



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN COUNCIL AGENDA

MEETING NO. FIFTEEN

Monday, September 25, 2023, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

NOTE TO MEMBERS OF THE PUBLIC: All Cell Phones, Pagers and/or PDAs to be turned off. Members of the public who are attending and participating virtually are reminded to keep their microphones muted until they are acknowledged to speak. Additionally, for your information, please be advised that this meeting will be livestreamed as well as recorded and will be available on the Township's website.

Pages

1. **SINGING OF "O CANADA" - Cairn Christian School**

Prior to commencing with the Council meeting, Mayor Ganann will provide the following announcements:

1. Comments from the public for a matter that is on the agenda may be provided in person by attending the meeting and advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
2. For those individuals that are unable to attend the meeting in person, you may submit comments for matters that are on the agenda by either
 - a. emailing jdyson@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 OR
 - b. by contacting the Clerk's Department to request a Zoom Link to attend the meeting virtually.
3. Tonight's Council Meeting will be livestreamed as well as recorded and available on the Township's website by visiting events.westlincoln.ca/meetings

2. **LAND ACKNOWLEDGEMENT STATEMENT**

Mayor Ganann will read the following statement:

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as

the Hatiwendaronk (Hat-i-wen-DA-ronk), the Haudenosaunee (Hoe-den-no-SHOW-nee), and the Anishinaabe (Ah-nish-ih-NAH-bey), including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara, stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

3. OPENING PETITION - Councillor Joann Chechalk

4. CHANGE IN ORDER OF ITEMS ON AGENDA

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

- 5.1 September 11, 2023 - Planning/Building/Environmental Committee Meeting (Appointments) - Item P59-23 - Waiving of Development Fees for Legion Villa
- Councillor Bell declared a conflict of interest/pecuniary interest with respect to Item P59-23 - Waiving of Development Fees for Legion Villa, as he sits on the Legion Villa Board.

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.

- 1. The Mayor to inquire if the IT Help Desk Analyst was aware if there were any members of the public who were in attendance virtually on the Zoom meeting call who wished to address a specific item on tonight's Council agenda, as permitted under Section 6.7 of the Procedural By-law.
- 2. The Mayor to inquire if the Director of Legislative Services/Clerk had received any emails or correspondence from a member of the public prior to 4:30 p.m. today who wished to address a specific item on tonight's Council agenda, as permitted under Section 6.7 of the Procedural By-law.

7. APPOINTMENTS/PRESENTATIONS

There are no appointments/presentations.

8. REGIONAL COUNCILLOR'S REMARKS

9. CONFIRMATION OF MINUTES

- 9.1 Special Council - Joint Special Meeting of the Councils of: Township of West Lincoln, Town of Lincoln and Town of Grimsby 7
Re: Minutes - August 9, 2023

Moved By Councillor Shelley Bradaric
That, the minutes of the August 9, 2023 Special Council Meeting (Joint Special Council Meeting of the Councils of: Township of West Lincoln, Town of Lincoln and Town of Grimsby), be accepted.

- 9.2 Council (All Committee) Minutes - Regular 11
Re: August 14, 2023

Moved By Councillor Joann Chechalk
That, the minutes of the open session portion of the August 14, 2023 regular Council (All Committees) meeting be accepted.

- 9.3 Public Meeting Under the Planning Act 30
Re: September 11, 2023

Moved By Councillor Terry Bell
That, the minutes of the public meeting held on September 11, 2023 under Section 34 of the Planning Act, with respect to Zoning Bylaw Amendment - Henry and Lisa Van Ryn - 8248 Concession 3 Road (File No. 1601-006-23), be accepted.

10. COMMUNICATIONS

- 10.1 Heather Vitucci, Business and Support Services (City of Hamilton) 35
Re: City of Hamilton Notification Letter to Launch 311 Telecom Service

Moved By Councillor Jason Trombetta
That, the correspondence received from Heather Vitucci, Business and Support Services from the City of Hamilton regarding the City of Hamilton's Notification Letter to Launch 311 Telecom Service, dated September 14, 2023, be received and ...

11. MAYOR'S REMARKS

12. REPORT OF COMMITTEE

- 12.1 Planning/Building/Environmental Committee 36
Re: Minutes - September 11, 2023
Confidential Minutes Provided Under Separate Cover

Councillor Terry Bell declared a conflict on this item. (Councillor Bell declared a conflict of interest/pecuniary interest with respect to Item

P59-23 - Waiving of Development Fees for Legion Villa, as he sits on the Legion Villa Board.)

Moved By Councillor William Reilly

1. That, the minutes of the open session portion of the September 11, 2023 Planning/Building/Environmental Committee meeting, be accepted, and the recommendations contained therein, be approved;

with the exception of Item#(s) _____; and,
2. That, the confidential minutes relating to the closed session portion of the September 11, 2023 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 Public Works & Recreation Committee 48

Moved By Councillor Mike Rehner

That, the minutes of the September 18, 2023 Public Works & Recreation Committee meeting, be accepted, and the recommendations contained therein, be approved;
with the exception of Item#(s) _____.

