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-88-2021 - Smithville Urban Forest Tree Planting

Moved By Councillor Mike Rehner

Seconded By Councillor William Reilly

1. That, report PD-88-2021, regarding “Recommendation Report, Smithville Urban Forest Tree Planting”, dated July 26th, 2021 be received; and,
2. That, Council endorse a Stewardship Agreement with Land Care Niagara to obtain eligible funding from the Forests Ontario’s 50 Million Trees Program and the NPCA’s Restoration Grant Program and that the \$2,000 application fee be paid from an account as approved by the Director of Finance; and,
3. That a by-law be passed to authorize the Mayor and Clerk to sign a Stewardship Agreement with Land Care Niagara to plant 0.769 hectares (1.9 acres) of trees on Township owned property north of Anastasio Park as shown on Attachment 3 to this report.

Carried

16.14 By-law Enforcement Officer (Tiana Dominick) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-93-2021 - Amendment to the Sign Bylaw 2020-54, 1. Delegating the variance process to the Committee of Adjustment, 2. Revising the Ground Sign and Pole Sign setback requirements to align with the Niagara Region requirements, and 3. Authorizing an approved Site Plan agreement to take precedence over the requirement to obtain a variance

Moved By Councillor William Reilly

Seconded By Councillor Cheryl Ganann

1. That, report PD-93-2021, regarding "Amendment to the Sign By-law 2020-54", dated July 26, 2021 be RECEIVED; and,
2. That, the bylaw attached as Attachment 1 to this report, which will provide Council with the authority to delegate the Sign Bylaw variance process to the Committee of Adjustment, amend the setback requirements for Pole Signs and Ground Signs, and allow Site Plan agreements to take precedence over the requirement to apply and obtain a local Sign Bylaw permit, be approved; and,
3. That, the by-law attached as Attachment 2 to this report, be approved to amend By-law 2018-108, giving delegation to the Committee of Adjustment for approval or denial of sign variances as per By-law 2020-54, Section 4.9.3, as amended.

Carried

16.15 Members of Council

Re: Council Remarks

- (1) Councillor William Reilly
 - (a) Farmers' Market

Councillor Reilly advised that he and his children attended the West Lincoln Farmers' Market this past Friday afternoon and he thanked staff and the Farmers' Market Coordinator for their hard work in making this come to realization. Councillor Reilly noted that the feedback on social media was very positive, with the expectation that it will continue to grow with the market having more vendors participating this week.

- (b) Theatre at New West Niagara Secondary School - Provincial Funding Received

Councillor Reilly stated that it was great news to hear about the Province providing funding towards the construction of a theatre as part of the new West Niagara Secondary School.

(c) Renaming of Roads

Councillor Reilly advised that he was contacted by a resident regarding the recent renaming of his road and the change of the street sign blades and that he was experiencing difficulty receiving parcels of merchandise they ordered online. Councillor Reilly asked when renaming roads and changing the road sign blades in the future whether something could be done in the future to address this issue.

(2) Councillor Cheryl Ganann

(a) Farmers' Market

Councillor Ganann stated that the West Lincoln Farmers' Market was awesome and noted her appreciation to all staff members involved, including the CAO, for their hard work and dedication in bringing back the farmers' market to West Lincoln.

(b) West Lincoln Chamber of Commerce Business Awards

Councillor Ganann stated that the West Lincoln Chamber of Commerce will be proceeding with their business awards this year and asked Members of Council to spread the word that anyone who knows of a business (can also self-nominate) that feels has been successful and/or resilient (pivot and change) in the past year to pass this information forward and she further noted that the deadline for nominations will be the first of September.

(c) Need for Traffic Calming Measures

Councillor Ganann stated that she and Council Reilly have received numerous phone calls advising of the need for traffic calming measures and they were encouraging residents to contact the Director of Public Works & Recreation and/or the Roads Department to notify them of the issues. Councillor Ganann stated that she has received numerous emails and phone calls with respect to the speed of traffic and lack of controls. Councillor Ganann stated that she and Councillor Reilly have initiated a sign campaign (Please Slow Down) and although the signs will not affect people that intend to speed to slow down, she has received feedback from people who have accidentally travelled with the flow of the traffic that have checked their speed and slowed down because of the posting of these signs. Councillor Ganann advised that the Township has tried to put traffic calming measures in place, whereas other municipalities have been finding ways, such as the installation of speed bumps, to get motorists to slow down.

Councillor Reilly advised that he has noticed the presence of Niagara Regional Police in the municipality including a picture of officers doing bike patrols in the urban area and as such they are recognizing the situation of motorists speeding throughout the municipality.

- (3) Councillor Shelley Bradaric
Re: Tour of Robert Land Academy

Councillor Bradaric advised that she and Councillor Jonker were invited for lunch and to take a tour of Robert Land Academy on South Chippawa Road, and noted this facility provides a \$6 million contribution to the local economic structure and they are looking for ways to enhance operations and their connection to the community. Councillor Jonker advised that Robert Land Academy employs 70 staff members and started a summer camp this year which they hope to expand upon.

- (4) Councillor Jason Trombetta
Re: Grand Opening of a New Business in Caistor Centre Area - Coop and Scoop

Councillor Trombetta advised that he, along with Councillor Rehner and Councillor Ganann attended the grand opening of the opening of a new business in the Caistor Centre area, which offers ice cream and chicken, and is located on Caistor Centre Road near Twenty Road.

Councillor Mike Rehner advised that he along with his son, daughter-in-law, and two grandsons went to get ice cream and that he was excited to also go to the back of the property to see the Twenty Mile Creek which flows behind the property.

- (5) Councillor William Reilly
Re: Tour of Cairn Elementary School

Councillor Reilly advised that was invited by the Executive Director of Cairn Elementary School to take a tour of their facility at which time she shared the vision that they have for the community and their growth within the municipality. Councillor Reilly stated that it was his understanding that they will also be extending an invitation to Councillor Ganann and Regional Councillor Witteveen to also take a tour of their facility.

- (6) CAO (Bev Hendry)
Re: AMO Delegations

The CAO advised that, to date, the Township has secured three delegations at the upcoming AMO Conference, being: (1) Delegation with Minister of Transportation, Caroline Mulroney regarding the North-South Crossing, which currently was not part of the 50 Year transportation plan and to advocate for this project to be included; and, (2) Delegation with the Attorney General regarding the Joint Sever Liability issue which was often on the pockets of municipalities; and, (3) Delegation with Minister Christine Elliott regarding West Lincoln Memorial Hospital. The CAO advised that the final delegation, that we have not heard back about but which we will be following up on, was with the Minister of Municipal Affairs and Housing with respect to changes to The Beds of the Navigable Waters Act.

17. NEW ITEMS OF BUSINESS

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

18. BY-LAWS

Moved By Councillor Jason Trombetta

Seconded By Councillor Harold Jonker

That, leave be granted to introduce By-laws # 2021-66, 2021-67, 2021-68, 2021-69, 2021-70, 2021-71, 2021-72 and 2021-73 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

SUMMARY OF BY-LAWS

18.1 BY-LAW 2021-66

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 June, 2021 and its special meeting held on the 19th day of July, 2021.

18.2 BY-LAW 2021-67

A By-law to authorize an agreement between the Corporation of the Township of West Lincoln and SafeTek for the purchase of a 2022 Tanker Apparatus

18.3 BY-LAW 2021-68

A By-law to authorize a stewardship agreement between the Corporation of the Township of West Lincoln and Land Care Niagara for lands describes as Concession 9, Part lot 9, 30 M-368, Block 32, in the former Township of South Grimsby, now in the Township of West Lincoln.

18.4 BY-LAW 2021-69

A By-law to authorize a Site Plan Agreement with Clifford Street Business Park Inc., and any Mortgagees, if applicable, on lands described as PT PCL 35-2 SEC M94; PT Lot 34 PL M94 PT 1 30R 15799, as confirmed by PL 30BA1691; West Lincoln this plan is not a plan of Subdivision with the meaning of the Planning Act. PIN 46050-0036(LT)

18.5 BY-LAW 2021-70

A By-law to amend Zoning By-law No. 2017-70, as amended, of the Township of West Lincoln - Housekeeping 4

18.6 BY-LAW 2021-71

A By-law to authorize a Site Plan Agreement with 2090754 Ontario Inc. on lands described as Plan M98, Lot 10 South Griimsby; West Lincoln (Proposed Car Wash)

18.7 BY-LAW 2021-72

Being a By-law to amend By-law 2020-54 which is to regulate size, use location and maintenance of signs in the Township of West Lincoln

18.8 BY-LAW 2021-73

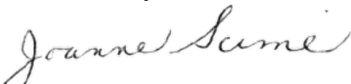
A By-law to amend By-law 2018-108 which appoints a Committee of Adjustment, Delegated the authority for considering applications for Minor Variances and Consents, provides for Compensation for the Members of the Committee of Adjustment, Adopts Policies, Procedures and Conditions for the operation of the Committee of Adjustment, and establishes a Tariff of Fees under the Planning Act (delegate authority to make sign variance decisions)

19. CONFIDENTIAL MATTERS

There were no confidential matters.

20. ADJOURNMENT

The Mayor declared the meeting adjourned at the hour of 9:24 p.m.



JOANNE SCIME, CLERK

MAYOR DAVE BYLSMA

SCHEDULE "A" TO THE JULY 26, 2021 COUNCIL INCL. ALL COMMITTEES MINUTES

West Lincoln Council Presentation

Monday July 26, 2021

Good evening, thank you for the opportunity to come back to council and clarify some items from our presentation and update you with several points that were not previously presented.

I will first address a number of the comments made at your council meeting the week following our presentation.

This expenditure is not traditionally in the mandate of municipal councils.

- The health care and welfare of our community should be a priority of the municipal council.
- Municipal council support will allow McNally House to leverage financial support from the Province, the Region, corporate and individual donations.
- Similar to other health care services, anyone may ultimately require hospice services.

We also heard that this is an additional strain on the taxpayers.

- We understand that any contribution has financial implications but we would argue that those impacts are very modest.
- The request of West Lincoln Council works out to less than 1% of the \$9.5 million Life in Every Moment campaign for McNally House.
- The annual ask for McNally House would be \$14,000 a year, a little more than a fifth of the annual contribution to WLMH.
- During your 2021 budget deliberations the \$75,300 annual contribution to WLMH had a 1% impact on the municipal levy but the impact on the blended tax rate was three tenths of a percent.
- The investment we are requesting is less than \$1.00 per year per resident.

It is inappropriate for the Council to make a donation on behalf of the residents of the Township of West Lincoln.

- This contribution would be an investment in West Niagara, not a donation that only benefits a charitable cause.
- This funding commitment is not reflective of a few residents. This is a commitment to the broader community and the expansion of an exemplary service.

The contributions of the 3 municipalities of Lincoln, West Lincoln, and Grimsby are essential as they will influence the funding we may be able to secure through the province.

We are well aware of a similar request made to council from Hospice Niagara. Carol Nagey's (Hospice Niagara's Executive Director comments included "that a contribution by West Lincoln Council to McNally House would help leverage further contributions and benefit hospice care throughout Niagara".

I feel it is important to remind everyone that McNally House is geographically intended to provide Hospice Care and services to the communities of West Niagara and Hospice Niagara is intended to service the balance of Niagara.

SCHEDULE "A" TO THE JULY 26, 2021 COUNCIL INCL. ALL COMMITTEES MINUTES

I hope you have had the opportunity to review the materials that we sent the end of last week. You will note how important end of life care is to your community and the existing level of commitment of many members of West Lincoln.

The make up and fabric of the community of West Lincoln is a reflection of the people living in the community.

The elected officials of West Lincoln should also reflect the nature of the people of the community it serves.

The information provided for your review prior to this meeting shares the care and compassion of many of the people that live in this great community.

The municipality should provide funding for services that are important for the community it serves. I believe from the letters and emails provided you can see the importance of hospice care,

The reality is that these days the rules have and continue to change and all levels of government are in it together.

I would ask that West Lincoln Council reconsider our request for a \$14,000.00 per year for 5 years' investment in McNally House, enabling our expansion plans which will better serve the people of West Niagara. It will go a long way in obtaining the commitment of other levels of government and the people of these communities.

It is critically important that we receive your support.

Thank you, I will be pleased to answer any questions you may have.

MOVING TRANSIT FORWARD

Niagara Transit Governance

**Revised Strategies Reflecting
Phase 1 Feedback**

**West Lincoln Council
July 26, 2021**

Niagara Transit Governance

Overview

Our focus: Demonstrate what we heard during the first round of consultation, what has changed to address that feedback, and what the path forward is