12.3 Administration/Finance/Fire Committee 55

Moved By Councillor Jason Trombetta

1. That, the minutes of the open session portion of the September 18, 2023 Administration/Finance/Fire Committee meeting, be accepted, and the recommendations contained therein, be approved;

with the exception of Item#(s) _____; and,
2. That, the confidential minutes relating to the closed session portion of the September 18, 2023 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*.

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 TABLED ITEM (March 28, 2022 Council Meeting)
Director of Planning & Building (Brian Treble)
Re: Recommendation Report No. PD-36-2022 - Smithville Landowners Group request for support of Minister’s Zoning Order (MZO)

15.2 Director of Planning & Building (Brian Treble)
Re: Recommendation Report PD-47-2023 - 167 St. Catharine Street Draft Plan of Condominium Extension Approval - 1 Year (File No. 2100-086-17)

72

Referred Item from September 11, 2023

Planning/Building/Environmental Committee Meeting

Moved By Councillor William Reilly

1. That, report PD-47-2023, regarding “Recommendation Report, 167 St. Catharine Street Draft Plan of Condominium Extension Approval, File No. 2100-086-17” dated September 11, 2023, be received; and,
2. That, the Draft Plan approval for 167 St. Catharine Street BE EXTENDED for a period of one year, to expire on May 25, 2024, subject to the conditions found at Attachment 2 to this report; and,
3. That, a notice of extension be circulated to relevant agencies and departments.

15.3 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

1. That, leave be granted to introduce By-law #s 2023-65, 2023-66, 2023-67, 2023-68, 2023-69, 2023-70, and 2023-71 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,
2. 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.

- | | | |
|------|--|----|
| 17.1 | BY-LAW 2023-65
A By-law to confirm the proceedings of the Council of the Corporation of the Township of West Lincoln at its Special Council held on the 9th day of August, 2023 and at its regular meeting held on the 14th day of August, 2023. | 86 |
| 17.2 | BY-LAW 2023-66
Being a By-law to amend By-law 2023-03 which confirmed various appointments and/or recommendations for appointments to Boards, Committees & Municipal positions. | 87 |
| 17.3 | BY-LAW 2023-67
Being a By-law to amend schedule A of By-law 2023-05 which provided for appointments to the Township of West Lincoln Public Library Board. | 89 |
| 17.4 | BY-LAW 2023-68
A By-law to amend Zoning By-law No. 2017-70, as amended, of the Township of West Lincoln. | 91 |
| 17.5 | BY-LAW 2023-69
A By-law to authorize the removal of the previously registered development agreement (RO697920) from title on lands legally described as PT of North half of Lot 31, Conc. 6, Gainsborough as in RO818154, (pin 46077-0291) in the former Township of Gainsborough, now in the Township of West Lincoln. | 94 |
| 17.6 | BY-LAW 2023-70
A By-law to amend By-law 97-2020, as amended, being a by-law to authorize certain parking, standing or stopping of vehicles operated by or conveying physically handicapped persons on any highway and to authorize and require the provision of designated parking spaces for the sole use of vehicles operated by or conveying physically handicapped persons. | 95 |
| 17.7 | BY-LAW 2023-71
A By-law to authorize an agreement between the corporation of the Township of West Lincoln and Ontario Construction Inc. for the East Chippawa Road Slope Failure and Concrete Box Culvert emergency repair. | 96 |

18. CONFIDENTIAL MATTERS

There are no confidential matters.

19. ADJOURNMENT



Joint Special Meeting of the Councils of:
Township of West Lincoln, Town of Lincoln, Town of Grimsby

Date: August 9, 2023

Time: 5:00 – 8:00 p.m.

Location: West Niagara Agricultural Centre & Fairgrounds
7402 Mud St. W.
Grassie, ON, CA, L0R 1M0

Meeting Minutes

Present: **Grimsby:** Mayor Jordan, Councillor Davoli, Councillor Freake, Councillor Howe, Councillor Vardy, Councillor Charrois, Councillor Korstanje, Councillor Baradziej, Councillor DiFlavio; **Lincoln:** Mayor Easton, Councillor Rintjema, Councillor Russell, Councillor Brunet, Councillor Pachereva, Councillor Murre, Councillor Reimer, Councillor Timmers; **West Lincoln:** Mayor Ganann, Councillor Rehner, Councillor Bradaric, Councillor Chechalk, Councillor Bell

Staff: **Grimsby:** Bonnie Nistico-Dunk, Acting Clerk, Sarah Kim, Chief Administrative Officer; **Lincoln:** Julie Kirkelos, Clerk, Mike Kirkopoulos, Chief Administrative Officer, Paul Di Ianni, Director of Economic Development and Communication; **West Lincoln:** Jessica Dyson, Clerk, Bev Hendry, Chief Administrative Officer

Others: Tim Dobbie, Laure-Ann Poole

Absent: **Lincoln:** Councillor Mikolic; **West Lincoln:** Councillor Reilly, Councillor Trombetta

1. Call to Order

The meeting was called to order at 5:30 p.m.

2. Land Acknowledgement

The Acting Town Clerk for the Town of Grimsby read the Land Acknowledgement:

The West Niagara Agricultural Centre & Fairgrounds, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk, the Haudenosaunee, and the

Anishinaabe, including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, Town of Lincoln, and Town of Grimsby, as part of the Regional Municipality of Niagara, stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

3. **Disclosures of Interest**

There were no disclosures of pecuniary or non-pecuniary interest.

4. **Approval of the Agenda**

Moved by: Councillor Timmers

Seconded by: Councillor Howe

Resolved that the agenda for the Niagara West Joint Council meeting of August 9, 2023 be approved.

CARRIED

Prior to closed session, all members of Council were reminded that any discussions in closed session are to remain confidential as per each Municipality's Code of Conduct and Procedural By-law. All those in attendance for the closed session discussion acknowledged that they understand the following statements:

- That all confidential matters and discussions are to remain confidential
- No one is using any electronic devices other than their tablet or computer for the purpose of the meeting
- No one is recording any portion of the closed meeting

5. **Closed Session: Governance Matters in Niagara West**

Moved by: Councillor Rehner

Seconded by: Councillor Russell

Whereas the three Niagara West municipalities, Township of West Lincoln, Town of Lincoln and Town of Grimsby share a matter of common interest; and

Whereas the three Niagara West municipalities may meet for the purpose to consider a matter of common interest as per the Municipal Act, as amended, Section 236 (2) Joint Meetings which states "Despite subsection (1), a meeting of the councils of two or more municipalities for the consideration of matters of common interest may be held within any one of those municipalities or in a municipality adjacent to any of them."

Therefore be it resolved that the Niagara West Joint Council Meeting of August 9, 2023, move into closed session for the following purpose:

Educational or training sessions

(3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members.

2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee. 2006, c. 32, Sched. A, s. 103 (1).

CARRIED

5. **Open Session**

Moved by: Councillor Vardy

Seconded by: Councillor Freake

Resolved that the information provided in the training session be received.

CARRIED

6. **Confirming By-law**

Moved by: Councillor Murre

Seconded by: Councillor Charrois

Resolved that By-law 23-73 be read a first time, considered, and passed.

CARRIED

7. **Adjournment**

The meeting adjourned at 8:20 p.m.

C. Gannan, Mayor (West Lincoln)

B. Nistico-Dunk, Clerk (Grimsby)

THE CORPORATION OF THE TOWN OF GRIMSBY

BY-LAW NO. 23-73

A BY-LAW TO ADOPT, CONFIRM, AND RATIFY THE PROCEEDINGS OF THE
SPECIAL JOINT COUNCIL MEETING OF THE TOWN OF GRIMSBY, TOWN OF
LINCOLN, AND TOWNSHIP OF WEST LINCOLN

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

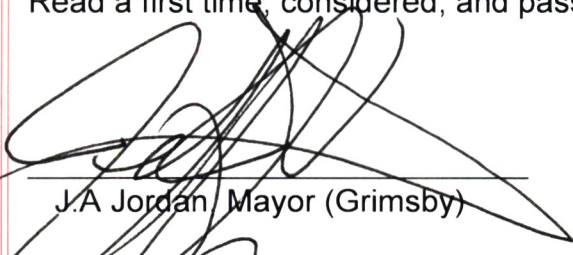
And whereas Section 11(2) of the said Act provides that a lower tier municipality
may pass by-laws respecting matters within the spheres of jurisdiction as set out in
the said Act;

And whereas, the Councils of the Corporations of the Town of Grimsby, Town of
Lincoln, and Township of West Lincoln deem it expedient and necessary that the
proceedings of the Special Joint Council meeting held on August 9, 2023, are
confirmed and adopted.

Now therefore the Councils of the Corporations of the Town of Grimsby, Town of
Lincoln, and Township of West Lincoln enacts as follows:

1. That the actions of the Councils of the Corporations of the Town of
Grimsby, Town of Lincoln, and Township of West Lincoln, at their meeting
held on August 9, 2023, in respect of all the information received, and
direction given by the Councils of the said meeting, are hereby adopted
and confirmed.
2. That the Mayor and the proper Officials of the Corporations are hereby
authorized and directed to do all things necessary to give effect to the said
actions of the Councils.
3. That the Mayor and Clerk are authorized and directed to execute all
documents necessary in that behalf, and the Clerk is authorized and
directed to affix the Seal of the Corporations to all such documents.
4. That this By-law shall come into force and effect upon being passed by the
Joint Councils.

Read a first time, considered, and passed this 9th day of August, 2023.