Phase 1 Consultation



Revised Strategies

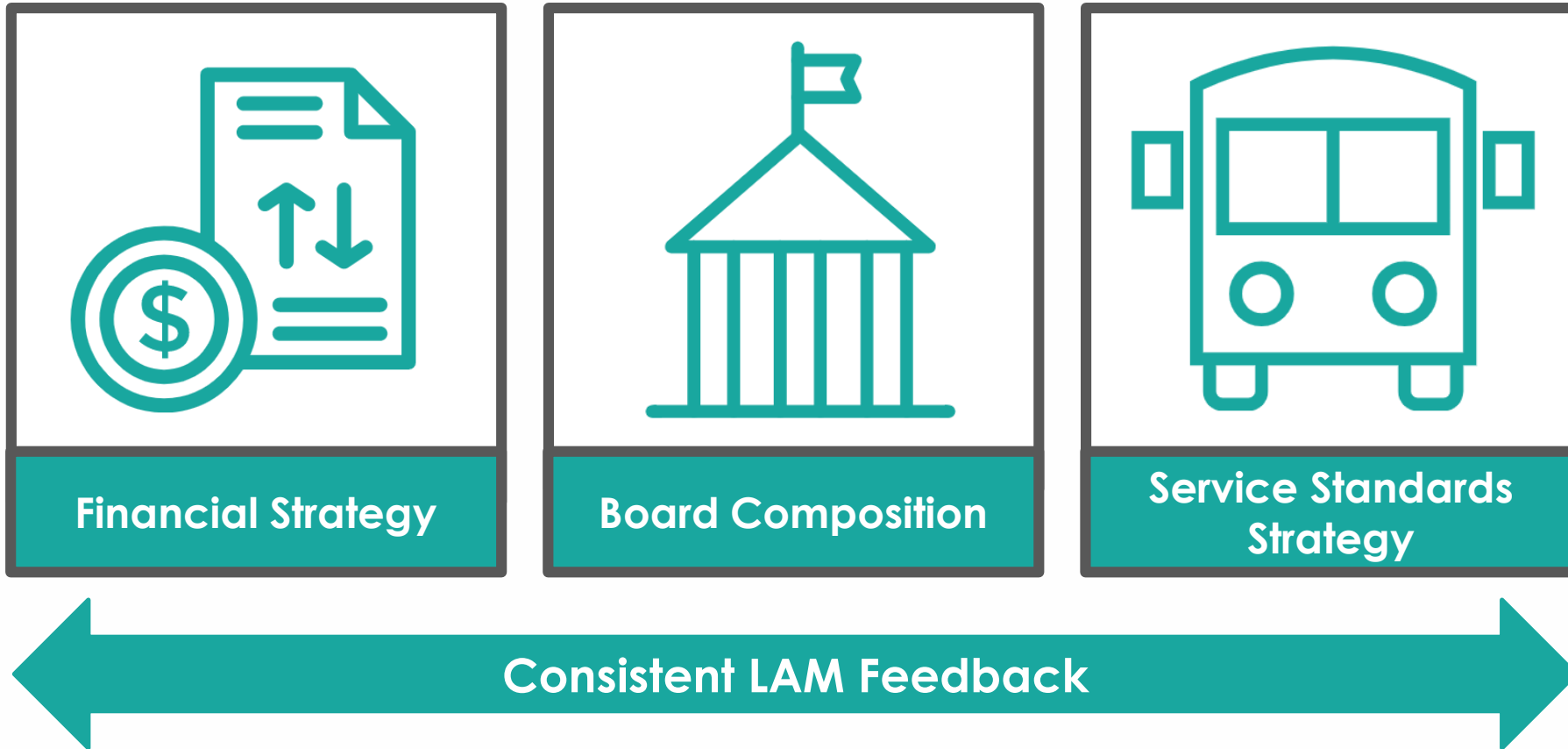


Phase 2 Consultation



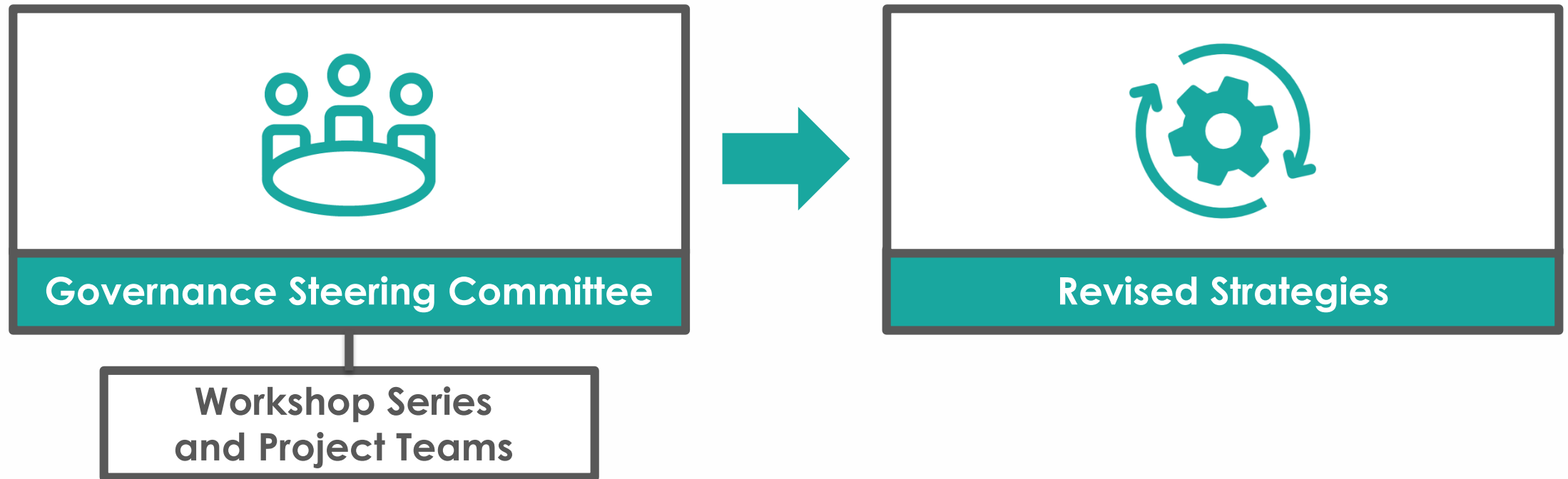
What We Heard

Phase 1 Municipal Themes / Focus Areas



What We Heard

Leadership of CAO Governance Steering Committee



Revised Strategies

Theme 1: Financial Strategy

Funding Strategy - 12 Special Levy Tax Rates

Existing Regional Transit Costs

Current state remains with costs allocated based on Region wide assessment

Local and Incremental Costs

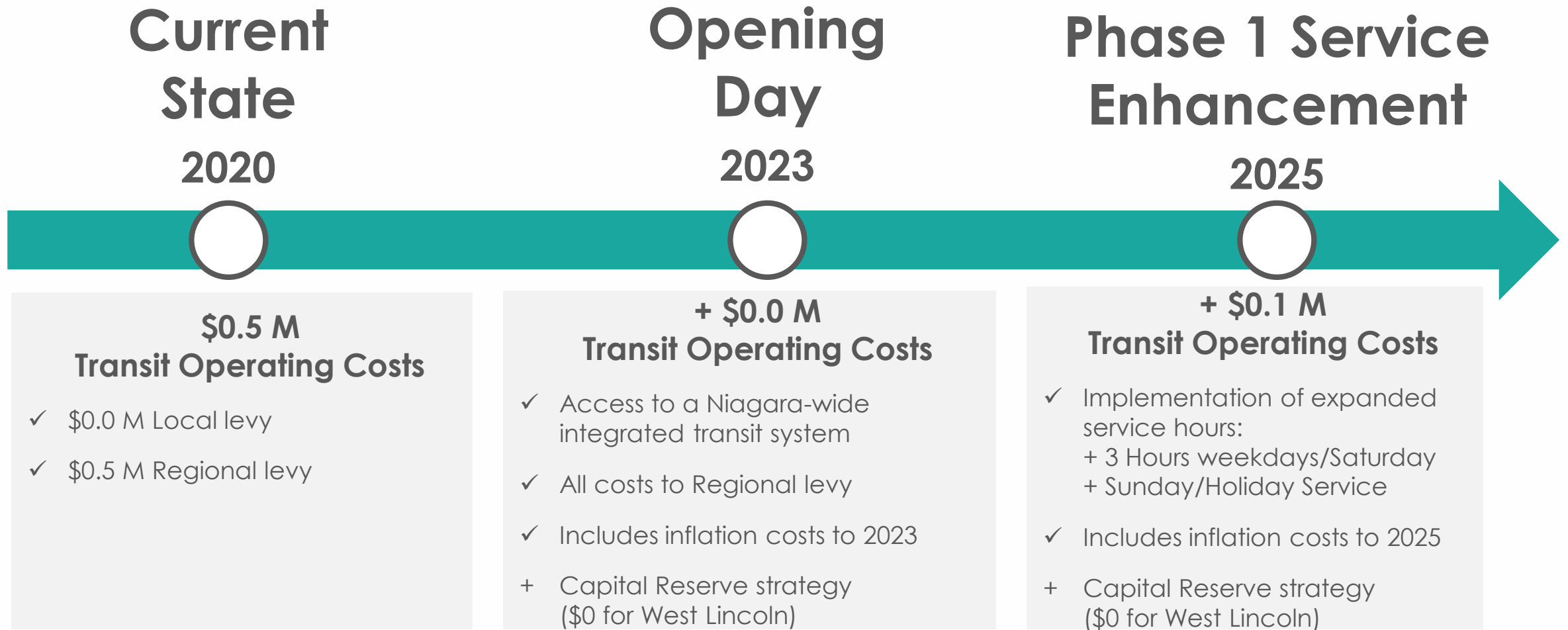
Costs allocated to municipalities based on service hours

What Has Changed?

- ✓ Municipalities who realize services will be allocated costs of those services
- ✓ Service Based Principle
- ✓ Incorporates service standardization costs and accounts for future growth
- ✓ Introduces a capital reserve strategy to ensure future needs of the Commission are met

Revised Strategies

Theme 1: Financial Strategy – West Lincoln



Revised Strategies

Theme 2: Board Composition



What Has Changed?

- ✓ Representation for all municipalities on transitional Commission Board
- ✓ Local councils recommend representatives to Commission and Advisory Board

** Reviewed after three (3) years by an external third-party to ensure that composition, size, and share of representation has resulted in an effective governing body that is achieving the strategic objectives of the Commission*

Revised Strategies

Theme 3: Service Standards Strategy

Service Standards Strategy outlines how transit in Niagara could be enhanced, should the combination of the existing transit services take place



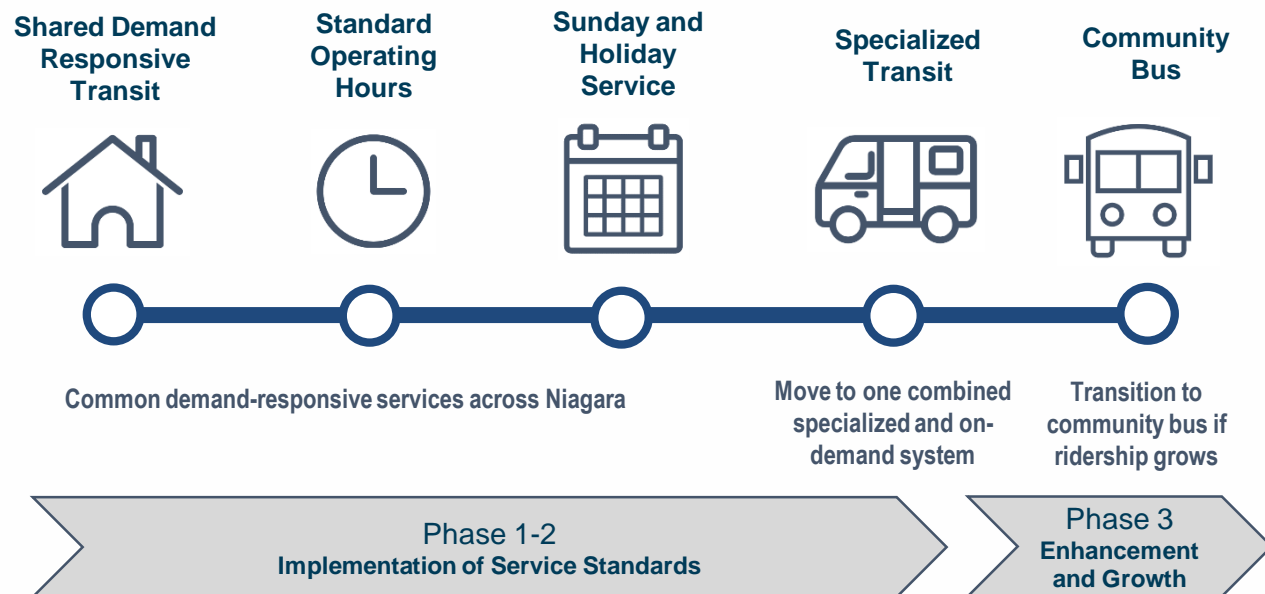
What Has Changed?

- ✓ Existing levels of service maintained and improved on
- ✓ Additional detail on where changes and growth may occur
- ✓ Three phases of improvements for Niagara residents
- ✓ Linked to Financial Strategy

Revised Strategies

Theme 3: Service Standards Strategy – West Lincoln

West Lincoln Enhancements

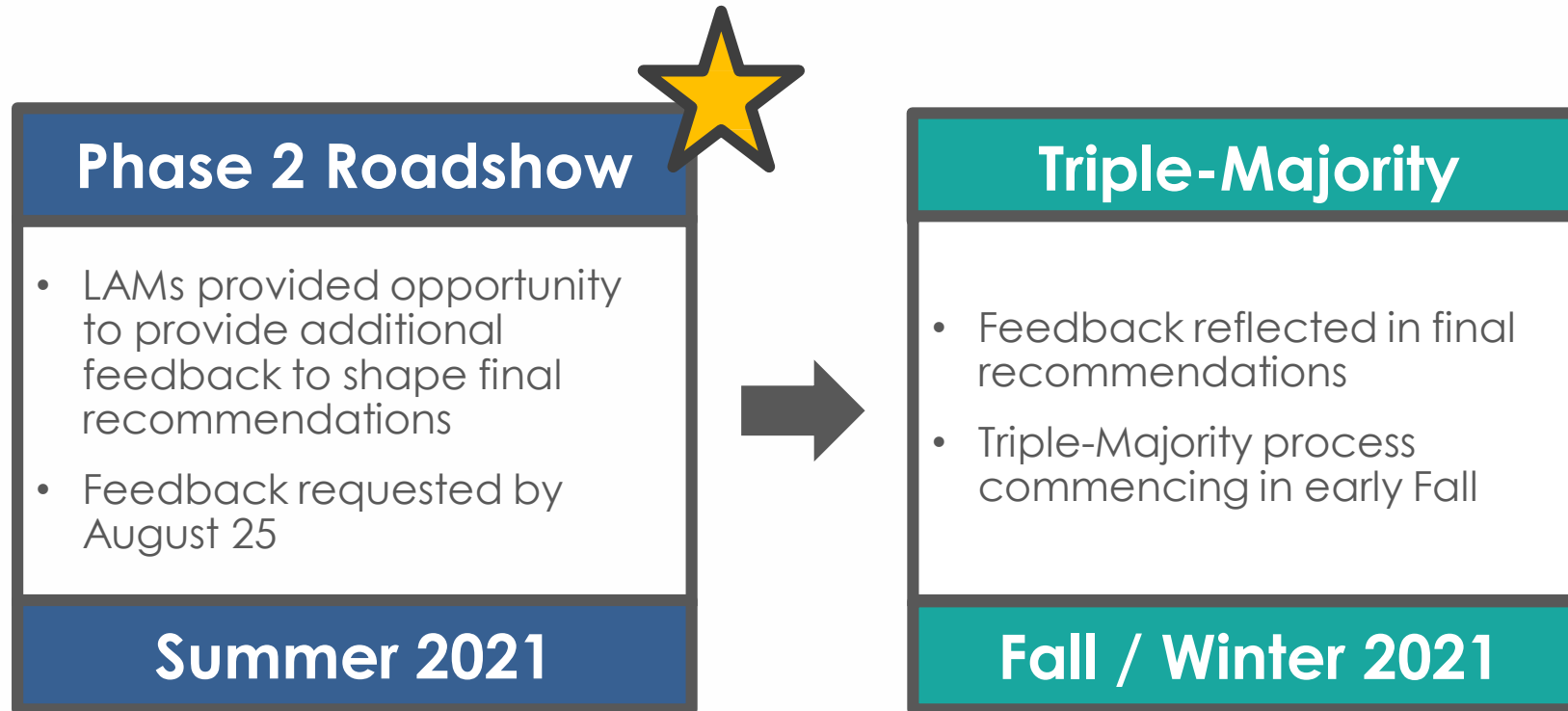


What Has Changed?

- ✓ Increased service hours: adding 6 a.m. – 7 a.m. and 10 p.m.-midnight, and include Sundays and Holidays
- ✓ Combine specialized and demand-responsive service
- ✓ The decision to and timing of introducing local demand-responsive services in West Lincoln will be made in consultation with Council.
- ✓ Transition to community bus or conventional service in future should ridership grow

Next Steps

Phase 2 Consultation and Triple-Majority



MOVING TRANSIT FORWARD

Discussion

**SCHEDULE "C" TO THE JULY 26, 2021 COUNCIL INCL. ALL COMMITTEES
MINUTES**

From: Harvey Pot

Sent: July 26, 2021 2:07 PM

To: Gerrit Boerema <gboerema@westlincoln.ca>

Subject: Re: Township of West Lincoln Planning Report PD-78-2021 Zoning
Housekeeping

Regarding the c3 on our property we would like to keep it commercial. We have something in mind for the property.

Regards Harvey Pot

**SCHEDULE "D" TO THE JULY 26, 2021 COUNCIL INCL. ALL
COMMITTEES MINUTES**

From: "Gideon S. Bell"

Date: July 26, 2021 at 12:30:50 PM EDT

To: Jeni Fisher <jfisher@westlincoln.ca>, Brian Treble <btreble@westlincoln.ca>

Cc: Gerrit Boerema <gboerema@westlincoln.ca>, Jennifer Labrecque

Subject: RE: Township of West Lincoln Planning Report PD-78-2021 Zoning Housekeeping

Hi all,

I had a chance to speak with Gerrit and he clarified for me.

I reviewed the Report to Council and Gerrit confirmed that notwithstanding the Region's comments, the Township staff are still recommending the passing of the by-law to permit the abattoir use for 5432 Sixteen Road. The Township's position is that the MOECP issues are independent of the zoning and should not be a condition of the abattoir use for this property. We agree with the Township's position.

Accordingly, we do not require a call this afternoon, nor to make submissions at Council this evening.

Please do let us know once the by-law has been passed.

Thank you for your time and flexibility!

Gideon



GIDEON S. BELL J.D.

Land Development, Condominium and Real Estate

289-861-5785 | gbell@kmblaw.com

Mississauga Office: 900 - 3 Robert Speck Parkway, Mississauga, ON L4Z 2G5

Burlington Office: 102 - 4145 North Service Road, Burlington, ON L7L 6A3



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

July 26, 2021, 6:00 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario.

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

Staff: Bev Hendry, CAO
Brian Treble, Director of Planning and Building
Jessica Dyson, Deputy Clerk
Gerrit Boerema, Planner II
Meghan Birbeck, Planner I
Roberta Keith, IT Manager

Others: Albert Witteveen, Regional Councillor
Matt Kernahan, Upper Canada Consultants (Giro Estates)*
Anita Merritt*
Pamela Blackwood, McNally House Hospice*
Murray Bain, McNally House Hospice*
Matt Robinson, Niagara Region*
Scott Fraser, Niagara Region*
Heather Talbot, Niagara Region*
Albino Giro*
Jowett Lau, Phelps Homes*
Linda Sivyer
Alf Connell
Moosa Imran, Niagara This Week*
Tristan Marks, News Now*

***IN ATTENDANCE PART TIME**

GIRO ESTATES (File No. 1601-010-21) - ZONING BY-LAW AMENDMENT

1. Application for 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 under Section 34(12) of the Planning Act as submitted by Albino Giro et al., and Upper Canada Planning and Engineering Inc. (Agent) for the property legally described as Concession 6, Part Lot 22, Reference Plan 30R-3739 Part 1 formerly in the Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 5482 Twenty Mile Road.

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

The intent of this rezoning application is to fulfill a condition of consent for severance file B04/2021WL, B05/2021WL, B06/2021WL, and B07/2021WL. The application proposes to rezone 2.1 hectares of land from Development 'D' to Residential Low Density – Type 1A 'R1A' with a site specific exceptions to reduce the minimum lot frontage to 6.4 metres for frontage for 3 new lots onto Meadow Court. In addition, the application proposes to rezone the remaining land zoned Development 'D' to Environmental Protection 'EP'.

2. Purpose of the Public Meeting

The Planning Act requires in Section 34(12) that before passing a Zoning By-law Amendment, Council must hold at least one public meeting for the purpose of informing the public in respect of the amendments.

The Chair stated 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 the Zoning By-law Amendment Application submitted by Albino Giro et al., and Upper Canada Planning and Engineering Inc. (Agent) for the property municipally known as 5482 Twenty Mile Road. (File No. 1601-010-21).

The Chair stressed that, at this point, no decision has been made on the proposed amendments and any comments received will be taken into account by Council in their consideration. The Chair advised that the Planning Act requires in Section 34(14) 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 Ontario Land Tribunal.

3. Public Meeting

The Chair requested that the Deputy Clerk advise of 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 mail and email distribution to all agencies on Friday, July 2nd, 2021. A yellow sign was also

posted on the subject property on July 8th, 2021 and public notice was advertised on the Township's website.

The Chair advised that this was a public meeting to consider a Zoning By-law Amendment Application submitted by Albino Giro et al., and Upper Canada Planning and Engineering Inc. (Agent) for the property municipally known as 5482 Twenty Mile Road (File No. 1601-010-21).

The Chair asked the Planner I, Meghan Birbeck, to explain the purpose and reason for the proposed Zoning By-law Amendment.

The Planner provided an overview of the application as outlined in Staff Report PD-84-2021.

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

Mr. Matt Kernahan (Agent) provided an overview of the application along with a PowerPoint presentation, which can be found on page 12 of the [July 26, 2021 Council \(All Committee\) agenda](#). Mr. Kernahan was also available to answer any questions from the public and Members of Committee.

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 Application submitted by Albino Giro et al., and Upper Canada Planning and Engineering Inc. (Agent) for the property municipally known as 5482 Twenty Mile Road. (File No. 1601-010-21). 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 the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

1. Alf Connell
2480 Meadow Court, St. Ann's

Mr. Connell raised concerns regarding the proposed building on lot 3 being too close to his property as well as the privacy between his property and the proposed building. Mr. Connell shared suggestions that may accommodate his concerns; one being that the proposed building be moved more westward, or to orientate the building on lot 3, similar to lot 4 & 5, which would create more distance between the two properties. Mr. Connell also requested that any trees and bushes remain as it stands currently which would not impinge on the privacy of both property owners. Mr. Connell stated that his comments have also been submitted to Planning Department staff.

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; therefore, he noted that if any Members of the Committee had any comments

they should state them now as the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

Councillor Ganann stated that she would have had a number of questions due to the location of the property and the involvement with the creek, however, Mr. Kernahan provided a great overview of the studies that need to be completed on the property and therefore she feels that her questions have been addressed. Councillor Ganann also stated that many of her questions were also clarified by the staff technical report which cross referenced any policies that would apply to the property in question.

Councillor Jonker stated that he had concerns with respect to privacy on lot 3 and suggested the possibility of relocating the weeping bed to the front of the property as opposed to the back of the property. Councillor Jonker also stated that it is good to see Meadow Court be used more and is excited to see St. Ann's growing.

The Chair stated that a Technical Report was being considered by Council later, as part of this evening's Council (All Committee) 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 the public watch the Township's website 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 Website 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 their request and include their email address along with their 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 6:49 p.m.

RICHARD & ANITA MERRITT - GARDEN SUITE (File No. 1601-011-21) - ZONING BY-LAW AMENDMENT

1. Application for 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 under Section 34(12) of the Planning Act as submitted by Richard & Anita Merritt for the property legally described as Concession 7, Part Lot 17 & Part Lot 18 RP30R10048 PTS 2, 4, & 5, formerly in the Township of Caistor, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 9397 Twenty Road.

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

The rezoning application is requesting to temporarily permit a modular home (garden suite) on the property zoned Agricultural 'A' for a maximum of 10 years to allow the applicants son to reside and contribute to the farm. The Garden Suite will be a 1,070 square foot modular home. Accessory buildings in the Township's Zoning By-Law shall not be located closer to the front lot line than the main dwelling. This garden suite is proposed to be located with a 20 metre setback from the front lot line whereas the main dwelling is located with a 43 metre setback.

2. Purpose of the Public Meeting

The Planning Act requires in Section 34(12) that before passing a Zoning By-law Amendment, Council must hold at least one public meeting for the purpose of informing the public in respect of the amendments.

The Chair stated 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 the Zoning By-law Amendment Application submitted by Richard and Anita Merritt for the property municipally known as 9397 Twenty Road (File No. 1601-011-21).

The Chair stressed that, at this point, no decision has been made on the proposed amendments and any comments received will be taken into account by Council in their consideration. The Chair advised that the Planning Act requires in Section 34(14) 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 Ontario Land Tribunal.

3. Public Meeting

The Chair requested that the Deputy Clerk advise of 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 mail distribution to all neighbouring properties within 120 metres of the subject property on June 30th, 2021. A yellow sign was also posted on the subject property on June 30th, 2021 and public notice was advertised on the Township's website.