J.A. Jordan, Mayor (Grimsby)



S. Easton, Mayor (Lincoln)




B. Nistico-Dunk, Clerk (Grimsby)



J. Kikelos, Clerk (Lincoln)



C. Ganann, Mayor (West Lincoln)



J. Dyson, Clerk (West Lincoln)



**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
COUNCIL (ALL COMMITTEES) MINUTES**

MEETING NO. FOURTEEN

August 14, 2023, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Mayor Cheryl Ganann
Councillor Shelley Bradaric
Councillor Mike Rehner
Councillor William Reilly
Councillor Jason Trombetta
Councillor Terry Bell
Councillor Joann Chechalk

Staff: Bev Hendry, CAO
Justin Paylove, Deputy Clerk
Donna DeFilippis, Treasurer/Director of Finance
Mike DiPaola, Director of Public Works and Recreation
Brian Treble, Director of Planning and Building
Vanessa Holm, Library CEO
Joanne Scime, Deputy Clerk
Kevin Geoghegan, IT Help Desk Analyst
Dave Heyworth, Manager of Planning

Other Members: Regional Councillor Witteveen
Steven Rivers, South Coast Consulting
Bruce Harris, WeeStream

1. SINGING OF "O CANADA" - Smithville Christian High School

Prior to commencing with the Council meeting, Mayor Ganann will provide the following announcements:

1. Councillor William Reilly and Councillor Jason Trombetta have provided notice that they will be unable to attend this evening's Council Meeting.
2. Comments from the public for a matter that is on the agenda may be provided in person by attending the meeting and advising the Chair during

the "Request to Address an Item on the Agenda" Section of the agenda. For those individuals that are unable to attend the meeting in person, you may submit comments for matters that are on the agenda by either

- a. emailing jpaylove@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 OR
 - b. by contacting the Clerk's Department to request a Zoom Link to attend the meeting virtually.
3. Tonight's Council (All Committees) Meeting will be livestreamed as well as recorded and available on the Township's website by visiting events.
[westlincoln/meetings](http://westlincoln.meetings)

2. LAND ACKNOWLEDGEMENT STATEMENT

Mayor Ganann will read the following statement:

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk (Hat-i-wen-DA-ronk), the Haudenosaunee (Hoe-den-no-SHOW-nee), and the Anishinaabe (Ah-nish-ih-NAH-bey), including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara, stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

3. OPENING PETITION - Councillor Shelley Bradaric

4. CHANGE IN ORDER OF ITEMS ON AGENDA

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

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

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

6. REQUEST TO ADDRESS ITEMS ON THE AGENDA

There were no requests to address items that were on the agenda.

7. APPOINTMENTS/PRESENTATIONS

There were no appointments/presentations.

8. REGIONAL COUNCILLOR'S REMARKS

Regional Councillor Witteveen read from a prepared statement which is attached as Schedule "A" to the minutes. Regional Councillor Witteveen provided an update on various matters such as the Niagara Region upcoming budget discussions, the new speed cameras posted within the region, the Niagara Region's approach to asylum seekers, and upcoming community events.

Councillor Rehner inquired about the duration of the Speed Cameras, and how they will be rotated through the region.

In response to Councillor Rehner, Regional Councillor Witteveen confirmed that the cameras rotate throughout the Region, and would be rotated once every few months.

Councillor Chechalk inquired into whether or not there was a specific speed that would trigger the camera, or would all speeds excess of the speed limit be penalized.

Councillor Witteveen and Mayor Ganann stated that the sensitivity of the camera to speed is up to the vendor who owns the camera, however further noted that all speeds excess of the posted speed limit could be penalized. It was stated that these penalties would be applied to the vehicle, and not remove points from a licence.

9. CONFIRMATION OF MINUTES

9.1 Council (All Committees) Minutes – Regular

Re: July 17, 2023

Confidential Minutes Under Separate Cover

Moved By Councillor Joann Chechalk

Seconded By Councillor Shelley Bradaric

1. That, the minutes of the open session portion of the July 17, 2023 regular Council (All Committees) meeting be accepted; and,
2. That, the confidential minutes relating to the closed session portion of the July 17, 2023 regular Council (All Committees) 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

- 9.2 Public Meetings Under the Planning Act
Re: July 17, 2023

Moved By Councillor Terry Bell

Seconded By Councillor Mike Rehner

That, the minutes of the public meeting held on July 17, 2023 under Section 34 of the Planning Act, with respect to:

- i. Official Plan Amendment & Zoning Bylaw Amendment - P Budd Developments Inc. - South Grimsby Road 5 (File No. 1701-003-23OPA & 1601-004-23 ZBA); and,
- ii. Zoning Bylaw Amendment - Brad Snippe – 7005 Concession 4 Road (File No. 1601-005-23), be accepted.

Carried

10. COMMUNICATIONS

- 10.1 Chantel Poliquin, Committee Member
Re: Resignation from the West Lincoln Santa Claus Parade Committee

Moved By Councillor Mike Rehner

Seconded By Councillor Shelley Bradaric

1. That, the email received on July 18th, 2023 from Chantel Poliquin advising of her resignation from the West Lincoln Santa Claus Parade Committee be received with regrets; and,
2. That, By-law 2023-03, being the appointment by-law for Boards and Committees, be amended to remove Chantel Poliquin from Schedule C (West Lincoln Santa Claus Parade Committee).

Carried

- 10.2 Sue Langdon, Committee Member
Re: Resignation from the Joint Accessibility Advisory Committee (JAAC)

Moved By Councillor Terry Bell

Seconded By Councillor Joann Chechalk

1. That, the email received on July 17, 2023 from Sue Langdon advising of her resignation from the Joint Accessibility Advisory Committee (JAAC) be received with regrets; and,
2. That, Donna Herrington of the Joint Accessibility Advisory Committee, be advised of Sue Langdon's resignation and be requested to address the vacancy of a citizen representative.

Carried

- 10.3 Debra Terryberry, Board Member
Re: Removal from the West Lincoln Library Board

Moved By Councillor Shelley Bradaric

Seconded By Councillor Joann Chechalk

1. That, the resolution adopted by the West Lincoln Public Library Board, at the meeting on July 25, 2023 regarding the removal of Debra Terryberry from the Library Board as per Section 13 of the Public Libraries Act, be received; and,
2. That, By-law 2023-05 being a by-law for appointments to the West Lincoln Public Library Board, be amended to remove Debra Terryberry from Schedule "A".

Carried

- 10.4 Walter Sendzik, NEBN Board Member (Niagara Escarpment Biosphere Network (NEBN))

Re: Niagara Escarpment Biosphere Request for Endorsement

Moved By Councillor Joann Chechalk

Seconded By Councillor Terry Bell

Whereas the Niagara Escarpment, from Queenston in the south to Tobermory in the north, has been recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as a World Biosphere since 1990;

And whereas the Niagara Escarpment Biosphere (NEB) provides a range of very positive returns to Ontarians, including but not limited to promoting biodiversity of both flora and fauna, open landscape, productive agriculture and agri-tourism, traditional Indigenous knowledge and cultural history, eco-system services, a living laboratory for learning, carbon sequestration, climate change mitigation and adaptation;

And whereas the NEB is integral to the protection and enhancement agenda for the Great Lakes, especially since several of Ontario's major riverine systems have their headwaters within the NEB that in turn feed into each of Lake Huron, Lake Erie, Lake Ontario and Georgian Bay;

And whereas oversight of the NEB has successfully transitioned from the Ontario governmental agency, the Niagara Escarpment Commission to a citizen-centred, not-for-profit organization, namely the Niagara Escarpment Biosphere Network (NEBN);

And whereas the NEBN has been established as a Co-Leadership model between Indigenous and Non-indigenous leaders, with a key objective of

establishing the future direction of the NEBN as a model of delivering on the worthy goals of Canada's Truth and Reconciliation Commission as well as a demonstrated commitment to the United Nation's Declaration on the Rights of Indigenous Peoples;

And whereas the NEBN has made and continues to demonstrate its commitment to partner engagement and collaboration across many sectors and interests, including municipal, environmental, tourism, educational, youth, economic, research, and more;

And whereas the NEBN is seeking continuation of the official UNESCO Biosphere designation for the NEB, with the support of those who call the NEB home for work, play and study;

Now therefore be it resolved that the Township of West Lincoln supports the continuation of the UNESCO Biosphere designation for the Niagara Escarpment and for the oversight model that has been established with the NEBN.

Carried

- 10.5 Jenny Galan, West Niagara Agricultural Society
Re: Request for Designation of 2023 West Niagara Fair as a "Community Festival"

Moved By Councillor Mike Rehner

Seconded By Councillor Joann Chechalk

1. That, the correspondence from Jenny Galan Administrator of Operations, of the West Niagara Agricultural Society, Dated July 20, 2023, requesting that the 2023 West Niagara Fair be designated as a "Community Festival" in order to obtain a Special Events Permit from the Ontario Alcohol & Gaming Commission, be received; and,
2. That, the Council of the Corporation of the Township of West Lincoln hereby designate the 2023 West Niagara Fair as a "Community Festival of Municipal Significance" in accordance with the Liquor License Act of Ontario and the Alcohol and Gaming Commission of Ontario, which festival is to be held from Friday September 8th to and including Sunday, September 10th, 2023, at the West Niagara Agricultural Centre, 7402 Mud Street, Grassie.

Carried

- 10.6 Charlene McCallum, West Lincoln Resident
Re: Request for West Lincoln Community Centre Digital Sign Fees
Waived

Councillor Chechalk noted that she would prefer that the resolutions would not feature the words "and supported", and further stated that she worried that approving this waiving of the fees would set a precedent that would encourage everyone to attempt to waive the fee for renting space on the Township Signs.

In response to the inquiry from Councillor Chechalk, Mayor Ganann noted that the resolution was drafted that way, as Council either had to support or deny the ask to waive the fees.

Councillor Bell stated that he would like to see this request put on hold while staff prepare a policy to deal with these types of request.