The Chair advised that this was a public meeting to consider a Zoning By-law Amendment Application submitted by Richard and Anita Merritt for the property municipally known as 9397 Twenty Road (File No. 1601-011-21).

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

The Planner provided an overview of the application as outlined in Staff Report PD-82-2021.

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

Ms. Anita Merritt (Owner), started by thanking the Committee for receiving the application and shared a short history of the property stating that the family farm is currently in its fourth generation and is a century farm with hopes for carrying the tradition for many more generations and keeping with the heritage of the farm. Ms. Merritt also shared that they have been exploring ideas for the property outside the current crops that are on the land.

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 Application submitted by Richard and Anita Merritt for the property municipally known as 9397 Twenty Road (File No. 1601-011-21). 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 the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

There were no oral or written submissions on the proposed Zoning By-law Amendment from any members of the public.

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

Councillor Rehner thanked Ms. Merritt for her presentation and for sharing the importance of the family farm and its agriculture and the lifestyle it brings. Councillor Rehner stated that he will support anything that the family needs in order to support the family farm in the direction the applicant is moving towards.

Councillor Trombetta stated that the Township may see similar applications brought forward in the future due to the rising costs of living. Councillor Trombetta also stated that he is not opposed to this type of application adding the importance of family staying on the property and that the applicants have his support.

The Chair stated that a Technical Report was being considered by Council later, as part of this evening's Council (All Committee) 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 the public watch the Township's website 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 Website 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 their request and include their email address along with their 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 7:01 p.m.



**JESSICA DYSON, DEPUTY
CLERK**

**COUNCILLOR WILLIAM REILLY,
CHAIR**

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

September 13, 2021, 6:30 p.m.

Council: Councillor William Reilly (Chair)
Councillor Shelley Bradaric
Mayor Dave Bylsma
Councillor Cheryl Ganann

Absent: Councillor Harold Jonker
Councillor Jason Trombetta
Councillor Mike Rehner

Staff: Bev Hendry, CAO
Brian Treble, Director of Planning and Building
Jessica Dyson, Deputy Clerk
Madyson Etzl, Planner II
Gerrit Boerema, Planner II
Meghan Birbeck, Planner I
Roberta Keith, IT Manager

Other Members:	Albert Witteveen, Regional Councillor	Fred vanderVelde
	Tony Miele	Fred DeFilippis
	Peter Budd*	Jowett Lau
	Edward Stubbing	Raymond Ziemba
	Paul Hecimovic	Tamara Tannis
	Chris Millar	Rino Mostacci
	Adam Moote*	Jared Marcus
	Kathy Varner	John Ariens
	Tristan Marks, News Now	Adam Mildenberger
	Steven Frankovich	David Samis
	Karl Grueneis	Lillian Jovic
	Risto Mijatović	Jonathan Kingma

***IN ATTENDANCE PART TIME**

(A) GARDEN SUITE POLICY AMENDMENT (File No. 1701-003-21)
OFFICIAL PLAN AMENDMENT

1. Application for Official Plan Amendment

The Chair advised that this public meeting was being held to consider an amendment to the Township of West Lincoln's Official Plan under Section 17 of the Planning Act as submitted for the Garden Suite Policy Amendment (File No. 1701-003-21).

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

The current Temporary Use Bylaw and Garden Suite Provisions of Section 18.4.1 of the Township Official Plan include a time limit of "Ten (10) Years" to allow a Garden Suite on an approved property. Following the 10-year time limit, owners can apply for 3 year extensions if the unit is still needed. The Planning Act, Section 39.1 (3) permits Garden Suites for a period of up to 20 years. As such, the Township of West Lincoln is proposing to extend the time limit from 10 years to 20 years. To implement this change, the proposed text of this amendment will replace the text in Section 18.4.1, by changing the time limit from 10 years to 20 years.

2. Purpose of the Public Meeting

The Planning Act requires in Section 17(15) that before passing an Official Plan Amendment, Council must hold at least one public meeting for the purpose of informing the public in respect of the amendment.

The Chair stated that the purpose of this meeting was to give an opportunity for the public and Committee Members to provide comments and/or ask questions regarding the amendment to the Township of West Lincoln's Official Plan Amendment as submitted for the Garden Suite Policy Amendment (File No. 1701-003-21).

The Chair stressed that, at this point, no decision has been made on the proposed amendments and any comments received will be taken into account by Council in their consideration. The Chair advised that the Planning Act requires under the 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 Ontario Land Tribunal (OLT).

3. Public Meeting

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

PUBLIC MEETING UNDER THE PLANNING ACT MINUTES – Sept. 13, 2021
Garden Suite Policy Amendment, Housekeeping Amendments No. 5

The Deputy Clerk advised that proper notice was given by way of advertising in the local newspaper and posted on the Township's website on August 5th, 2021, as well as notice circulated to all agencies on August 11th, 2021

The Chair advised that this was a public meeting to consider an Official Plan Amendment application submitted for the Garden Suite Policy Amendment (File No. 1701-003-21).

The Chair asked the Planner, Madyson Etzl, to explain the purpose and reason for the proposed Official Plan Amendment.

The Planner, Madyson Etzl, provided an overview of the application and Staff Report PD-101-2021.

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 Housekeeping Amendments. 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 OLT may not consider comments made during any other Council and/or Committee meetings.

There were no oral or written submissions on the proposed Official Plan Amendment from any public members present.

The Chair asked if any Members of the Committee had any oral or written submissions on the proposed Official Plan 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 Committee has any comments they should state them now as the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

Councillor Ganann commented on the value of this policy and the importance of Council looking at this situation now in support of families staying and growing on their farmland adding that this policy is a good move for West Lincoln.

The Chair stated that a Recommendation Report was being considered by Council later, as part of this evening's Council meeting. The Chair advised that once Committee and/or Council has made a decision with respect to the Official Plan 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 the public watch the Township's website 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 Website

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 their request and include their email address along with their mailing address and phone number.

4. Adjournment

The Chair advised that this public meeting with respect to the proposed Official Plan Amendment is concluded at the house of 6:38 p.m.

(B) HOUSEKEEPING AMENDMENTS NO. 5 (File No. 1601-012-21)
ZONING BY-LAW AMENDMENT

1. Application for 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 under Section 34 of the Planning Act as submitted for the Township of West Lincoln Zoning By-law for Housekeeping Amendments No. 5 (File No. 1601-012-21).

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

The Township of West Lincoln is undertaking amendments to the Township zoning bylaw to include new housing unit types including back-to-back townhouses, stacked townhouse units and stacked back-to-back townhouse units. Currently these units are defined in the zoning bylaw but do not have any regulations regarding setbacks, height and lot coverage. The Township is proposing to introduce new zoning regulations for these units, as well as permit them in certain residential zones.

2. Purpose of the Public Meeting

The Planning Act requires in Section 34(12) that before passing a Zoning By-law Amendment, Council must hold at least one public meeting for the purpose of informing the public in respect of the amendment.

The Chair stated 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 the amendment to the Township of West Lincoln's Zoning By-law submitted for the Township of West Lincoln's Housekeeping Amendments No.5 (File No. 1601-012-21).

The Chair stressed that, at this point, no decision has been made on the proposed amendments and any comments received will be taken into account by Council in their consideration. The Chair advised that the Planning Act requires in Section 34(14) 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 Ontario Land Tribunal.

3. Public Meeting

The Chair requested that the Deputy Clerk advise of 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 the local newspaper on August 5th, 2021.

The Chair advised that this was a public meeting to consider a Zoning By-law Amendment application submitted by staff for the Township of West Lincoln's Housekeeping Amendments No.5 (File No. 1601-012-21)

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

The Planner, Gerrit Boerema, provided an overview of the application and Staff Report PD-94-2021.

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 Housekeeping Amendments. 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 OLT may not consider comments made during any other Council and/or Committee meetings.

1. Albert Witteveen
2853 South Grimsby Rd 7 – Smithville, ON

Mr. Witteveen questioned if there was a percentage of back-to-back townhome units being proposed within the subdivision development, noting that this type of housing unit is a good idea; however, does not want to see one large development with all back-to-back townhomes.

In response to Mr. Witteveen's question regarding the percentage of back-to-back townhome development, the Planner II, Gerrit Boerema, stated that the proposed draft Zoning By-law is a separate medium density residential zone (RM4 zone), which would only permit back-to-back units as well as stacked Townhomes. The Planner also stated that in the higher level planning documents such as the Secondary Plans or Official Plans, the plans would designate areas of low density, medium and high density, noting that typically the back-to-back units fall within the medium and high density unit per hectare density. The Planner stated that he does not believe staff have proposed a percentage for back-to-back units across the site, however, staff will aim to control that percentage through Secondary Plans and Official Plans.

The Director of Planning & Building added to the Planner's comments stating that the zoning will only exist on lots and properties as staff present to Council; therefore, Council will have control at the planning approval stage and through Committee and Council approval. The Director of Planning and Building also noted that the Township has two applications and beyond those applications it will be site plans or subdivision stages, therefore staff can regulate development during those processes.

2. Jared Marcus
IBI Group

Mr. Marcus stated that the IBI Group had submitted written comments with respect to the draft guidelines adding that the IBI Group is very supportive of the Township's initiative to recognize a new type of housing in the Township of West Lincoln. Mr. Marcus also stated that the back-to-back development is something that IBI Group has worked with a lot in Stoney Creek, Hamilton, Grimsby and Beamsville, noting that it is a very common building form that is coming West Niagara way.

The Chair asked if any Members of the Committee 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; therefore, he noted that if any Members of the Committee has any comments they should state them now as the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

Councillor Ganann provided comments stating that this Housekeeping Zoning By-law Amendment provides an opportunity for different types of housing units, development and price points that the community needs and that this proposal is a great step to move forward with this type of development.

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.

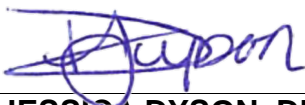
The Chair stated that anyone who is interested in observing Council and/or Committee discussions about a particular by-law should not solely rely on mailed notices and thus miss the opportunity to attend applicable meetings and suggested the public watch the Township's website for posting of agendas 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 Website 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

PUBLIC MEETING UNDER THE PLANNING ACT MINUTES – Sept. 13, 2021
Garden Suite Policy Amendment, Housekeeping Amendments No. 5

anyone wishing to receive notices by email, should contact the Township Clerk to advise of their request and include their email address along with their 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 6:54 p.m.



**JESSICA DYSON, DEPUTY
CLERK**

**COUNCILLOR WILLIAM REILLY,
CHAIR**

From: deanne macintosh
Sent: September 23, 2021 6:24 AM
To: Joanne Scime <jscime@westlincoln.ca>
Subject: Re: West Lincoln Santa Claus Parade - Committee Member

Hi Joanne,

Further to Bill's email I would like to express my interest to be added to the West Lincoln Santa Claus Parade Committee.

Thank you,

Deanne MacIntosh

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

MEETING NO. SEVEN

September 13, 2021, 5:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Councillor William Reilly (Chair)
Councillor Shelley Bradaric
Mayor Dave Bylsma
Councillor Cheryl Ganann

Absent: Councillor Harold Jonker
Councillor Jason Trombetta
Councillor Mike Rehner

Staff: Bev Hendry, CAO
Brian Treble, Director of Planning and Building
Jessica Dyson, Deputy Clerk
Madyson Etzl, Planner II
Gerrit Boerema, Planner II
Meghan Birbeck, Planner I
Roberta Keith, IT Manager

Other Members:	Albert Witteveen, Regional Councillor	Fred vanderVelde*
	Tony Miele*	Frank DeFilippis*
	Peter Budd*	Jowett Lau*
	Edward Stubbing*	Raymond Ziemba*
	Paul Hecimovic*	Tamara Tannis*
	Chris Millar*	Rino Mostacci*
	Adam Moote*	Jared Marcus*
	Kathy Varner*	John Ariens*
	Tristan Marks*	Adam Mildenberger*
	Steven Frankovich*	David Samis*
	Karl Grueneis*	Lillian Jovic*
	Risto Mijatović*	Jonathan Kingma*

***IN ATTENDANCE PART TIME**

1. CHAIR - Councillor William Reilly

Prior to commencing with the Planning/Building/Environmental Committee meeting agenda, Chair Reilly provided the following announcements:

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.
2. The public may submit comments for matters that are on the agenda to jdyson@westlincoln.ca before 4:30 pm on the day of the meeting. Comments submitted will be considered as public information and will be read into the public record.
3. The meeting will be recorded and available on the Township's website within 48 hours of the meeting, unless otherwise noted.

2. LAND ACKNOWLEDGEMENT STATEMENT

On behalf of the Members of Council and staff, we wish to acknowledge this land on which the Township of West Lincoln operates. The land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabeg peoples and is still home to many indigenous people today. We are grateful to have the opportunity to work here today and to follow the Haudenosaunee system of blending laws and values and the Anishinaabe beliefs to strive to live in harmony and balance throughout the Municipality. We acknowledge that we are all treaty people and accept our responsibility to honour all our relations.

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

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

4. PUBLIC MEETING(S)

Public Meeting under the Planning Act commenced at 6:30 p.m.

4.1 Official Plan Amendment - Garden Suite Policy Amendment

Re: Official Plan Amendment application submitted by staff, to implement a change in section 18.4.1 of the Temporary Use Bylaw and Garden Suite Provisions, by changing the time limit from 10 years to 20 years (File No. 1701-003-21)

4.2 Zoning By-law Amendment - Township of West Lincoln Housekeeping Amendments No. 5

Re: Zoning By-law Amendment application submitted by staff for the Township of West Lincoln House Keeping Amendments No. 5 (File No. 1601-0012-21).

5. CHANGE IN ORDER OF ITEMS ON AGENDA

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

6. APPOINTMENTS

6.1 ITEM P83-21

Kevin Huinink, Executive Director (Cairn Christian School)
Re: Upcoming Building Project for Cairn Christian School

Mayor Bylsma started off by sharing his support of Cairn Elementary school and the importance the school plays in the community. Mayor Bylsma stated that in his years as a Member of Council he does not recall the Township waiving any development charges for other groups in a similar situation, noting that these fees that are set out are for existing services and the growth of these services and that waiving these fees as a form of donation would not be fair to the taxpayers.

In response to Councillor Ganann's question regarding if waiving of development fees have been done in the past, the Director of Planning & Building stated that the Township has been involved in a number of school improvement projects in the past and noted that no charges were waived. The Director of Planning & Building also stated that he is unsure as to how the development charges outlined in Mr. Huinink's presentation were calculated, adding that that he would be more prepared and could provide more guidance if this matter were referred back to staff.

In response to Mayor Bylsma's question regarding the funding support with waiving the development fees as requested by Mr. Huinink, and if funding in the form of a grant would be a better possibility, the CAO stated that if there is a request for waiving a fee, Township staff would have to see if such request would be allowed and if so what the impacts would be on the taxpayers.

Mr. Huinink provided clarification with respect to how the estimated development charges were calculated, stating that Cairn Elementary School's architect (Jason Brower), who has worked with the Township on other projects in the past, developed the fee estimates for this project.

Members of Committee shared that the best form of action would be to refer this request and correspondence back to staff for further review.

Moved By Councillor Cheryl Ganann

Seconded By Mayor Dave Bylsma

1. That, the correspondence received from Kevin Huinink regarding the Upcoming Building Project for Cairn Christian School dated September 13, 2021, be received; and,
2. That the correspondence outlined above be referred to staff

Carried

6.2 ITEM P84-21

Steve Wever, Planning Consultant (Urban Boundary Expansion)
Re: Urban Boundary Expansion Update
(Refer to Item No. P92-21 - Staff Report No. PD-105-2021)

6.3 ITEM P85-21

Dan Currie, MHBC Planning Ltd.
Re: Rural Employment Lands, Settlement Area Expansion Options
(Refer to Item No. P91-21 - Staff Report No. PD-107-2021)

The Director of Planning & Building stated that Mr. Wever and Mr. Currie's presentations are very important for the preparation of future growth in the Township. The Director of Planning & Building also stated that many members in attendance are interested in these presentations, noting that staff encourage feedback and comments during this evenings meeting as the Niagara Region has requested that Township staff bring forward a recommendation report outlining the boundaries of both the Rural Employment Lands and the Urban Boundary Expansion. The Director of Planning & Building added that by outlining the boundaries now and getting a sense of support from the Niagara Region, it allows staff to proceed forward with detailed servicing and transportation analysis.

In response to Mayor Bylsma's question regarding the Township's brown fields and using this type of land, specifically in Bismark and Gainsborough, that may help reach the Township's target without using prime agricultural lands, Mr. Currie stated that the consultants are looking at all of the lands; however, there are a couple of points to consider when looking at different areas of land. The first point that Mr. Currie stated was that the consultants have to analyze two strategies when making the recommendations, being whether it is better to make one or two expansions in larger parcels that allow more efficiencies for a large scale of development vs. small adjustments to a number of Hamlets. The second point that Mr. Currie stated was that the Township is bound in terms of the Settlement Expansion, that the lands have to be a settlement expansion to an existing settlement area, therefore the growth plan does not allow for the creation of new settlements and permits only expansions contiguous to an existing settlement area. Mr. Currie added that there is a need for settlement expansions that include the residential component as well and noted that there is a lack of available land in the Hamlet settlement areas for both residential and employment land.

The Director of Planning & Building stated that the Township cannot create existing Hamlets as part of the Rural Employment Lands review. The Director of Planning & Building also stated that the Gainsborough lands are designated for non-farm use therefore the Township is in a good position with respect to those lands and that Bismark is on the Township's radar as one of the areas staff are looking at.

In response to Mayor Bylsma's question regarding reorienting the hamlets that tend to form around a set of crossroads in order to create a safe passage through the hamlet, Mr. Currie stated that this would be considered in the next phase during the detailed analysis for location specific criteria. Mr. Currie also stated that what makes the best expansion area and all the points raised will be considered in the detailed analysis within the next couple of weeks.

In response to Councillor Ganann's question regarding the two identified areas in the Grassie area that have a boarder with the Town of Grimsby and if this boarder would affect the process of trying to develop those rural employment areas, Mr. Currie stated that in terms of the locational criteria, it would not affect the process of developing rural employment areas, adding that it may introduce interest for individuals across the Township line if a settlement is directly adjacent to the municipal boundary, which would be more unique than it would be in the other settlement areas. The Director of Planning & Building added by stating that the offsetting issue is complicated by a lot of environmental type limitations such as the greenbelt, which would take away any availability for development.

7. REQUEST TO ADDRESS ITEMS ON THE AGENDA

1. Lillian Jovic
31 Catalina Drive – Hamilton

Ms. Jovic requested Council's consideration to include the property located at Young and South Grimsby Rd 16 as part of the Hamlet, as it is the first property that is next to the last property on the West side of South Grimsby Road 16. Ms. Jovic stated that an invite was received to attend tonight's meeting; however, when viewing the map, the property located at Young St. and South Grimsby Rd. 16 was not included as part of the Hamlet.