CAO Bev Hendry, stated that the application has come to Council adverse to the current process, where there is an outline of fees that must be paid when renting space on the Township signs. The CAO further noted that staff agrees that there should be more clearly defined rules regarding these types of waiving requests.

Council agreed that the request should be accepted and that staff should be directed to develop a policy or review the current one, in regards to advertising on Municipal Signs.

Moved By Councillor Shelley Bradaric

Seconded By Councillor Terry Bell

That, the correspondence received from Charlene McCallum regarding a request for fees to be waived for advertisement on the West Lincoln Community Centre digital sign, dated August 11, 2023, be received; and,

That, this request be referred back to staff until staff can create a policy regulating all Municipal Signs.

Carried

11. MAYOR'S REMARKS

Mayor Ganann read a prepared statement which was attached as Schedule "B" to the minutes.

12. REPORT OF COMMITTEE

There are no Reports of Committee.

13. RECONSIDERATION

There were no items put forward for reconsideration.

14. NOTICE OF MOTION TO RESCIND

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

15. OTHER BUSINESS

15.1 CONSENT AGENDA

NOTE: All items listed below are considered to be routine and noncontroversial and can be approved by one resolution. There will be no separate discussion of these items unless a Council Member requests it, in which case the item will be removed from the consent resolution and considered immediately following adoption of the remaining consent agenda items.

Moved By Councillor Terry Bell

Seconded By Councillor Mike Rehner

1. Items 1, 2, 3, 4 and 5 be and are hereby received for information with exception of Item No.(s) _____.

Carried

1. Joint Accessibility Advisory Committee (JAAC) - Minutes of July 13, 2023
2. West Lincoln Public Library Board - Minutes of June 13, 2023
3. Memorandum - 2023 Tree Planting Update and Authority to Sign Agreement with NPCA
4. Information Report T-19-2023 - Financial Update as of July 31, 2023
5. Information Report WLFD-12-2023 - Monthly Update - July 2023

15.2 TABLED ITEM (March 28, 2022 Council Meeting)

Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-36-2022 - Smithville Landowners Group request for support of Minister's Zoning Order (MZO)

15.3 Director of Finance/Treasurer (Donna DeFilippis)

Re: Recommendation Report T-20-2023 - RBC Securities Bank Account

Councillor Bradaric inquired into the protocol in only having two signing authorities, and what would happen if both signatories were away.

In response to Councillor Bradaric's inquiry, the Director of Finance/Treasurer Donna DeFilippis, stated that the reason that the proposed account only has two signing authorities is largely due to the activity in the account, as it is an investment account that would not have much activity and would not necessarily require an immediate backup.

CAO Bev Hendry further noted that there were contingency plans in place, which anticipate a scenario where key signatories for various Township business are indisposed, but action is required. The CAO noted that these contingency plans would apply to this account as well.

The Director of Finance/Treasurer explained the process that the Township uses when using the capital accounts that the Township owns.

Moved By Councillor Joann Chechalk

Seconded By Councillor Shelley Bradaric

1. That Recommendation Report T-20-2023 dated August 14, 2023, regarding the "RBC Securities Bank Account", be received; and,
2. That, Council authorize staff to open and operate an account with RBC Securities; and,
3. That, Council authorize the following signing authorities on the RBC Securities Account: D. DeFilippis, Director of Finance and Treasurer and K. Hall, Manager of Finance and Deputy Treasurer.

Carried

15.4 Acting Manager of Operations (Tray Benish) & Director, Public Works and Recreation (Mike DiPaola)

Re: Recommendation Report No. PW-23-2023 - 2023 Hot Mix Spot Repair Tender Authorization

Councillor Rehner stated he was pleased to see the Township use this vendor again, as the work they did was always done the right way and held up over time very well.

Councillor Bradaric inquired into the estimated timeframe in which this work would be completed over.

In response to Councillor Bradaric's inquiry, the Director of Public Works and Recreation Mike DiPaola stated that once approval has been granted for this agreement work will commence in September and likely conclude around mid November.

Councillor Bradaric further inquired whether or not that money is set aside for potholes after the winter months, as damage from plows is inevitable.

In response to Councillor Bradaric's inquiry, the Director of Public Works and Recreation Mike DiPaola stated that the cost the Councillor is referring to is covered in a separate operating account.

Moved By Councillor Mike Rehner

Seconded By Councillor Joann Chechalk

1. That, Recommendation Report PW-23-2023, re: 2023 Hot Mix Spot Repair Tender Authorization, dated August 14th, 2023 be received; and,
2. That, Council accept the tender submission by Circle P Paving Inc. for the paving of spot repairs, in the amount of \$224,900 (plus HST); and,
3. That, a By-law be passed to authorize the Mayor and Clerk to enter into an agreement with Circle P Paving Inc.

Carried

15.5 Director of Planning and Building (Brian Treble) & Manager of Planning (Dave Heyworth)

Re: Recommendation Report PD-40-2023 - Zoning By-law Amendment - 5623 Twenty Mile Road (File No. 1601-01-23)

Councillor Chechalk stated that numerous compromises for this property have been made in this proposal, and inquired if staff is satisfied with the level of mitigation for potential issues that has been covered in the agreement.

In response to Councillor Chechalk's inquiry, the Manager of Planning Dave Heyworth stated that staff had reviewed many areas of interest, such as the parking and septic system, throughout the property that have been addressed. He further noted that the operational concerns of the property have also been addressed by staff to ensure compliance is met.

Councillor Chechalk thanked the Manager of Planning for his explanation, and also noted that she appreciated a business that focuses on

agricultural needs such as this will operate in West Lincoln, and serve the local farming community.

Mayor Ganann inquired to Steven Rivers, the representative of the owners of the property, if the design of interior of the building was done that would ensure that tires could be fully stored inside, and not be stored outside which is a requirement of the proposal.

Steven Rivers stated that while the final design of the interior of the facility has not yet been completed, extensive measurements have been done to ensure that no tires would be stored outside and the interior of the building would be more than sufficient. He also assured Council that no tires would be stored on-site until the building has been completed.

Council directed the Director of Planning and Building, Brian Treble, to get his staff to conduct random By-law inspections on the property to ensure compliance with the storage of tires, which the Director of Planning and Building agreed to.

Moved By Councillor Terry Bell

Seconded By Councillor Shelley Bradaric

1. That, Recommendation Report PD-40-2023, regarding “Zoning By-law Amendment – 5623 Twenty Mile Road (File No. 1601-01-23)”, dated August 14th, 2023, be APPROVED in accordance with the attached Amending By-law; and,
2. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the *Planning Act*.

Carried

- 15.6 Director of Planning and Building (Brian Treble) & Manager of Planning (Dave Heyworth)

Re: Recommendation Report PD-41-2023 - Application for Zoning By-law Amendment (File No. 1601-004-23) - P. Budd Developments Inc.

Moved By Councillor Shelley Bradaric

Seconded By Councillor Terry Bell

1. That, Recommendation Report PD-41-2023, regarding “Application for Zoning By-law Amendment (File No. 1601-004-23) - P. Budd Developments Inc.” dated August 14, 2023, be RECEIVED; and,

2. That, the application for Zoning By-law Amendment 1601-004-23 submitted by P. Budd Developments Inc. be APPROVED in accordance with the attached Amending By-law; and,
3. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the *Planning Act*.

Carried

15.7 CAO (Bev Hendry)

Re: Employee Professional Accomplishments

Sri Gurunathan, GIS & Asset Management Coordinator
Certificate of Completion - Role of GIS in workflow and Asset Management (Seneca College)

1. Cassandra Carey, Human Resource CoordinatorJoint Health & Safety Committee Certification (Occupational Safety Group)

15.8 Councillor Rehner

Re: Capital funding for Hospitals within the Niagara Region

FOR DISCUSSION

Council discussed the funding model that the Province of Ontario utilizes to to fund new hospital builds, and how it pertains to the new hospitals being build in Niagara Falls and West Niagara. It was stated that all members paid their fair share for local hospitals, and the formula put forth by the Province was adhered to by all stakeholders, with no preferential treatment given to any municipality.

15.9 Members of Council

Re: Council Remarks

16. NEW ITEMS OF BUSINESS

There were no new items of business brought forward.

17. BY-LAWS

Moved By Councillor Mike Rehner

Seconded By Councillor Shelley Bradaric

1. That, leave be granted to introduce By-law #s 2023-58, 2023-59, 2023-60, 2023-61, 2023-62, 2023-63 and 2023-64, 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,

2. 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

17.1 BY-LAW 2023-58

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 17th day of July, 2023, and of its special meeting held on the 9th day of August, 2023.

17.2 BY-LAW 2023-59

A By-law to amend Schedules of By-law 2023-03, which confirm various appointments and/or recommendations for appointments to Boards, Committees & Municipal positions.

17.3 BY-LAW 2023-60

A By-law to amend Schedule "A" of By-law 2023-05 which provide for appointments to the Township of West Lincoln Public Library Board.

17.4 BY-LAW 2023-61

A By-law to authorize and agreement between the Corporation of the Township of West Lincoln and Circle P. Paving Inc. for the paving of spot repairs.

17.5 BY-LAW 2023-62

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

17.6 BY-LAW 2023-63

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

17.7 BY-LAW 2023-64

A By-law to authorize an agreement between the Corporation of the Township of West Lincoln and the Niagara Peninsula Conservation Authority for lands described as Plan M97, Lot 4, in the Former Township of South Grimsby, now in the Township of West Lincoln (Leisureplex complex, municipally known as 2543 South Grimsby Road 6)

18. CONFIDENTIAL MATTERS

There are no confidential matters.

19. ADJOURNMENT

The Chair to declare this meeting adjourned at the hour of 8:39.