8. CONSENT AGENDA ITEMS

8.1 ITEM P86-21
CONSENT AGENDA ITEMS

Moved By Councillor Shelley Bradaric
Seconded By Councillor Cheryl Ganann

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

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

Carried

SUMMARY OF APPROVED CONSENT AGENDA ITEMS:

1. Technical Report No. PD-94-2021 - Comprehensive Zoning Bylaw 2017-70, as amended Housekeeping Amendments No. 5 Introduction of New Housing Types
2. Recommendation Report No. PD-104-2021 – East Smithville Secondary Plan Project - AMENDMENT TO BUDGET (BA2021-09)
3. Recommendation Report No. PD-95-2021 - Site Plan Approval Authorization - 5138 Concession 4 Road – Niagara Regional Sportsman Club

9. COMMUNICATIONS

There are no communications.

10. STAFF REPORTS

10.1 ITEM P87-21

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

Re: Recommendation Report No. PD-101-2021 – Garden Suite Official Plan Policy Amendment - Official Plan Amendment No. 61

Moved By Mayor Dave Bylsma

Seconded By Councillor Shelley Bradaric

1. That, Report PD-101-2021, regarding “Garden Suite Official Plan Policy Amendment – Official Plan Amendment No. 61”, dated September 13th 2021, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, Application 1701-003-21 (#61) for Official Plan Amendment, BE APPROVED and that the necessary bylaw be prepared at the Township Council Meeting and that staff circulate Notice of Approval in accordance with the Planning Act.
4. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period.

Carried

10.2 ITEM P88-21

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

Re: Recommendation Report No. PD-102-2021 - Zoning By-Law Amendment (Temporary Use By-law) Richard and Anita Merritt - Garden Suite Application

The Director of Planning & Building stated that this report ties into Recommendation Report No. PD-101-2021 that recommends changing the 10-year time limitation to 20-years, noting that report No. PD-101-2021 was required to be supported first before the support and passing of Report No. PD-102-2021 due to the time limitation change.

Moved By Councillor Cheryl Ganann

Seconded By Councillor Shelley Bradaric

1. That, Report PD-102-2021, regarding “Zoning By-law Amendment (Temporary Use By-law) –Richard and Anita Merritt Garden Suite Application”, dated September 13th 2021, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, an application for Zoning By-law Amendment 1601-011-21 submitted by Richard and Anita Merritt and a corresponding Zoning By-law be APPROVED and passed; and
4. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period

Carried

10.3 ITEM P89-21

Planner I (Meghan Birbeck) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-106-2021- Giro Estates - Zoning By-law Amendment File No. 1601-010-21

In response to Mayor Bylsma’s concerns regarding comments made by the neighbouring property owner at the last Public Meeting with respect to the property location and privacy concerns proposed in the Giro Estates Zoning By-law Amendment, The Director of Planning & Building stated that the Planner I (Meghan Birbeck), has been in communication with the neighbouring property owner who has seen the concept sketch that can be found in the recommendation report and is satisfied with the updated proposal and will be withdrawing his concerns. The Planner I (Meghan Birbeck), noted that Upper Canada Consulting, who is the agent for Giro Estates, updated the map which is also found in the recommendation report on attachment 4.

Moved By Councillor Shelley Bradaric

Seconded By Councillor Cheryl Ganann

1. That, report PD-106-2021, regarding “Giro Estates Zoning By-law Amendment File No. 1601-010-21”, dated Sept 13th 2021, be RECEIVED; and,

2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, an application for Zoning By-law Amendment 1601-010-21 submitted by Upper Canada Consultants and a corresponding Zoning By-law be APPROVED and passed; and
4. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period.

Carried

10.4 ITEM P90-21

By-law Enforcement Officer (Tiana Dominick) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-108-2021 - Approval of a new by-law: Non-Parking Administrative Penalty By-law

Moved By Councillor Shelley Bradaric

Seconded By Mayor Dave Bylsma

1. That, Report PD-108-2021, regarding “Recommendation Report - Approval of a new Non-Parking Administrative Monetary Penalty By-law”, dated September 13th, 2021, be RECEIVED; and,
2. That, a by-law be adopted at Council with multiple short form schedules in the form found at attachment 1 to this report including Clean Yards, Site Alteration, Boulevard, Swimming Pool, Sign, with potentially more amendments in the near future.

Carried

10.5 ITEM P91-21

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

Re: Information Report PD-107-2021 – Regional Official Plan Work and Township led Rural Hamlet/Rural Employment Considerations

The Director of Planning & Building stated that written comments were submitted by Nick and Frank DeFilippis (attached as **Schedule A**), with respect to the Fulton Rural Hamlet considerations.

Moved By Councillor Cheryl Ganann

Seconded By Councillor Shelley Bradaric

1. That, Report PD-107-2021, regarding “Recommendation Report Regional Official Plan Work and Township led Rural Hamlet/Rural Employment Considerations”, dated September 13th, 2021, be RECEIVED for INFORMATION PURPOSES; and,

2. That, a final report for endorsement of proposed boundary adjustments and requirements to be provided to the Region, be presented in the fall of 2021 once further consultant, Regional and agency input has been received.

Carried

10.6 ITEM P92-21

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

Re: Information Report No. PD-105-2021 - Regional Official Plan Work and the West Lincoln Master Community Plan/Urban Boundary Review Project by Township of West Lincoln Consulting Teams (Aecom and Wood)

The Director of Planning & Building stated that written comments were submitted by SGL Planning & Design Ltd. (attached as **Schedule B**), on behalf of the Landowners Association, with respect to the Natural Heritage System. The Director of Planning & Building made note that the Natural Heritage System is still under review and will be deliberated on with the professionals on all levels of the review process. The Director of Planning & Building also stated that if the concerns regarding the Natural Heritage System and environmental factors are not resolved then it may be an issue that has to be dealt with by the Planning/Building/Environmental Committee in the future.

Moved By Councillor Shelley Bradaric

Seconded By Mayor Dave Bylsma

1. That, Report PD-105-2021, regarding “Information Report, Regional Official Plan Work and the West Lincoln Master Community Plan/Urban Boundary Review Project by Township of West Lincoln Consulting Teams (Aecom and Wood)”, dated September 13th, 2021, be RECEIVED for INFORMATION PURPOSES; and,
2. That, staff will present a future recommendation report after proceeding with PIC 2 on October 6th, 2021. Notice will be provided to the Public very soon.

Carried

11. OTHER BUSINESS

11.1 ITEM P93-21

Members of Committee

Re: Other Business Matters of an Informative Nature

There were no comments from any Members of Committee.

12. NEW BUSINESS

There were no new items of business.

13. CONFIDENTIAL MATTERS

Councillor Jonker, Councillor Trombetta and Councillor Rehner were not in attendance for all confidential matters. All other Members of Committee noted as present as well as the CAO, Deputy Clerk and the Director of Planning & Building were in attendance for discussion of all confidential matters.

Prior to the closed session, all Members of Committee were reminded that any discussions in closed are to remain confidential as per the Township's Code of Conduct and the Procedural By-law.

All those in attendance electronically for closed session deliberations confirmed and acknowledged that they understood and confirmed to all of the following statements:

- That all confidential matters and discussions are to remain confidential;
- No one else was present with them during the electronic confidential discussions;
- No one else could hear the electronic closed session deliberations;
- No one was using any electronic devices other than their tablet or computer; for the purpose of the video conferencing; and,
- No one was recording any portion of the confidential portion of the meeting.

Moved By Mayor Dave Bylsma

Seconded By Councillor Cheryl Ganann

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:

13.1 By-law Enforcement Officer (Tiana Dominick) and 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

13.2 Director of Planning & Building (Brian Treble)

Re: CONFIDENTIAL - Recommendation Report No. PD-72-2021 – Property Matter/Legal Matter - Monitoring of John Street Property, Caistorville

Applicable closed session exemption(s):

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

13.3 Director of Planning & Building (Brian Treble)

Re: CONFIDENTIAL - Recommendation Report No. PD-103-21 - Natural Severance on Concession 2 Road and Concession 3 Road, Caistor Center

Applicable closed session exemption(s):

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

Carried

Moved By Councillor Cheryl Ganann

Seconded By Mayor Dave Bylsma

That, this Committee meeting does now resume in open session at the hour of 9:45p.m.

Carried

13.1 ITEM P94-21

By-law Enforcement Officer (Tiana Dominick) and Director of Planning & Building (Brian Treble)

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

Members of Committee rose without reporting.

13.2 ITEM P95-21

Director of Planning & Building (Brian Treble)

Re: CONFIDENTIAL - Recommendation Report No. PD-72-2021 –

Property Matter/Legal Matter - Monitoring of John Street Property, Caistorville

Moved By Councillor Cheryl Ganann

Seconded By Councillor Shelley Bradaric

1. That, Report PD-72-2021 regarding “CONFIDENTIAL, Recommendation Report, Property Matter/Legal Matter - Monitoring of John Street Property, Caistorville” dated September 13th, 2021, be RECEIVED; and,
2. That, staff be authorized to proceed as directed in closed session; and,

3. That, staff report back with an update on this monitoring project, as required.

Carried

13.3 ITEM P96-21

Director of Planning & Building (Brian Treble)

Re: CONFIDENTIAL - Recommendation Report No. PD-103-21 - Natural Severance on Concession 2 Road and Concession 3 Road, Caistor Center

Moved By Mayor Dave Bylsma

Seconded By Councillor Cheryl Ganann

1. That, Report PD-103-2021, regarding “CONFIDENTIAL - Recommendation Report Natural Severance on Concession 2 Road and Concession 3 Road, Caistor”, dated September 13th, 2021, be RECEIVED; and,
2. That, staff be authorized to proceed as directed in closed session.

Carried

14. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of 9:47 p.m.



JESSICA DYSON, DEPUTY CLERK

**COUNCILLOR WILLIAM REILLY,
CHAIR**

Nick DeFilippis
44 Mud St. West
Grassie, ON L0R 1M0

**SCHEDULE "A" TO THE
SEPTEMBER 13, 2021 PLANNING/BUILDING/
ENVIRONMENTAL COMM. MINUTES**

Frank DeFilippis
9024 Twenty Rd.
Smithville, ON

September 13, 2021

RE: Fulton Hamlet Expansion
PD-107-2021

We have reviewed the mapping information provided and wish to add or make the following comments:

The inconsistency of the shape of hamlet expansion leads to our comments.

As the owner's of Lot 33 Conc. 8, Reg. Plan No. 30R-6980 Pt. 4,11,12 & 13 (i.e. east of South Grimsby Rd. 18 and north of Highway 20), it seems apparent that these additional lands should be included. At present, the lands along the east side of South Grimsby Rd. 18 are zoned rural commercial for the first 600 ft+/- north from Highway 20, the balance to the hydro corridor are rural residential. Expanding the hamlet along Highway 20 to a rural commercial(employment) use seems logical, but should be increased in depth to approximately 600 ft. Any development on this site will have restricted access to Highway 20 and the depth will be necessary to create private access to these commercial lands.

The balance of lands to the north and east of the existing residential use should continue as a residential designation. There presently exists a 66 foot wide access from South Grimsby Rd. 18, which will permit a proper road allowance to those residential lands, in the expanded hamlet area.

We trust the preceding is self explanatory and look forward to any continued discussion.

Regards,

Nick DeFilippis
Frank DeFilippis



1547 Bloor Street West
Toronto, Ontario M6P 1A5
☎ (416) 923-6630
✉ info@sglplanning.ca

September 13, 2021

Project: UE.WL

VIA EMAIL

Brian Treble, Director of Planning & Building
Township of West Lincoln
318 Canborough St. Box 400
Smithville, ON
L0R 2A0

Re: Smithville Subwatershed Study and Natural Heritage System

As you know, SGL Planning & Design Inc. is assisting the Smithville Landowners Group in their review of the Smithville Master Community Plan and Subwatershed Study. The Landowners Group are also being assisted by LCA Environmental, A.J. Clark and Associates Ltd and Terra-Dynamics Consulting Inc. Our team of consultants has been actively involved in the Smithville Master Planning and Subwatershed studies that are being undertaken by the Township. We have reviewed the extensive background information, attended the Technical Advisory Committee (TAC) meetings and provided comments on the various reports. However, the team of consultants continues to have concerns with the recommendations of the Subwatershed Study Natural Heritage System as summarized in this letter.

Restoration Areas

The mapped restoration areas are not based on a watershed or scientific approach and should not be mapped at this stage of the reporting. The addition of the word "Recommended" and an indication of "some flexibility" regarding size and location does not address the technical concerns that the team of consultants has raised to date. The "Recommended Restoration Areas" (however slightly modified in one case) remain poorly justified. In our consultant team's opinion, the Restoration Area approach is wholly inadequate as it does not identify many smaller meaningful potential restoration opportunities distributed throughout the Study Area, but instead proposes turning a very few discrete but large areas into hard constraints on the basis of rather weakly conceived arguments. It is inconceivable that only three large opportunities for Restoration would occur within the Study Area.

We have reviewed the Terms of Reference for the Subwatershed Study and note that there is no mention of proposing "restoration areas" on potential development lands (i.e., agricultural fields with no ecological functions or existing residential land uses), but rather the Terms of Reference states that the mapping should reflect "opportunities for enhancement of the terrestrial environment". We interpret this requirement as recognizing suitable buffers and opportunities to incorporate enhancement areas into the proposed land uses, not simply blocking areas as "no touch" at the



beginning of the study. Further, section 2.4.5 of the Terms of Reference suggests that the report and mapping should “identify successional habitats that include potential restoration areas within the NHS”. The current mapping identifies clear blocks of agricultural land as restoration which is counter to the Terms of Reference text.

We recommend a policy approach with text added to the subsequent secondary plan(s) to address restoration and enhancement rather than specific mapping. This policy approach would address the restoration/enhancement considerations over the entire watershed area, including opportunities beyond the defined Urban Area boundary limits.

Linkages

The proposed small connecting linkages are based on movement patterns that have not been documented in the field and are simply mapped connecting lines through currently open agricultural fields sometimes along the edges of existing roads and subdivisions. These linkages do not represent movement corridors, which is what the provincial intent is regarding connectivity.

At the August 9th TAC meeting, there was consensus on removing the Linkage at the Leisureplex on the north side of Townline Road in favour of the Linkage to the south along the existing tributary. Instead, only the widths of each have been tweaked, and the recommended Linkage in that area presumes the “Recommended” Restoration in the “Horseshoe-shaped woodland”. Our concerns about other Linkages depicted at Brookside have been completely ignored.

Rather than delineating linkages that do not represent movement corridors, we recommend a policy approach with linkage policies included in the subsequent secondary plan(s) that addresses the need for linkages /corridors to be established at the draft plan of subdivision development stage once we can logically and scientifically identify the best opportunities and most suitable locations based on current and future land uses.

Small Wetland Pockets

The tiny wetland pockets, which have not been officially recognized by MNRF, have been revised in terms of the legend, but we do not agree that the revised terminology. “Unevaluated” and “Previously Unevaluated” are both inaccurate and misleading. These supposed wetlands are not mapped by either of NPCA or the Province, and they have not been evaluated, so are not Previously Unevaluated. The correct process has not been completed and the title implies that they have some standing based on regulation.

We recommend that the depiction of these wetland pockets should be limited to the ELC mapping in the SWS report, and that these wetland pockets should be recommended for further and more detailed study and confirmation in site-specific Environmental Impact Studies completed at the draft plan of subdivision stage.

Significant Wildlife Habitat

We are concerned that the application of the provincial significant wildlife habitat has been stretched in terms of the small isolated areas that are occupied by locally common species. Again, this is something that should be refined and documented at a draft plan of subdivision stage through Environmental

Impact Statement (EIS) reports. Data on significant wildlife habitat is only valid for a 5 year period. For transient species, the location of these pockets and ecological function can vary annually.

We recommend a policy be added to the subsequent secondary plan(s) stating the requirement to address significant wildlife habitat through EIS reports at the draft plan of subdivision stage, which requirements is already incorporated into the Regional EIS guidelines.

Karst Sinkholes

The proposed 50 metre buffer/setbacks around the Karst sinkholes are natural hazard setbacks and not natural heritage buffers. Those 50 metre potential hazard setbacks (that may not even apply if a sinkhole is grouted closed or if it is determined not be a hazard by a qualified engineer) should not be presumed to be part of the NHS. Even if it is determined that proposed development should respect a 50m setback from a Karst feature, NPCA policy does not require that the 50 metre setback be naturalized.

We recommend that the 50 metre buffer / setbacks be identified in the mapping as a natural hazard setback not an NHS buffer.

In our opinion, all of the 'final adjustments' have been considered in the Land Needs Assessment Methodology and applied as applicable and appropriate.

Yours very truly,

SGL PLANNING & DESIGN INC.



Paul Lowes, MES, MCIP, RPP

c.c. Richard Vandezande
Tony Miele, Smithville Landowners Group
Lisa Price, LCA Environmental
Adi Irani, A.J. Clark and Associates Ltd.
David Slaine, Terra-Dynamics Consulting Inc.

/Volumes/Server_Data/Projects/UE.WL Urban Expansion West Lincoln/Correspondence/Memo and Letters/Memo:Ltrs on NHS 2021/Ltr re Smithville Subwatershed Study.docx

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

MEETING NO. SEVEN

September 20, 2021, 6:15 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Councillor Jason Trombetta (Chair)
Councillor Shelley Bradaric
Mayor Dave Bylsma
Councillor Cheryl Ganann
Councillor Harold Jonker – joined meeting at approx. 7:15 p.m.
Councillor Mike Rehner
Councillor William Reilly

Staff: Bev Hendry, CAO
Joanne Scime, Clerk
Mike DiPaola, Director of Public Works and Recreation
Katelyn Hall, Deputy Treasurer
Roberta Keith, IT Manager
Jessica Dyson, Deputy Clerk
Dennis Fisher, Fire Chief*

Others: Kathleen Kelly, JJAC*
Rhys Evans, JJAC*
Tristan Marks, News Now

*** IN ATTENDANCE PART-TIME**

1. CHAIR - Councillor Jason Trombetta

Prior to commencing with the Administration/Finance/Fire Committee meeting agenda, Chair Trombetta will note 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 – September 20, 2021

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. The meeting will be recorded and available on the Township's website within 48 hours of the meeting.

2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST (CONFIDENTIAL MATTERS)

There were no disclosures of pecuniary interest and/or conflicts of interest by any Member of the Committee in attendance with respect to the confidential matter.

3. CONFIDENTIAL MATTERS

Moved By Councillor William Reilly

Seconded By Councillor Cheryl Ganann

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) Treasurer/Director of Finance (Donna DeFilippis)

Re: Confidential Report T-23-2021 - Section 357 Applications

Applicable closed session exemption(s):

- personal matters about an identifiable individual, including municipal or local board employees. (6:16 p.m.)

Carried

3.1 ITEM A54-21

Treasurer/Director of Finance (Donna DeFilippis)

Re: CONFIDENTIAL Report T-23-2021 - Section 357 Applications

Moved By Councillor Cheryl Ganann

Seconded By Councillor Shelley Bradaric

1. That report, T-23-2021, regarding Section 357 Applications, dated September 20, 2021 be received; and,
2. That the list of applications as contained in Appendix A to report T-23-2021 be approved

Carried

Moved By Councillor Cheryl Ganann

Seconded By Councillor William Reilly

That, this Council meeting does now resume in open session at the hour of 6:41 p.m.

Carried

4. LAND ACKNOWLEDGEMENT STATEMENT

On behalf of the Members of Council and staff, we wish to acknowledge this land on which the Township of West Lincoln operates. The land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabeg peoples and is still home to many indigenous people today. We are grateful to have the opportunity to work here today and to follow the Haudenosaunee system of blending laws and values and the Anishinaabe beliefs to strive to live in harmony and balance throughout the Municipality. We acknowledge that we are all treaty people and accept our responsibility to honour all our relations.

5. CHANGE IN ORDER OF ITEMS ON AGENDA

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

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

There were no disclosures of pecuniary interest and/or conflicts of interest by any Member of the Committee in attendance.

7. APPOINTMENTS

7.1 ITEM A55-21

Kathleen Kelly, Board Member - Joint Accessibility Advisory Committee (JAAC)

Re: JAAC History, Committee Expansion & Activities and "We are Accessible Award" to Local Businesses, Etc.

Ms. Kelly reviewed the PowerPoint Presentation, which was attached to the Administration/Finance/Fire Committee Agenda and Mr. Evans was available to answer any questions from Members of the Committee and the public.

Ms. Kelly stated that the committee originally completed audits from 2003-2006 and are currently completing refresher audits at the request of staff to ensure AODA compliance. Ms. Kelly added that in 2021 the Joint Accessibility Advisory Committee is auditing 5 facilities per municipality, which also includes parks, trails as well as buildings. Ms. Kelly also noted that the Joint Accessibility Advisory Committee prepared Refresher Training in AODA compliance areas and provided this training to the JAAC staff contacts.

In response to Councillor Rehner's question regarding when accessibility became a requirement and legislated rather than a recommendation to municipalities, Ms. Kelly stated that there is a legislation under the Accessibility for Ontarians with Disabilities Act (AODA), and the mandate is that Ontario is fully accessible by the year of 2025. Mr. Evans added

ADMINISTRATION/FINANCE/FIRE COMMITTEE MINUTES – September 20, 2021

that the Accessibility Act became legislated in the year 2005, noting that at that time they set out a number of recommendations whereas each year a couple of recommendations would become legislated in order to create a fully accessible organization over time. Mr. Evan's provided an example, sharing that as of January 1st 2021, all of the communications and computer technology requirements need to be fully accessible under the AODA legislation.

In response to Councillor Rehner's question regarding if the Township contributes any money for accessibility within the Township, the Township Clerk stated that the Township contributes \$10,000.00 annually towards the JAAC in which funds go towards the salary of Donna Herrington (Accessibility Consultant), meetings and transportation, which all account towards the accessibility within the Township of West Lincoln.

In response to Councillor Bradaric's question regarding the reporting responsibilities for the municipality and whether this reporting is done on an annual basis to the Province of Ontario and if the JAAC is used to support some of this reporting, the CAO shared that the JAAC forwards the reporting on behalf of the Township as well as keeps staff up to date in terms of the requirements.

Councillor Ganann stated that the JAAC has been involved in the West Lincoln community for a few years and is particularly involved with the Age-Friendly Advisory Committee adding that it is very helpful to be able to reach out to the JAAC when the Age-Friendly Advisory Committee requires advice and expertise when planning events for seniors within the community.

The CAO shared her support for the JAAC model and stated the importance of being able to share resources and ensure consistency across the municipality

Moved By Councillor Mike Rehner

Seconded By Councillor Cheryl Ganann

1. That, the PowerPoint Presentation from the Joint Accessibility Advisory Committee (JAAC) as presented at the September 20, 2021 Administration/Finance/Fire Committee Meeting, be received for information; and,
2. That, Township of West Lincoln acknowledge their commitment to the JAAC by ensuring the municipality meets the AODA 2025 Compliance Requirements, the "We are Accessible Award" to be awarded to local businesses, and communicate with the JAAC with respect to any accessibility concerns or decisions.

Carried

8. REQUEST TO ADDRESS ITEMS ON THE AGENDA

The Chair inquired if the IT Manager was aware if there were any members of the public in attendance virtually on the Zoom meeting call that wished to address a specific item on tonight's agenda as permitted under Section 6.7 of the Procedural By-law, for which the IT Manager confirmed she did not.

Additionally, the Chair asked the Clerk if she had received any emails or correspondence from a member of the public prior to 4:30 p.m. today to read into the record, for which the Clerk confirmed she had not.

9. CONSENT AGENDA ITEMS

9.1 ITEM A56-21

CONSENT AGENDA ITEMS

Moved By Councillor William Reilly

Seconded By Councillor Cheryl Ganann

That the Administration/Finance/Fire Committee hereby approves the following Consent Agenda Items:

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

Carried

SUMMARY OF APPROVED CONSENT AGENDA ITEMS:

1. Information Report WLFD-14-2021 - Monthly Update August 2021
2. Information Report No. T-22-2021 - August 31, 2021 Financial Update
3. Recommendation Report CAO-02-2021 - Christmas Break Holiday Hours 2021

10. COMMUNICATIONS

In response to Councillor Rehner's question regarding the clarification of sharing the stories of residential school survivors, their families and communities, the CAO stated that this year the Federal Government made September 30th as the National Day for Truth and Reconciliation, noting that the intent by making the day commemorative to the First Nations and the residential school survivors and the communities, there is hopes that through this process there will be more thought, time and moments given to these stories. The CAO also stated that the one of the steps the Township is taking is providing Council and Staff an opportunity to listen to some of the stories that have come from two residential school survivors, adding that they are going to be sharing their stories with a program through the West Lincoln Library, and as more resources and

ADMINISTRATION/FINANCE/FIRE COMMITTEE MINUTES – September 20, 2021

communications are brought forward, it will continue to be shared with Council and Staff. The CAO noted that September 30th will not be a statutory holiday for the Township adding that staff are being asked to wear orange shirts on September 30th and to take time to reflect on this issue that has been brought to the national attention.

Councillor Reilly asked for a recorded vote.

10.1 ITEM A57-21

Association of Municipalities of Ontario (AMO)

Re: Reconciliation, and New Resource Materials

Moved By Councillor William Reilly

Seconded By Councillor Shelley Bradaric

That, the correspondence received from the Association of Municipalities of Ontario (AMO), received August 23, 2021 be received; and,

WHEREAS the Truth and Reconciliation Commission released its final report on June 2, 2015, which included 94 Calls to Action to redress the legacy of residential schools and advance the process of Canadian reconciliation;

AND WHEREAS the recent discoveries of remains and unmarked graves across Canada have led to increased calls for all levels of government to address the recommendations in the TRC's Calls to Action;

AND WHEREAS all Canadians and all orders of government have a role to play in reconciliation;

AND WHEREAS Recommendation #80 of the Truth and Reconciliation Commission called upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process;

AND WHEREAS the Federal Government has announced September 30th, 2021, as the first National Day for Truth and Reconciliation (National Orange Shirt Day) and a statutory holiday;

THEREFORE, BE IT RESOLVED THAT the Council of the Township of West Lincoln does hereby commit to recognizing September 30th, 2021, as the National Day for Truth and Reconciliation (National Orange Shirt Day) by sharing the stories of residential school survivors, their families, and communities.

ADMINISTRATION/FINANCE/FIRE COMMITTEE MINUTES – September 20, 2021

	For	Against
Councillor Jason Trombetta	X	
Councillor Shelley Bradaric	X	
Mayor Dave Bylsma	X	
Councillor Cheryl Ganann	X	
Councillor Mike Rehner	X	
Councillor William Reilly	X	
Results	6	0

Carried (6 to 0)

10.2 ITEM A58-21

Brian Walker, Peninsula West Power Inc.

Re: Appointment of Two Board Members - Commencing January 1, 2022
(Maximum 3 Year Term to December 31, 2024)

Councillor Rehner stated that Council recently appointed Councillor Ganann as a Board Member for the Peninsula West Power Inc. Board noting that Councillor Ganann should stay on as a Board Member. Councillor Rehner also recommended that Councillor Trombetta continue as a Board Member if acceptable with other members of Committee. Councillor Reilly stated that he would also like to bring forward the nomination for Councillor Trombetta as well as Councillor Ganann.

Councillor Ganann provided comments to the Committee stating that her appointment was made in the Spring of 2020 for the completion of this term, noting that a board meeting has not taken place as of yet due to timing, and therefore would be in favour of staying on as a Board Member moving forward.

Councillor Rehner suggested that the Board Members be appointed for the duration of the 3-year term to December 31st, 2024, noting that there is a lot of participation on the Board and should carry on until at least the end of the term. Councillor Reilly supported Councillor Rehner's proposed recommendation adding that something that is addressed though the Township's Strategic Plan is Board turnover, therefore having Councillors on a Board for a short period of time would put that Board at a disadvantage. Mayor Bylsma provided comments toward the appointment of the board members, stating that these are political appointments and that members should not be removed due to difference of opinion if Members of Council are worried about continuity.

Councillor Rehner asked for a recorded vote.

ADMINISTRATION/FINANCE/FIRE COMMITTEE MINUTES – September 20, 2021

Moved By Councillor Mike Rehner

Seconded By Councillor Cheryl Ganann

That, Councillor Jason Trombetta and Councillor Cheryl Ganann be recommended for appointment as Board Members on the Peninsula West Power Inc. Board commencing January 1, 2022 to December 31, 2024.

	For	Against
Councillor Jason Trombetta	X	
Councillor Shelley Bradaric	X	
Mayor Dave Bylsma		X
Councillor Cheryl Ganann	X	
Councillor Mike Rehner	X	
Councillor William Reilly	X	
Results	5	1
		Carried (5 to 1)

11. STAFF REPORTS

There are no staff reports.

12. OTHER BUSINESS

12.1 ITEM A59-21

Bev Hendry (CAO)

Re: Flags at Half Mast until September 30, 2021 - The National Day for Truth and Reconciliation

Councillor Jonker entered the meeting at approximately 7:17 p.m.

Councillor Harold Jonker joined the meeting at 7:20 pm.

Moved By Mayor Dave Bylsma

Seconded By Councillor Cheryl Ganann

That, the flags throughout the Township of West Lincoln remain at half-mast until after September 30, 2021.

Carried

12.2 ITEM A60-21

Members of Committee

Re: Verbal Updates from Members of Boards and Committees

There were no verbal updates from Members of Committee.

12.3 ITEM A61-21

Members of Council

Re: Other Business Items of an Informative Nature

1. Councillor Reilly

Re: Online Fire Permit Process & Feedback

Councillor Reilly shared that the Fire Department did a soft opening of the online open fire permit application and that the process is very convenient with the permit system being quick and easy to use, noting that the official launch is tentatively September 24th, 2021. In response to Councillor Reilly's request regarding the feedback of the soft opening of the online open fire permits, the Fire Chief stated that the permitting system is working really well and that members of the public are extremely receptive that they do not have to call every time they need to obtain an open air fire permit. The Fire Chief added that staff are working with the Townships Communications Specialist to get more information and communications out to the public on Thursday.

2. Councillor Jonker

Re: Vaccination Policy

Councillor Jonker raised some concerns with respect to the new Vaccination Policy that has been implemented by the Township stating that he has received many calls from concerned residents as well as employees that the Vaccination Policy goes against what they want to do when it comes to being able to access to the West Lincoln Community Centre and other Township facilities. Councillor Jonker also stated that he has concerns with the Vaccination Policy as it goes against the Township's Strategic Plan where it says we will be a Township that is inclusive, yet the Township now has a policy that will not allow our residents to use our facilities.

Councillor Trombetta stated that although Councillor Jonker's comments are valid, this section of the agenda is for items of an informative nature and therefore the Vaccination Policy should not be brought up under this agenda item. Councillor Trombetta suggested the Councillor Jonker contact the Township Clerk to put this item on the September 27, 2021 Council Agenda for further discussion.

3. Councillor Trombetta

Re: West Lincoln Farmers' Market

Councillor Trombetta shared that he attended the Official Opening of the West Lincoln Farmers' Market which was held on August 27th, 2021, noting that it was a great event and that many members of the public, including out of Town relatives that were happy to be supporting and really happy with the overall process of the market.

ADMINISTRATION/FINANCE/FIRE COMMITTEE MINUTES – September 20, 2021

Councillor Trombetta thanked staff and the organizers for putting together the West Lincoln Farmers' Market, as well as Members of Council for the support they gave to the stands.

4. Councillor Harold Jonker

Re: West Lincoln Chamber of Commerce

Councillor Jonker also shared that the West Lincoln Chamber of Commerce has the Business Awards presentation coming up on October 21, 2021 which will be held virtually noting that they are picking a business for each category. Councillor Jonker added that it is great to be able to hold this presentation and is looking forward to the event.

13. NEW BUSINESS

13.1 ITEM A62-21

Councillor Harold Jonker

Re: Vaccination Policy

Moved By Councillor Harold Jonker

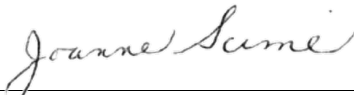
Seconded By Mayor Dave Bylsma

That, a new item of business be introduced being the Vaccination Policy.

Lost

14. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of 7:35 p.m.



JOANNE SCIME, CLERK

COUNCILLOR JASON
TAdROMBETTA, CHAIR

**TOWNSHIP OF WEST LINCOLN
PUBLIC WORKS/RECREATION/ARENA COMMITTEE
MINUTES**

MEETING NO. SEVEN

September 20, 2021, 7:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Councillor Harold Jonker (Chair)
Councillor Shelley Bradaric
Mayor Dave Bylsma
Councillor Cheryl Ganann
Councillor Mike Rehner
Councillor William Reilly
Councillor Jason Trombetta

Staff: Bev Hendry, CAO
Joanne Scime, Clerk
Mike DiPaola, Director of Public Works and Recreation
Dennis Fisher, Fire Chief
Jessica Dyson, Deputy Clerk
Roberta Keith, IT Manager

Other Members: Tristan Marks, News Now

*** IN ATTENDANCE PART-TIME**

1. CHAIR - Councillor Harold Jonker

Prior to commencing with the Public Works/Recreation/Arena Committee meeting agenda, Chair Harold Jonker made the following announcements:

1. Due to efforts to contain the spread of COVID-19 and to protect all individuals, the Council Chamber are not open to the public to attend Standing Committee and Council meetings until further notice.
2. The public could submit comments for matters that are on the agenda to jscime@westlincoln.ca before 4:30 pm today. Any comments submitted would be read into the public record and would be considered as public information.
3. This evening's meeting was being recorded and will be available on the Township's website within 48 hours of tonight's meeting.

2. LAND ACKNOWLEDGEMENT STATEMENT

On behalf of the Members of Council and staff, we wish to acknowledge this land on which the Township of West Lincoln operates. The land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabeg peoples and is still home to many indigenous people today. We are grateful to have the opportunity to work here today and to follow the Haudenosaunee system of blending laws and values and the Anishinaabe beliefs to strive to live in harmony and balance throughout the Municipality. We acknowledge that we are all treaty people and accept our responsibility to honour all our relations.

3. CHANGE IN ORDER OF ITEMS ON AGENDA

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

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

There were no disclosures of pecuniary interest and/or conflict of interest by any Member of the Committee in attendance.

5. APPOINTMENTS

There were no appointments/presentations.

6. REQUEST TO ADDRESS ITEMS ON THE AGENDA

The Chair inquired if the IT Manager was aware if there were any members of the public who were in attendance virtually on the Zoom meeting call that wished to address a specific item on tonight's agenda as permitted under Section 6.7 of the Procedural By-law, for which the IT Manager confirmed there was not.

Additionally, the Chair asked the Clerk if she had received any emails or correspondence from a member of the public prior to 4:30 p.m. today, for which the Clerk confirmed she had not.

7. CONSENT AGENDA ITEMS

7.1 ITEM PW31-21

CONSENT AGENDA ITEMS

Moved By Mayor Dave Bylsma

Seconded By Councillor William Reilly

That the Public Works/Recreation/Arena Committee hereby approves the following Consent Agenda Items:

1. Items 1, 2 and 3 be and are hereby received for information

Carried

SUMMARY OF APPROVED CONSENT AGENDA ITEMS:

1. West Lincoln Public Library Board - Minutes of July 9, 2021
2. West Lincoln Christmas Parade Committee - Minutes of April 28, 2021
3. Information Report REC-11-2021 - West Lincoln Community Centre and Recreation Services COVID-19 Update

8. COMMUNICATIONS

8.1 ITEM PW32-21

Bev Packham, West Lincoln Christmas Parade Committee

Re: Resignation

Moved By Councillor Cheryl Ganann

Seconded By Councillor Shelley Bradaric

1. That, the email received on September 7, 2021 from Bev Packham advising of her resignation from the West Lincoln Christmas Parade Committee be received with regrets; and,
2. That, By-law 2020-95 be repealed and that a new by-law be presented at the September 27, 2021 Council Meeting to remove Bev Packham from Schedule G (West Lincoln Christmas Parade Committee) of By-law 2018-114

Carried

9. STAFF REPORTS

9.1 ITEM PW33-21

Manager of Operations (Steve McGean) & Director of Public Works & Recreation (Mike DiPaolo)

Re: Recommendation Report PW-18-2021 - 2021 Hot Mix Spot Repair Authorization

Moved By Mayor Dave Bylsma

Seconded By Councillor Jason Trombetta

1. That, Report PW-18-2021, re: 2021 Hot Mix Spot Repair Tender Authorization dated September 20th, 2021 be received; and,
2. That, Council accept the tender submission by Griffin Construction for the paving of spot repairs, in the amount of \$134,552.50 (plus HST); and,
3. That, Council approve the project budget in the total amount of \$167,552.50; and,
4. That, a By-Law be passed to authorize the Mayor and Clerk to enter into an agreement with Griffin Construction.

Carried

9.2 ITEM PW34-21

Director of Public Works & Recreation (Mike DiPaolo)

Re: Recommendation Report PW-19-2021 - Approved Roster List for Wind Project Tree Replacement Program

Mayor Bylsma stated that the tree replacement program has been quite a process including a lot of implications adding that he is glad to see that the Township is at the point where staff can move forward with the tree replacement program. Councillor Ganann echoed Mayor Bylsma's comments adding that many people are looking forward to seeing this project completed.

Moved By Councillor Cheryl Ganann

Seconded By Councillor William Reilly

1. THAT, Report PW-19-2021; re: Approved Roster List for Wind Project Tree Replacement Program dated September 20, 2021, be received, and
2. THAT, the following firms be approved to supply and install trees as part of this project: B.A. Loney Services Inc.; CSL Group Limited; Division 2 Contracting Limited; Earthgen International Ltd., and
3. THAT, Council authorizes staff to enter and execute purchase orders to the recommended firms up to a total upset limit of \$624,000.

Carried

9.3 ITEM PW35-21

Bob Denison (Manager of Parks, Recreation & Facilities) & Director of Public Works & Recreation (Mike DiPaolo)

Re: Recommendation Report REC-10-2021 - Dennis Drive Playground Request For Proposal (RFP) Authorization

Councillor Reilly stated that he is impressed with the amount of playground equipment being presented for the proposed amount of money adding that this structure will be well received in Ward One. In response to Councillor Reilly's question regarding if the playground area will have any park benches around the area, the Director of Public Works & Recreation stated that staff budget for park benches separately than the playground equipment noting that through the annual budget staff will be adding park benches to this particular park.

Moved By Mayor Dave Bylsma

Seconded By Councillor William Reilly

1. THAT, Report REC-10-2021, re: Dennis Drive Playground Request For Proposal (RFP) Authorization, dated September 20, 2021 be received; and,

2. THAT, Council awards the RFP submission by Play Power in the total amount of \$123,784.68 (plus HST); and,
3. THAT, a By-Law be passed to authorize the Mayor and Clerk to enter into an agreement with Play Power.

Carried

10. OTHER BUSINESS

10.1 ITEM PW36-21

Members of Council

Re: Other Business Items of an Informative Nature

1. Mayor Bylsma

Re: Concession 5 Road – Road Work

Mayor Bylsma thanked staff for their work at laying a smooth 8 kilometers of tar chip along Concession 5 Road, adding that this is a great accomplishment and he hopes to see this success continue on more Township roads.

Re: Band Shell at the West Lincoln Community Centre

In response to Mayor Bylsma's question regarding if there was any rendering of what the Band Shell at the West Lincoln Community Centre will look like, the Director of Public Works & Recreation advised that there was an attachment that had the rendering of the Band Shell included when the contract was awarded at the April Public Works Committee meeting, noting that this can be circulated to Council again for reference.

Re: Fire Station No.2

Mayor Bylsma requested an update with respect to the Fire Station #2 construction. The Fire Chief advised that after discussions with the Architect it was shown that the cost of construction is much higher than was expected adding that the cost is now starting to level out slowly. The Fire Chief also advised that since this is a pre-engineered design, the structural steel will not be received until at least July 2022, noting that to move forward it was a decision of the Committee and the Architect to hold off putting the tender out for construction until late fall (i.e., first week of November) and staff putting forward a report in January.

2. Councillor Jonker

Re: Update on St. Anns Road

Councillor Jonker requested an update with respect to the rehabilitation on St. Ann's Road. The Director of Public Works & Recreation advised that the Township had surveyors on site to get

PUBLIC WORKS/RECREATION/ARENA COMMITTEE MINUTES – Sept. 20, 2021

ready for the preliminary engineering adding that some boreholes have been done to figure out the existing pavement structure and that the assessment on the bridge has been completed. The Director of Public Works & Recreation stated that staff will be sending out a notice of study commencement to the residents and the other properties within the study area in order to start the public consultation noting that in the 2022 budget staff will complete a detailed design for the construction project.

Re: Regional Road 69 Road Construction

In response to Councillor Jonker's question regarding Regional Road 69 to Victoria Ave. and if the road construction was going to be completed along that stretch of road to match the road construction completed at Beamsville Mountain Road, the Director of Public Works & Recreation advised that the Region has identified this segment of road in their Capital Budget forecast as road reconstruction, noting that the work that was just completed was only a resurfacing work. The Director of Public Works & Recreation advised that this road reconstruction may be two to three years out based on the last meeting staff had with the Region.

11. NEW BUSINESS


There was no new business brought forward by any Member of Committee in attendance.

12. CONFIDENTIAL MATTERS

There were no confidential matters.

13. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of 8:03 p.m.



JOANNE SCIME, CLERK

**COUNCILLOR HAROLD JONKER,
CHAIR**

DATE: September 27, 2021

REPORT NO: T-24-2021

SUBJECT: **Administrative Amendment to By-law 2004-42**

CONTACT: Katelyn Hall, Deputy Treasurer

OVERVIEW:

- Staff recently noted that the Water on Construction fees have been inadvertently excluded from By-law 2004-42. These fees were previously approved via resolution by Council in December 2018.
- This report is to inform Council of this omission and to seek approval to apply an administrative amendment to By-law 2004-42, via By-law 2021-78, to ensure the Water on Construction fees are appropriately included going forward.

RECOMMENDATION:

1. That, Report T-24-2021, regarding the “Administrative Amendment to By-law 2004-42” dated September 27, 2021, be received for information; and,
2. That, By-law 2021-78 be adopted, to allow for Schedule “B” of By-law 2004-42 to be amended to include the previously approved Water on Construction fees.

BACKGROUND:

In December 2018, the recommendations within Report “RFD-T-33-18 – Water on Construction Fee” were approved by Council, regarding the implementation of Water on Construction fees in order to charge for water used during new building construction.

The amendment of Schedule “B” of By-law 2004-42 to add the new Water on Construction fees was also approved. However, due to an administrative oversight at the time, Schedule “B” was not updated to include these fees and the current By-law 2004-42 still excludes them.

Therefore, staff recommend that By-law 2004-42 be updated to reflect the Water on Construction fees, as was originally intended. This will ensure the completeness and transparency of By-law 2004-42 so that it reflects all Council-approved fees and rates.

FINANCIAL IMPLICATIONS:

There are no financial implications as a result of this Report. No other changes are currently proposed to By-law 2004-42 or the fees within.

INTER-DEPARTMENTAL COMMENTS:

This Report and its recommendations were discussed with the Clerks Department.

CONCLUSION:

Therefore, staff recommend that Schedule “B” of By-law 2004-42 be updated to reflect the Water on Construction fees that were previously approved by Council in December 2018.

Prepared & Submitted by:



Katelyn Hall
Deputy Treasurer

Approved by:



Bev Hendry
CAO

**PLANNING & DEVELOPMENT DEPARTMENT
MEMORANDUM**

TO: Mayor and Council

FROM: Tiana Dominick, Enforcement Officer
Brian Treble, Director of Planning and Building

DATE: September 23, 2021

SUBJECT: Addition of Open Air Fire By-law Fines into the Non-Parking
Administrative Monetary Penalty By-law 2021-84

It was recently brought to the Enforcement Officer's attention that report WLFD-10-2021 regarding "Open-Air Fires By-law," was presented to the Administration/Finance/Fire Committee on June 21, 2021 resulting in the Open-Air Fires By-law 2021-58 being subsequently passed on June 28, 2021. Upon further review, it was revealed that the Open-Air Fires By-law uses Non-Parking AMPS as its penalty administration; however, the Non-Parking AMPS By-law remains in the process of being adopted by the Township of West Lincoln and was not enacted at that time.

Report PD-108-2021 was presented at the Planning/Building/Environmental Committee meeting on September 13, 2021 regarding approval of a new by-law, Non-Parking Administrative Penalty By-law (AMPS) which outlined a number of Township by-laws that would be enforced through the AMPS by-law. Due to the miscommunication noted above, the Open Air Fires By-law was not noted as one that would be incorporated into the Non-Parking AMPS by-law.

This memo is to inform Council that per the adoption of the Open Air Fires By-law 2021-58 which notes the Non-Parking AMPS by-law as its enforcement mechanism, this by-law is now being included with By-law 2021-84 Non-Parking Administrative Penalty By-law.

Sincerely,



Brian Treble, MCIP, RPP
Director of Planning and Building

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2021-74

**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 26TH DAY
OF JULY, 2021.**

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 thirteenth meeting, regular, held on the 26th day of July, 2021, 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
27th DAY OF SEPTEMBER, 2021.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2021-75

**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 persons named in the following Schedules 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; and,
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
(removal of Bev Packham and addition of Deanne MacIntosh)
3. That By-law 2020-95 be repealed.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
27th DAY OF SEPTEMBER, 2021.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

**SCHEDULE “G” TO BY-LAW 2018-114
(As Amended by By-law 2021-75)**

APPOINTMENTS TO THE WEST LINCOLN CHRISTMAS PARADE COMMITTEE

That, the following persons 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. Deanne MacIntosh
- 11. Wendy Beaty – Township Liaison

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2021-76

**A BY-LAW TO AUTHORIZE AN AGREEMENT
BETWEEN THE CORPORATION OF THE TOWNSHIP
OF WEST LINCOLN AND GRIFFIN CONSTRUCTION
FOR 2021 HOT MIX SPOT REPAIR AT VARIOUS
LOCATIONS**

WHEREAS the Council of the Corporation of the Township of West Lincoln deems it expedient to enter into an agreement with Griffin Construction for 2021 hot mix spot repair at various locations.

**NOW THEREFORE THE COUNCIL OF 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 an agreement with Griffin Construction for 2021 hot mix spot repair at various locations; and,
2. That, the Mayor and Clerk be authorized to sign the above mentioned agreement, and any other related documents, and to affix the Corporate Seal thereto.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS 27th
DAY OF SEPTEMBER, 2020.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2021-77

**A BY-LAW TO AUTHORIZE AN AGREEMENT BETWEEN
THE CORPORATION OF THE TOWNSHIP OF WEST
LINCOLN AND PLAY POWER FOR THE SUPPLY AND
INSTALLATION OF THE DENNIS DRIVE PLAYGROUND
EQUIPMENT**

WHEREAS the Council of the Corporation of the Township of West Lincoln deems it expedient to enter into an agreement with Play Power for the supply and installation of the Dennis Drive Playground equipment;

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

1. That, Corporation of the Township of West Lincoln enter into an agreement with Play Power for the supply and installation of the Dennis Drive Playground equipment; and,
2. That, the Mayor and Clerk be and are hereby authorized to sign the above mentioned agreement, and any other related documents, and to affix the Corporate Seal thereto.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS 27th
DAY OF SEPTEMBER, 2021**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2021-78

BEING A BY-LAW TO AMEND BY-LAW 2004-42, AS AMENDED, WHICH REGULATES THE SUPPLY OF WATER AND PROVIDES FOR THE IMPOSITION AND COLLECTION OF WATER AND WASTEWATER RATES.

WHEREAS the Council of the Corporation of the Township of West Lincoln enacted By-law 2004-42, as amended, to regulate the supply of water and to provide for the imposition and collection of water and wastewater rates;

AND WHEREAS the Council of the Corporation of the Township of West Lincoln deems it expedient to amend By-law 2004-42 to impose new Water on Construction fee.

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

- 1. That Schedule “B” of By-law 2004-42 be deleted and the new attached Schedule “B – Water & Wastewater Rates” be inserted in lieu thereof; and,

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
27th DAY OF SEPTEMBER, 2021.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

**SCHEDULE "B" TO BY-LAW NO 2004-42
(as amended by By-law 2021-78)**

PRIVATE WATER SERVICES

1. INSTALLATION OF WATER SERVICE PIPE

The cost of installing each water service from the watermain in or under any highway (and whether under Provincial, Regional or Township jurisdiction) to the limits of the private property abutting so such highway, excluding cases in which water services are installed pursuant to subdivision agreements made with the Township, shall be as follows:

- Installation of New ¾" Service (meter not included) \$1,510.00
- For all services in excess of ¾ inch, the cost shall be determined by the Public Works Department
- Tapping greater than ¾" up to 2" \$ 268.00

METERS

2. NEW WATER RATES

- (a) The cost of installing a Township owned water meter in each unit of a subdivision and multi-unit buildings, and in each new building, shall be as follows:
 - Installation of New ¾" Meter \$ 484.00
 - For all meters in excess of ¾ inch, the cost shall be determined by the Public Works Department

3. OTHER CHARGES

- (a) The charge for turning the water supply on to a private water service during regular working hours:
\$60.00 Flat Rate
- (b) The charge for turning the water supply on to a private water service outside of regular working hours:
\$211.00 Flat Rate
- (c) The charge for sending a second reminder notice shall be as follows:
\$24.00 per letter
- (d) The charge for transferring an overdue water balance to a property tax account.
\$20.00 taxable administrative fee per instance

4. WATER PENALTIES & FEES

- (a) The charge for late penalty fee shall be as follows:
5% per quarter
- (b) The charge for NSF shall be as follows:
\$30.00
- (c) The water restriction fine for a second occurrence shall be as follows:
\$100.00 (per By-law 2004-43)

5. WATER ON CONSTRUCTION FEE (FLAT RATE):

- (a) Residential \$250
- (b) Commercial, Industrial and Institutional \$400

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2021-79

A BY-LAW TO AUTHORIZE A SITE PLAN AGREEMENT WITH NIAGARA REGIONAL SPORTSMAN CLUB AND ANY MORTGAGEES, IF APPLICABLE, ON LANDS DESCRIBED AS CONCESSION 4 PART LOT 15; WEST LINCOLN THIS PLAN IS NOT A PLAN OF SUBDIVISION WITH THE MEANING OF THE PLANNING ACT. PIN 46079-0104 (LT)

WHEREAS the Corporation of the Township of West Lincoln deems it expedient to enter into a Site Plan Agreement with the Niagara Regional Sportsman Club, and any Mortgagees, if applicable, on lands described as Concession 4, Part Lot 15, West Lincoln this plan is not a plan of subdivision with the meaning of the Planning Act. PIN 46079-0104 (LT)

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 the Niagara Regional Sportsman Club, and any Mortgagees, if applicable, on lands described as Concession 4, Part Lot 15, West Lincoln this plan is not a plan of subdivision with the meaning of the Planning Act. PIN 46079-0104 (LT).
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 27th
DAY OF SEPTEMBER, 2021**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW 2021-80

**BEING A BY-LAW ADOPT AMENDMENT NO. 61 TEMPORARY
USE BY-LAW AND GARDEN SUITES POLICIES 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. 61 (Temporary Use By-Law and Garden Suite Policies) 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
27th DAY OF SEPTEMBER, 2021.**

DAVE BYLSMA, MAYOR

JOANNE SCIME, CLERK

AMENDMENT NUMBER 61
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN

AMENDMENT NUMBER 61
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 61 to the Official Plan of the Township of West Lincoln.

1.2 COMPONENTS

This Amendment consists of the explanatory text. 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 revise the Policies for the future of Temporary Use/ Garden Suite Policies within West Lincoln by changing the length of approval from 10 years to 20 years.

1.4 BASIS OF THE AMENDMENT

The Township of West Lincoln is proposing to amend the Official Plan to introduce an extended period of time to allow Temporary Garden Suites to be located on a property from a maximum of 10 years to a maximum of 20 years to align with the Planning Act.

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. 61 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 replacing “Ten (10) Years” with “Twenty (20) Years”; and as revised, it will read as follows:

18.4.1 Temporary Use By-law

Council may, in a by-law passed under the Planning Act, authorize the temporary use of lands, buildings or structures for any purpose set out therein that is otherwise prohibited by this Plan or by the Zoning By-law. Such a by-law may be in effect for a maximum period of three years for all temporary uses, except garden suites. Garden suites may have by-laws passed to be in effect for up to twenty (20) years from the date of passage. Council may extend the term of the by-law, by further by-law amendment, for additional three (3) year (maximum) terms.

Council shall satisfy itself that the proposed use is temporary, and will not create detrimental effects on the surrounding area. Temporary uses not allowed by the applicable policies of this Plan will not be permitted. Temporary uses, buildings and structures that are not farm-related shall not be permitted in the Unique or Good General Agricultural Areas.

Upon expiry of a Temporary Use By-law, uses permitted by that By-law must cease and cannot be considered as non-conforming uses. The type of uses envisaged by Council as requiring a temporary use by-law include, but shall not be limited to: temporary use of a mobile home as a dwelling unit, or the existence of two homes on one lot while one of the homes is under construction.

2.4 IMPLEMENTATION

This amendment will be required to be adopted by Township Council and forwarded to Regional Council for approval unless a Regional exemption has been provided. This amendment will be implemented through notification of the Regional Clerk's department of decision to approve.

Should the final approval be delegated to the Township, this amendment will be implemented through notification of the Township Clerk's department to all interested agencies of the decision to approve.

If no appeals are received within the appeal period, the amendment will be in full force and effect.

AMENDMENT NUMBER 61
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN
AS AMENDED

Official Plan Amendment Number 61 was adopted by the Council of the Corporation of the Township of West Lincoln by By-law No. 2021-80 in accordance with the provisions of Section 17 (22) of The Planning Act, R.S.O. 1990, amendments made thereto on the 27th day of September, 2021

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 61.

Joanne Scime, Clerk

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2021- 81

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 AND 39 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 ‘B1’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 7 Part Lot 17 and Part Lot 18, RP30R10048, PTS 2, 4 and 5. Township of West Lincoln, municipally known as 9397 Twenty Road, shown as the subject lands on Schedule ‘A’ attached hereto and forming part of this By-law.
2. THAT Map ‘B1’ 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 Agricultural ‘A’ zone to an Agricultural zone with a site specific temporary use number A(T-11) and an exception of a front yard setback to no less than 20 meters.
2. THAT for the purpose of this By-law a garden suite shall be defined as follows:

Garden Suite: A one-unit detached residential structure containing bathroom and kitchen facilities, ancillary to an existing residential structure and is designed to be portable.
3. THAT Part 5 of Zoning By-law 2017- 70, as amended, is hereby amended by adding the following to Part 13.3:

Temporary Use Provision #10	Map #	Parents Zone(s)	Property Description	Permitted Temporary Use	Regulations	Start Date	Expiry Date
T-11	B1	A	Concession 7 Part Lot 17 and Part Lot 18, RP30R10048, PTS 2, 4 and 5.	Garden Suite	As per the parent zone. Except a front yard setback of not less than 20 metres applies.	September 27, 2021	September 27 th , 2041

4. AND THAT this By-law shall become effective from and after the date of passing hereof.

READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
27th DAY OF SEPTEMBER, 2021.

DAVE BYLSMA, MAYOR

JOANNE SCIME, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2021-81

Location:

The subject lands are located on the north side of Twenty Road, situated east of Westbrook Road and West of Abingdon Road. The lands are described as Concession 7 Part Lot 17 and Part Lot 18, RP30R10048, PTS 2, 4 and 5. Township of West Lincoln, municipally known as 9397 Twenty Road

Purpose & Effect:

This By-law has been enacted to permit a garden suite to facilitate common living. This By-law provides for such use for a temporary period commencing September 27, 2021 and expiring September 27th 2041, which will permit a garden suite to be located on the property for Twenty Years with a front yard setback of no less than 20 metres.

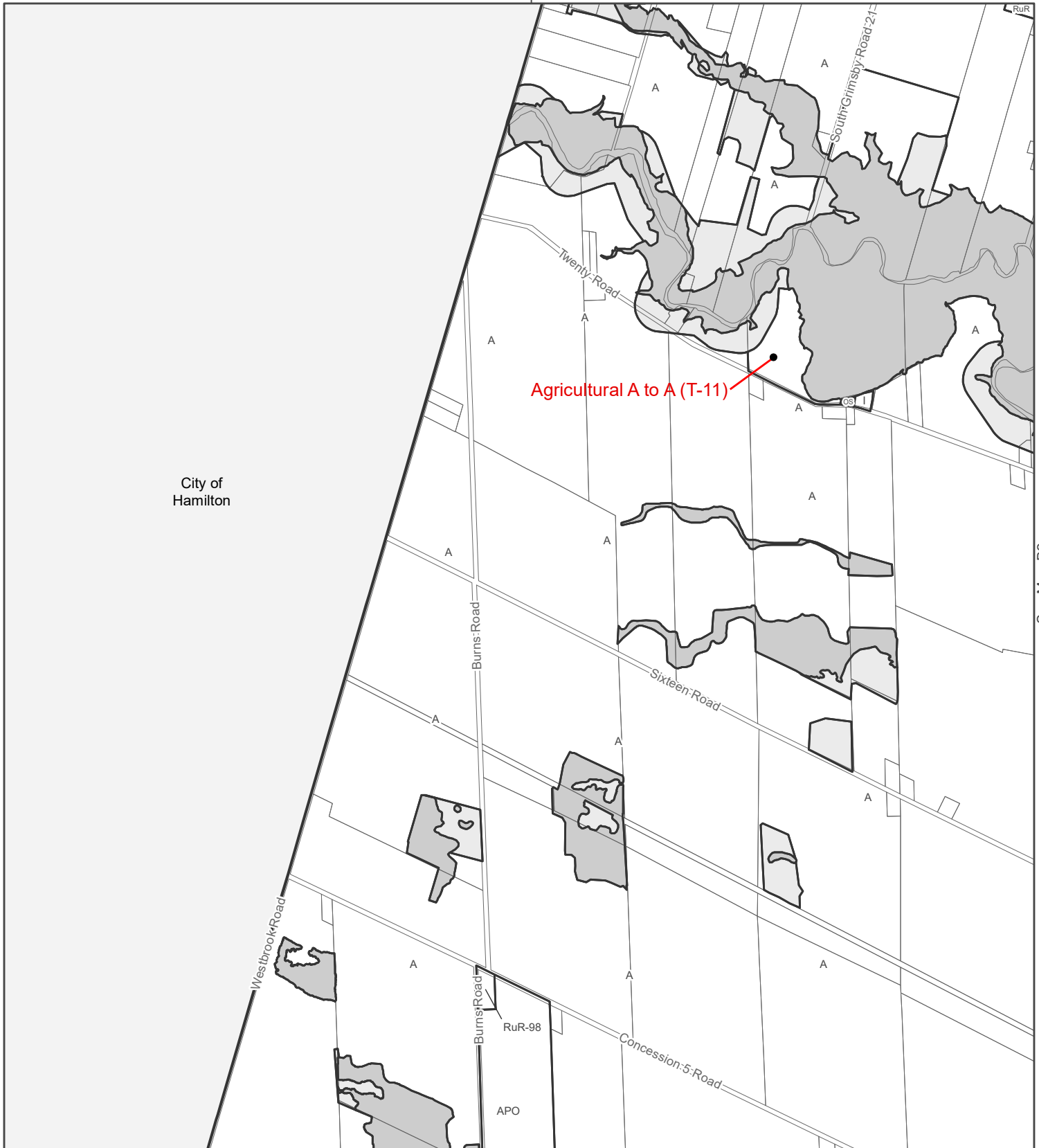
Any extension to the time limit set out in this By-law will require the passage of a further By-law by the Council for the Township of West Lincoln. Such request for an extension must be made in writing to the Township no later than 3 months prior to the expiration of this By-law.

Public Consultation:

The Public Meeting was held on July 26th, 2021. The Township did not receive any oral or written comments.

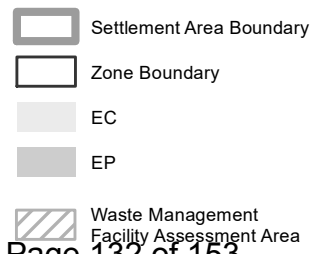
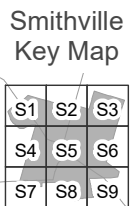
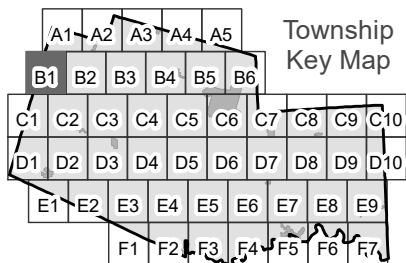
File: 1601-011-21
Applicant: Anita Merritt

See Map A1



See Map B2

See Map C1



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

Map **B1**

1:20,000

0 500 m

Last Updated: October 2021

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2021-82

A BY-LAW TO REVOKE AN AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN AND ANTHONY SCHIPPER AND LOIS SCHIPPER, AUTHORIZED BY BY-LAW 2017-03, FOR TEMPORARY RESIDENCY DURING CONSTRUCTION OF A REPLACEMENT DWELLING.

WHEREAS the Council of the Corporation of the Township of West Lincoln authorized the entering into of an agreement with Anthony Schipper and Lois Schipper for temporary residency during construction of a replacement dwelling through By-law 2017-03 which was passed on January 23rd, 2017;

AND WHEREAS the applicants further provided to the Township a performance deposit in the amount of \$5000.00 as security in conjunction with the agreement;

AND WHEREAS such agreement is no longer required since the residences situated at 8593 Concession 2 Road and 8592 Concession 3 Road are now recognized to be on separate properties as a result of the Court Order of Justice Braid dated June 27, 2019 declaring that the on-site waterway was navigable at the time of the Crown grant of these lands in 1801, that title to the bed of the waterway did not pass at the time of the original Crown grant in 1801, and that title to the bed of the waterway remains vested in the Crown;

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 hereby revokes the demolition agreement as signed by Anthony Schipper and Lois Schipper with the Township of West Lincoln, for temporary residency during construction of a replacement dwelling; and,
2. That, the Corporation of the Township of West Lincoln shall hereby return the \$5000.00 security deposit to Anthony Schipper and Lois Schipper and no longer require the dwelling to be demolished; and,
3. That, the Mayor and Clerk be authorized to take any further action and sign any related document(s) as necessary to revoke the above mentioned Agreement.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
27TH DAY OF SEPTEMBER, 2021.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2021-83

**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 'C7' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 6, Part Lot 22, Reference Plan No. 30R-3739 Part 1 in the former Township Gainsborough, in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 5482 Regional Road 69, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
2. THAT Map 'C7' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on the north 0.84 hectares of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from a Development 'D' zone to a Residential Low Density – Type 1A 'R1A' zone.
3. THAT Map 'C7' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on the centre 1.26 hectares of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from a Development 'D' zone to a Residential Low Density – Type 1A 'R1A-206' zone with a site specific exception.
4. THAT Map 'C7' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on the remaining portion of land of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from a Development 'D' zone to an Environmental 'EP' zone.
5. THAT Part 5 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:
R1A-206
Permitted Uses:
As per the parent zone.
Regulations:
As per the parent zone, except: a minimum frontage of 6.4 metres.
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
27th DAY OF SEPTEMBER, 2021.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2021-83

Location:

This By-law involves a parcel of land located on the south side of Regional Road 69, legally known as Concession 6, Part of Lot 22, Reference Plan No. 30R-3739 Part 1 in the former Township Gainsborough, Township of West Lincoln, Regional Municipality of Niagara, municipally known as 5482 Regional Road 69.

Purpose & Effect:

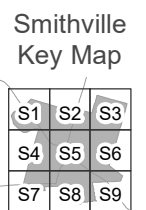
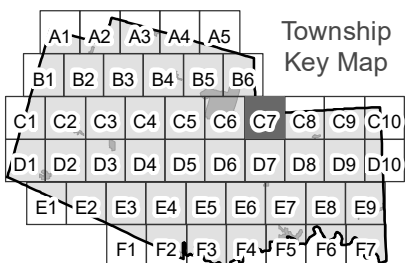
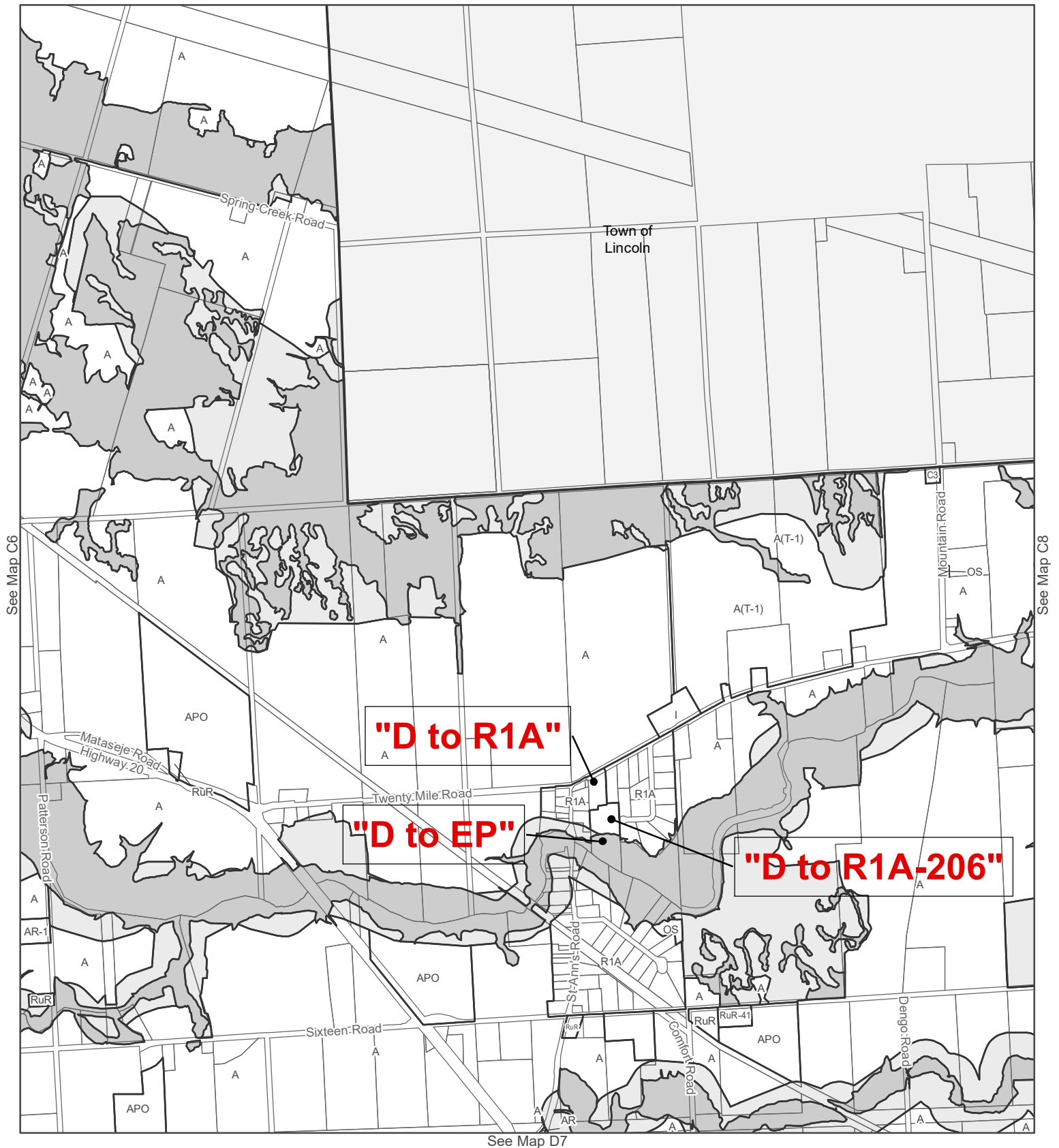
The subject lands were zoned Development 'D'. The rezoning for the subject parcel proposes to rezone the north 0.84 hectares of the subject lands to a Residential Low Density – Type 1A 'R1A' zone, the centre 1.26 hectares of the subject lands to a Residential Low Density – Type 1A 'R1A-206' zone with a site specific exception that recognizes a minimum frontage of 6.4 metres, and the remaining portion of land of the subject lands to an Environmental 'EP' zone.

Public Consultation:

The Public Meeting was held on Monday July 26th 2021. The Township received written comments from # neighbour regarding this application. All written and oral comments were considered in the making of the decision by Council.

File: 1601-010-21

Applicants: Giro Estates



- 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
C7

1:20,000
 0 500 m

Last Updated: February 2021

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2021-84

A BY-LAW TO ESTABLISH A SYSTEM OF ADMINISTRATIVE PENALTIES FOR NON-PARKING OFFENCES WITHIN THE TOWNSHIP OF WEST LINCOLN

WHEREAS sections 8, 9 and 11 of the *Municipal Act, 2001, S.O. 2001, c. 25, as amended* (the “Municipal Act”) authorizes the Township of West Lincoln to pass by-laws necessary and desirable for municipal purposes;

AND WHEREAS section 434.1(1) of the Municipal Act provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act;

AND WHEREAS section 434.1(2) of the Municipal Act provides that the purpose of a system of administrative penalties established under this section shall be to assist the municipality in promoting compliance with its by-laws;

AND WHEREAS Section 15.4.1 of the *Building Code Act, 1992* as amended, authorizes a municipality to pass a by-law that may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the Building Code Act, 1992, as amended, or an order of an officer authorized under 15.2(2) or 15.3, 2017, c.34, Sched. 2, s.10 of the Building Code Act, 1992, as amended; and

AND WHEREAS the Township of West Lincoln considers it desirable to enforce and seek compliance with designated by-laws or portions thereof through an administrative monetary penalty system.

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

1.0 SHORT TITLE AND SCOPE

- 1.1 The Short Title of this by-law is the “Administrative (Non-Parking) Penalty By-Law.”
- 1.2 This By-law applies to all Designated By-laws.
- 1.3 The *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended continues to apply to Designated By-laws.
- 1.4 In carrying out their duties under this By-law, Screening Officers and Hearing Officers do not have jurisdiction to consider any question relating to the validity of a statute, regulation or by-law, including but not limited to constitutional questions.

2.0 DEFINITIONS

- 2.1 The following terms are defined for the purposes of this by-law:
- 2.2 “**Administrative Fee**” means any fee specified in this by-law listed in Schedule “A” of this by-law;
- 2.3 “**Administrative Penalty**” means a monetary penalty as set out in the attached Schedules to this by-law and approved by Council for a contravention of a Designated By-law;
- 2.4 “**By-law**” means this by-law and any Schedule attached hereto as they may from time to time be amended;
- 2.5 “**Township**” means The Corporation of the Township of West Lincoln;

- 2.6 “**Clerk**” means the municipal Clerk of the Township;
- 2.7 “**Council**” means the elected Council of the Township;
- 2.8 “**Designated By-law**” means a by-law, or provision of a by-law that is designated under this or any other by-law, as a by-law or provision of a by-law to which this By-law applies and is listed in Schedules attached to this By-law;
- 2.9 “**Director**” means the Director of Planning and Building or his/her designate;
- 2.10 “**Hearing Officer**” means the Hearing Officer appointed by Council from time to time pursuant to the Screening and Hearing Officer By-law and as may be amended or replaced;
- 2.11 “**Officer**” means each of:
- i. the Director;
 - ii. a Municipal Law Enforcement Officer appointed by or under the authority of a Township by-law to enforce a Designated By-law;
 - iii. a police officer;
 - iv. a licensed agent of the Niagara SPCA appointed by or under the authority of a Township by-law to enforce a Designated By-law.
- 2.12 “**Penalty Notice**” means a notice given to a Person pursuant this by-law;
- 2.13 “**Penalty Notice Date**” means the date specified on the Penalty Notice;
- 2.14 “**Penalty Notice Number**” means the number specified on the Penalty Notice;
- 2.15 “**Person**” includes an individual partnership, association, firm or corporation.
- 2.16 “**Request for Screening Form**” means the request form that must be filed by a Person under this By-law to request a screening;
- 2.17 “**Request for a Hearing Form**” means the request form that must be filled out by a Person under this By-law to request a hearing;
- 2.18 “**Screening Decision**” means a decision made by a Screening Officer;
- 2.19 “**Screening Officer**” means a person who performs the functions of a Screening Officer in accordance with this By-law;

3.0 DESIGNATED BY-LAWS

- 3.1 Township by-laws, or portions thereof, that are listed in schedules attached to this By-law shall be and are hereby designated as Designated By-laws.
- 3.2 The provisions of the By-law may apply to any contravention of a Designated By-law as set out in the attached Schedules.

4.0 PENALTY NOTICE

- 4.1 Every Person who contravenes a provision of a Designated By-law shall be liable, upon the issuance of a Penalty Notice, to pay to the Township an Administrative Penalty in the amount specified in Schedules attached to this By-law.
- 4.2 An Officer who has reason to believe that a Person has contravened any provision of a Designated By-law may issue a Penalty Notice to the Person.
- 4.3 The Director may, before 4:00 pm of the tenth (10th) day after a Penalty Notice Date, cancel an Administrative Penalty.
- 4.4 A Penalty Notice shall include the following information:

- a) the date of the contravention;
- b) the date of the issuance of the Penalty Notice;
- c) the location of the contravention;
- d) name of Person to whom the notice is issued;
- e) Penalty Notice Number;
- f) particulars of the contravention;
- g) the amount of the Administrative Penalty;
- h) such information as the Director determines is appropriate respecting the process by which the Person may exercise the right to request a review of the Administrative Penalty;
- i) a statement advising that an Administrative Penalty will, unless cancelled or reduced pursuant to the review and appeal processes, constitute a debt of the Person to the City; and
- j) signature of the Officer.

5.0 REVIEW BY SCREENING OFFICER

5.1 A person who is given a Penalty Notice shall:

- a) pay the Administrative Penalty within 15 days; or
- b) request that the Administrative Penalty be reviewed by a Screening Officer.

5.2 A Person's right to request a review expires if it has not been exercised in the manner prescribed in Subsection 5.4 before 4:00 p.m. on the fifteenth (15th) day after the Penalty Notice Date.

5.3 A Person's right to request an extension of the time to request a review expires if it has not been exercised in the manner prescribed in Subsection 5.4 before 4:00 p.m. on the Thirtieth (30th) day after the Penalty Notice Date at which time:

- a) the Person shall be deemed to have waived the right to request a review;
- b) the Administrative Penalty shall be deemed to be affirmed; and
- c) the Administrative Penalty shall not be subject to review, including review by any Court.

5.4 A Person's right to request a review or to request an extension of time to request a review are exercised by giving to the Township written notice of the request to review by:

- a) submitting a Request for Screening Form available on the Township's web page as set out in the Penalty Notice, by mail, fax or email and scheduling the time and place for the review; or
- b) attending in person at the location listed on the Penalty Notice to complete a Request for Screening Form and scheduling the time and place for the review.

5.5 The Request for a Screening Form shall include the following Information:

- a) the Penalty Notice Number;
- b) the Person's mailing address and, if applicable, facsimile transmission number and e-mail address;
- c) in the case of a request to extend the time to request a review, the reasons, if any, for having failed to exercise the right to request a review within the time limit prescribed in this By-law;
- d) particulars of all grounds upon which the request to review is based; and
- e) the Person's election to:

- i. meet with a Screening Officer for the review in person or virtually, or
- ii. have the review undertaken by a Screening Officer in writing in respect of the particulars provided by the Person.

5.6 Where the Person elects to meet with a Screening Officer, the Person shall be given notice of the date, time, place and/or mode the review by facsimile, e-mail or mailing address as provided by the Person in the Request for Screening Form.

5.7 Where the Person elects to meet with a Screening Officer and the Person fails to appear at the time and place scheduled for a review or fails to remain at such place until the Screening Officer has made a Decision respecting the Administrative Penalty:

- a) the Person shall be deemed to have abandoned the request for the review;
- b) the Administrative Penalty shall be deemed to be affirmed;
- c) the Administrative Penalty shall not be subject to review, including review by any Court; and
- d) the Person shall pay to the Township a Fee – Screening No-Show.

5.8 Subject to Subsection 5.3 and 5.7, the Screening Officer may:

- a) deny an extension of time for a review in which case the Administrative Penalty is deemed to be affirmed; or
- b) grant an extension of time for a review.
 - i. For the purposes of Section 5.8 b), the Screening Officer may only extend the time to request a review of an Administrative Penalty where the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time.
- c) cancel, reduce or extend the time for payment of the Administrative Penalty and any Administrative Fees respecting that Administrative Penalty, where the Screening Officer is satisfied that doing so would maintain the general intent and purpose of the Designated By-law and that:
 - i. there is reason to doubt that the Person contravened the Designated By-law;
 - ii. the Person took all reasonable steps to prevent the contravention; or
 - iii. that the cancellation, reduction or extension of the time for payment is necessary to relieve undue financial hardship.

5.9 After a Review is complete, the Screening Officer shall serve the Person with a Screening Decision.

6.0 APPEAL TO HEARING OFFICER

6.1 A Person who has received a decision from a Screening Officer may appeal to a Hearing Officer against the Screening Decision.

6.2 A Person's right to appeal expires if it has not been exercised in the manner prescribed in Subsection 6.4 before 4:00 p.m. on the fifteenth (15th) day after the Screening Decision Date.

6.3 A Person's right to request an extension of the time to appeal expires if it has not been exercised in the manner prescribed in Subsection 6.4 before 4:00 p.m. on the thirtieth (30th) day after the Screening Decision Date at which time:

- a) the Person shall be deemed to have waived the right to appeal;
- b) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be affirmed; and
- c) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be final and not subject to any further review, including review by any Court.

- 6.4** A Person's right to request an Appeal of a Screening Officer's decision or to request an extension of time to Appeal to a Hearing Officer are exercised by giving to the Township written notice by:
- a) submitting a Request for Hearing Form available at the Township's web page as set out in the Penalty Notice by mail, fax or email and scheduling the time and place for the review; or
 - b) attending in person at the location listed on the Penalty Notice to complete a Request for Hearing Form and scheduling the time and place for the review.
- 6.5** The Request for Hearing Form shall include the following Information:
- a) the Penalty Notice Number;
 - b) the Person's mailing address, fax or email address;
 - c) in the case of a request to extend the time to appeal, the reasons, if any, for having failed to exercise the right to appeal within the time limit prescribed by Subsection 6.3;
 - d) particulars of all grounds upon which the Appeal is made; and
 - e) a copy of the Person's completed Request for Screening Form and the Screening Decision of the Screening Officer.
- 6.6** The Person shall be given no fewer than seven (7) days' notice of the date, time and place of the hearing of the appeal.
- 6.7** A request for Hearing or a request for an extension of time appeal shall only be scheduled by the Township if the Person has submitted the request within the time limits set out in Subsections 6.2 and 6.3.
- 6.8** Where the Person fails to appear at the time and place scheduled for a hearing of the Appeal:
- a) the person shall be deemed to have abandoned the Appeal;
 - b) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be affirmed;
 - c) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be final and are not subject to any further review or appeal, including review or appeal by any Court; and
 - d) the Person shall pay to the Township the Fee – Hearing No-Show.
- 6.9** A Hearing Officer shall not make any decision respecting an Appeal unless the Hearing Officer has given each of the Person, the Director, and the Officer who gave the Penalty Notice an opportunity to be heard at the time and place scheduled for the hearing of the Appeal.
- 6.10** A Hearing Officer may amend a simple error or omission on the Penalty Notice provided the amendment is minor in nature and the appellant is given an opportunity to be heard on the request to amend.
- 6.11** Subject to Subsections 6.3 and 6.8 the Hearing Officer may:
- a) deny an extension of time for a Hearing in which case the Administrative Penalty including any Administrative Fees are deemed to be affirmed;
 - b) grant an extension of time for a Hearing;
 - i. for the purposes of Subsection 6.11(a) the Hearing Officer may only extend the time to request a Hearing of an Administrative Penalty where the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time.

- c) affirm, cancel, or vary the Screening Officer's Decision and extend the time for payment of the Administrative Penalty, including any Administrative Fee, on the following grounds:
 - i. where the Person establishes on a balance of probabilities, that he or she did not contravene the Designated By-law as described in the Penalty Notice; or
 - ii. where the Person establishes on a balance of probabilities, that the reduction or extension of time for payment of the Administrative Penalty including any Administrative Fee, is necessary to relieve any undue hardship.

6.12 All hearings conducted by the Hearing Officer shall be in accordance with the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S.22, as amended.

6.13 After a hearing is complete, the Hearing Officer shall immediately serve the Person with a Hearing Decision.

6.14 The decision of a Hearing Officer is final.

7.0 SERVICE OF DOCUMENTS OR NOTICE

7.1 Service of any document or notice, including a Penalty Notice, under this By-law may be given in any of the following ways, and is effective:

- a) when a copy is immediately served on the Person to whom it is addressed;
- b) on the fifth (5th) day after a copy is sent by registered mail or by regular letter mail to the Person's last known address;
- c) upon the conclusion of the transmission of a copy by facsimile transmission to the Person's last known facsimile transmission number; or
- d) upon the sending of the notice or document or a copy thereof by e-mail transmission to the Person's last known e-mail address.

7.2 For the purpose of Subsection 7.1(b), (c) and (d), a Person's last known address, last known facsimile transmission number and last known e-mail address are deemed to include those provided by the Person pursuant to Subsections 5.5(b) and 6.5(b).

7.3 Any notice or document respecting this By-law to be given to the Township shall be in writing, shall be given in any of the following ways, and is effective:

- a) When a copy is delivered to the Township Clerk at the Township's municipal offices at 318 Canborough Street during normal business hours;
- b) on the fifth (5th) day after a copy is sent by registered mail or by regular letter mail to "Att: Enforcement Department at the Township of West Lincoln, 318 Canborough Street, Smithville, ON L0R 2A0";
- c) upon the sending a Request for Screening by e-mail transmission to:
ampsappeals@westlincoln.ca

8.0 FINANCIAL ADMINISTRATION

8.1 No Officer may accept payment of the Administrative Penalty.

8.2 An Administrative Penalty constitutes a debt to the Township of each Person to whom or to which the Penalty Notice was given.

8.3 Where a Person has paid an Administrative Penalty or an Administrative Fee that is then cancelled or reduced pursuant to this By-law, the Township shall refund the amount cancelled or reduced.

8.4 Where an Administrative Penalty or any Administrative Fee respecting that Administrative Penalty are not paid within fifteen (15) days after the date that they

become due and payable, a Person to whom the Penalty Notice was given shall pay to the Township a Fee – Late Payment.

- 8.5 Where a Person provides a payment to the Township for payment of any Administrative Penalty or Administrative Fee, which has insufficient funds available in the account on which the instrument was drawn, shall pay to the Township a Fee – NSF.

9.0 ADMINISTRATION

- 9.1 The Director shall administer this By-law and establish any practices, policies and procedures necessary to implement this By-law and may amend such practices, policies and procedures from time to time as the Director deems necessary.
- 9.2 The Director shall prescribe all forms and notices, including the Penalty Notice, necessary to implement this By-law and may amend such forms and notices from time to time as the Director deems necessary.
- 9.3 The Director may designate areas within the Township for conducting screening reviews and hearings under this By-law.

10.0 GENERAL PROVISIONS

- 10.1 If an Administrative Penalty is paid, then a person is deemed to have waived their right to a review or appeal, and the matter is not subject to any further review or appeal including review or appeal by a Court.
- 10.2 Where an Administrative Penalty is cancelled by a Screening Officer or Hearing Officer, any Administrative Fee(s) are also cancelled.
- 10.3 A Person claiming financial hardship under this By-law shall provide documented proof of the financial hardship to the Director, the Screening Officer or the Hearing Officer, as applicable.
- 10.4 Any schedule attached to this By-law forms part of this By-law.

11.0 COMPLAINTS AND COMMENTS

- 11.1 Complaints and comments respecting the administration of the Township’s system of Administrative Penalties may be given to the Director of Planning. The Director can consider each such complaint or comment in relation to the Director’s consideration of opportunities for improvements to the Township’s system of Administrative Penalties.

12.0 VALIDITY

- 12.1 If a court or tribunal of competent jurisdiction declares any provision or part of a provision of this By-law to be illegal or unenforceable, then that particular provision or provisions or part of the provision shall be severed and the remainder of this By-law shall continue to remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

13.0 EFFECTIVE DATE

- 13.1 This by-law shall come into force on October 1, 2021.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS 27th
DAY OF SEPTEMBER, 2021.**

DAVE BYLSMA, MAYOR

JOANNE SCIME, CLERK

**SCHEDULE “A”
TO BY-LAW 2021-84**

**TOWNSHIP OF WEST LINCOLN ADMINISTRATIVE PENALTY
(NON-PARKING) BY-LAW**

ADMINISTRATIVE FEES

The table below lists the Administrative Fees as defined in Section 2.2 of this By-law.

Administrative Fee Description	Fee Amount
Late Payment Fee	\$25.00
NSF Fee	\$30.00
Screening Non-Appearance Fee	\$100.00
Hearing Non-Appearance Fee	\$250.00

**SCHEDULE “B”
TO BY-LAW 2021-84**

**TOWNSHIP OF WEST LINCOLN ADMINISTRATIVE PENALTY
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS**

SITE ALTERATION BY-LAW 2016-41/2017-81/2018-80/2019-68/2020-80

- 1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Site Alteration By-law 2016-41/2017-81/2018-80/2019-68/2020-80, as amended, that are hereby designated for the purposes of this By-law.
- 2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
- 3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	Column 1 Designated Provision	Column 2 Short Form Wording	Column 3 Administrative Penalty
1	Part IV, Section 4.	Cause, permit, perform or carry out Site Alteration without permit	\$275.00
2	Part IV, Section 5.	Fail to comply with plans, conditions or provisions of Site Alteration permit	\$200.00
3	Part IV, Section 6.	Modify Site Alteration permit without approval	\$200.00
4	Part IV, Section 7.	Operate a Commercial Fill Operation within the Township	\$400.00

**SCHEDULE “C”
TO BY-LAW 2021-84**

**TOWNSHIP OF WEST LINCOLN ADMINISTRATIVE PENALTY
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS**

BOULEVARD BY-LAW 2016-64

- 1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Boulevard By-law 2016-64, as amended, that are hereby designated for the purposes of this By-law.
- 2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
- 3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	Column 1 Designated Provision	Column 2 Short Form Wording	Column 3 Administrative Penalty
1	3.1	Fail to keep boulevard neat and free of any / and or all rubbish or debris	\$50.00
2	3.2(a)	Fail to maintain herbaceous ground cover under 20 cm (8 inches)	\$50.00
3	3.6	Fail to obtain permission from the Township for the removal and / or plating of trees within the boulevard	\$200.00
4	5.1	Damage, construct or reconstruct a sidewalk, curb, apron driveway or boulevard without written permission of the Director	\$200.00

**SCHEDULE “D”
TO BY-LAW 2021-84**

**TOWNSHIP OF WEST LINCOLN ADMINISTRATIVE PENALTY
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS**

CLEAN YARDS BY-LAW 2019-38

- 1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Clean Yards By-law 2019-38, as amended, that are hereby designated for the purposes of this By-law.
- 2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
- 3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	Column 1 Designated Provision	Column 2 Short Form Wording	Column 3 Administrative Penalty
1	2.1.1	Fail to maintain vegetation – exceed size allowance	\$200.00
2	2.1.2	Fail to maintain vegetation – create hazard	\$200.00
3	2.1.2	Fail to maintain vegetation – obstruct view	\$200.00
4	2.1.2	Fail to maintain vegetation – impact traffic	\$200.00
5	2.1.2	Fail to maintain vegetation – interfere with sign	\$200.00
6	2.1.2	Fail to maintain vegetation – interfere with utility	\$200.00
7	2.1.2	Fail to maintain vegetation – encroach on public property	\$200.00
8	2.1.2	Fail to maintain vegetation – overhang public property	\$200.00
9	2.1.3	Fail to remove weeds	\$200.00
10	2.2.1	Fail to maintain property free of standing water	\$200.00
11	2.2.2	Fail to contain drainage and prevent improper discharge	\$200.00
12	2.2.3	Fail to maintain watercourse free of obstruction	\$200.00
13	2.3.1	Fail to maintain property free of fill	\$200.00
14	2.4.1	Fail to maintain property free of movable concrete barriers	\$200.00
15	2.6.1	Littering	\$200.00
16	2.7.1	Fail to maintain property free of refuse / waste	\$200.00

17	2.7.7	Fail to suitably place refuse / waste for disposal	\$200.00
18	2.7.9	Fail to screen inoperative motor vehicles / vehicles / vehicle parts for an agricultural operation	\$200.00
19	2.9	Fail to maintain property free of motor vehicle salvage	\$200.00

**SCHEDULE “E”
TO BY-LAW 2021-84**

**TOWNSHIP OF WEST LINCOLN ADMINISTRATIVE PENALTY
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS**

SWIMMING POOL BY-LAW 2017-48

- 1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Swimming Pool By-law 2017-48, as amended, that are hereby designated for the purposes of this By-law.
- 2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
- 3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	Column 1 Designated Provision	Column 2 Short Form Wording	Column 3 Administrative Penalty
1	2.1.1	Erect swimming pool without required permit	\$200.00
2	2.2.1	Placement of water prior to approval	\$200.00
3	2.2.2	Placement of water prior to approval – seasonal swimming pool	\$200.00
4	3.1.1	Failure to provide back flow prevention	\$200.00
5	3.1.2	Discharge drainage to unapproved outlet	\$200.00
6	4.1.1	Fail to provide swimming pool enclosure	\$200.00
7	4.4.1	Failure to provide temporary enclosure	\$200.00
8	4.5.1	Failure to maintain swimming pool enclosure	\$200.00
9	4.5.4	Failure to maintain swimming pool / hot tub in good working order	\$200.00
10	4.5.5	Failure to prevent the presence of standing water	\$200.00

**SCHEDULE “F”
TO BY-LAW 2021-84**

**TOWNSHIP OF WEST LINCOLN ADMINISTRATIVE PENALTY
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS**

SIGN BY-LAW 2020-54

- 1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Sign By-law 2020-54, as amended, that are hereby designated for the purposes of this By-law.
- 2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
- 3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	Column 1 Designated Provision	Column 2 Short Form Wording	Column 3 Administrative Penalty
1	2.1.1	Placement of prohibited sign	\$200.00
2	2.1.2	Affix, erect, display or cause to be affixed, erected or displayed a sign without a permit	\$200.00
3	2.1.3	Placement of sign in road allowance	\$200.00
4	2.1.4	Placement of sign on utility pole	\$200.00
5	2.1.5	Placement of sign overhanging onto sidewalk	\$200.00
6	2.1.6	Placement of sign too close to roadway	\$200.00
7	2.1.7	Placement of sign – damage municipal property	\$200.00
8	2.1.8	Placement of sign on vehicle / trailer	\$200.00
9	3.2.1	Fail to comply – setback – ground sign	\$200.00
10	3.2.2	Fail to comply – size – ground sign	\$200.00
11	3.2.3	Fail to comply – quantity – ground sign	\$200.00
12	3.3.2	Fail to comply – setback – portable ground sign	\$200.00
13	3.3.2	Fail to comply – size – portable ground sign	\$200.00
14	3.3.7	Erect / display sign after permit expired	\$200.00
15	3.4.1	Fail to comply – setback – pole sign	\$200.00
16	3.4.2	Fail to comply – size – pole sign	\$200.00
17	3.4.3	Fail to comply – quantity – pole sign	\$200.00
18	3.5.1	Fail to comply – setback – roof sign	\$200.00
19	3.5.2	Fail to comply – size – roof sign	\$200.00
20	3.6.1	Fail to comply – size – wall / fascia sign	\$200.00

21	3.6.2	Fail to comply – quantity – wall / fascia sign	\$200.00
22	3.7.2	Fail to comply – quantity – billboard	\$200.00
23	3.7.3	Fail to comply – size – billboard	\$200.00
24	3.7.3	Fail to comply – set back – billboard	\$200.00
25	3.8.2	Fail to comply – quantity – inflatable sign	\$200.00
26	3.8.3	Fail to comply – setback – inflatable sign	\$200.00
27	3.8.8	Fail to secure inflatable sign	\$200.00
28	3.10.4	Fail to comply – setback – sidewalk sign	\$200.00
29	3.18.1	Fail to comply – size – window sign	\$200.00
30	3.20.1	Fail to maintain sign / advertising device	\$200.00

**SCHEDULE “G”
TO BY-LAW 2021-84**

**TOWNSHIP OF WEST LINCOLN ADMINISTRATIVE PENALTY
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS**

OPEN-AIR FIRES BY-LAW 2021-58

- 1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Open-Air Fires By-law 2021-58, as amended, that are hereby designated for the purposes of this By-law.
- 2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
- 3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	Column 1 Designated Provision	Column 2 Short Form Wording	Column 3 Administrative Penalty
1	Section 42	Set or maintain an Open-air Fire without a permit	\$300.00
2	Section 43	Owner of property allow an Open-air Fire without permit	\$300.00
3	Section 44 (a)	Set, maintain or allow a fire on a highway, road allowance, or public property	\$300.00
4	Section 44 (b)	Set, maintain or allow a fire that is not confined to a Fire Pit or Outdoor Fireplace, including an unconfined grass fire	\$300.00
5	Section 44 (c)	Set, maintain or allow a fire that causes smoke to travel across a public road or highway	\$300.00
6	Section 44 (d)	Set, maintain or allow a fire where smoke, odour, ashes or embers invade neighbouring property creating a Nuisance	\$300.00
7	Section 44 (f)	Set, maintain or allow a fire that spreads beyond a Fire Pit or Outdoor Fireplace	\$300.00
8	Section 44 (g)	Set, maintain or allow a fire during rainy or foggy weather, smog alert, or air quality advisory	\$300.00
9	Section 44 (h)	Fail to supervise a fire by a competent person 18 years of age or older	\$300.00
10	Section 44 (j)	Fail to ensure a fire is extinguished before leaving the site	\$300.00
11	Section 44 (k)	Set, maintain or allow a fire at a time other than allowed by regulation	\$300.00

12	Section 44 (l)	Set, maintain or allow a fire of greater size than allowed by regulation	\$300.00
13	Section 44 (m)	Fail to maintain minimum distance from a fire to an adjacent property or roadway	\$300.00
14	Section 44 (n)	Fail to maintain minimum distance required by regulation from a fire to a building, structure	\$300.00
15	Section 44 (o)	Set, maintain or allow a fire during a fire ban	\$500.00
16	Section 44 (p)	Set, maintain or allow a fire involving prohibited materials	\$500.00
17	Section 44 (q)	Set, maintain or allow a fire within 75 metres of a Sensitive Receptor location	\$500.00
18	Section 46	Ignite or release an ignited flying lantern	\$500.00
19	Section 62	Make a false Open-air Fire complaint	\$300.00