**JUSTIN PAYLOVE,
DEPUTY CLERK**

MAYOR CHERYL GANANN

Madam Mayor, councillors, staff and members of the public, I would like to start my report by letting you know the Niagara Region will be starting to work through the 2024 budget shortly. The Mayor and myself have attended a pre-budget strategy to understand budget pressures going into 2024. Again we face similar cost pressures from inflation as we did last year. We understand the burdens to taxpayers and we have a difficult job in keeping the budget within the 5 year average of CPI which is 3.7%. I know that this council will have to make difficult choices for your budget process as well. The Mayor and I will have a better understanding of where we land by November of this year.

There was much discussion around the Automated Speed Cameras that will be activated at the end of August and rotated within the Region in the designated Community Safety Zones that have met a level of criteria to be selected. To remind everyone this is a pilot of 4 cameras, challenges will be on how quickly will the court system process the infractions will have to be monitored. So the big question everyone has on this program is on what will be the trigger to an infraction. The explanation was anything over the posted speed limit is not encouraged. The program is designed to change drivers behaviour not to be a money grab in which some are lead

to believe. The vendor that operates the system on behalf of the Niagara Region will set the speed in which a vehicle will incur a charge. It is also my understanding that no one will incur points on their licence as the fine will be charged to the vehicle. As many of you know the signs have been up for the for the program. When the camera is installed and activated the signs will warn drivers of this change.

At our Public Health and Social services committee meeting much discussion took place around the asylum seekers that have been housed in Niagara Falls as per the Federal Government's direction. So to date we have a total of 2800 individuals that are slowly being integrated into our communities. Many need language assistance before they can be trained to fill vacant work positions throughout Niagara. We have received some funding to offset these costs but we have not been made whole by the Federal Government. There are no more new asylum seekers that coming so it will take some time to find homes and employment for these individuals. Senior staff and the Regional chair continue to lobby our Federal representatives to make us whole as we carry out this task. On the child care front we are at a 64% capacity level in which we are still short around 1500 spaces here in Niagara. The Region is working to increase compensation for the EEC positions and working with the

workforce funding to help encourage individuals to take on this training and education to fill the much needed spaces. Discussion also took place around looking at a home care model that could be licensed to help fill the need. I'm not sure where we are for West Lincoln but I believe the Mayor might be able to add some additional information on what is in the works. I did attend the Chambers community BBQ at the Community centre on July 22nd. We had a great display of our local businesses and of course it was great to see the Fire Department participating in this community event. Lastly I want to remind everyone of the West Niagara Fair on September 8,9,10 th. This is always a wonderful event for friends and family to attend. Thank-you for allowing me to update you on my involvement here in the Township and at the Region. If you have any questions on my report I will gladly answer them for you.

Albert

August 14/23 All Committees/Council Meeting Mayor's Remarks

On the morning of Wednesday, July 19, I was happy to work behind the counter at our local Tim Horton's in support of their very successful Camp Day. I also attended on that same date, a fantastic evening of Music in the Park at our local bandshell at the Community Centre.

There were 2 Regional Council meetings on July 20, one scheduled from 4-6 o'clock and the other to begin at 6:30 PM, both of which I attended in person. On the evening of July 21, John and I attended the Niagara Dairy Farmers', "Dinner at the Dairy" which proved to be both enjoyable and educational for all ages.

Although I was on vacation and missed the West Lincoln Chamber of Commerce Community BBQ, on Saturday, July 22nd, I understand that it was quite successful and was enjoyed by those who were in attendance. Councillor Witteveen attended the event as he often does, however I did specifically ask that he attend this time as I could not be there and so I would like to publicly thank him for doing so. As our Council Liaison to the Chamber of Commerce, Councillor Chechalk was very involved in the planning of this event and so I also thank her for her work on helping to pull this Community event together.

The first of a long series of Regional Budget Meetings took place on Thursday, July 27, which I attended virtually from New Hampshire. One very good result of having to find our way to continue to do both Municipal and Regional work during the Pandemic years, is the fact that meetings are now hybrid and thus allow, if there is appropriate connectivity, for participation in important meetings even while on vacation.

During the morning of August 2nd, the Mayor's Youth Advisory Council visited, as planned, the historic archives in the downstairs area of our Train Station. The youth were both careful and engaged in viewing and handling, when possible, the various artifacts on display. They were keenly interested in the answers to their questions as the knowledgeable volunteers of the West Lincoln Historical Society responded. It was a great "walking" outing on a warm Summer morning thus an added bonus was our enjoyable stop for an ice cream cone at Ola Amigos on our walk back to the Township Offices! Executive Assistant Jacquie Thrower and I were unaware that they sold soft-serve ice cream, but the kids certainly knew that fact!

Music on the evening of the August 2nd "Music in the Park " was performed by the band "British Invasion", who held the attention of a very engaged audience for close to 2 hours. There were hands clapping, toes tapping and even some dancing to the music of the Beatles, Heman's Hermits, the Dave Clark 5 and several other bands of that same era. There is one more "Music in the Park" event left in the Summer/23 series. It will be taking place this upcoming Wednesday, August 16th beginning at 7:00 PM. Staff have done an excellent job in securing a great variety of bands for this series of events. Thank you to our Recreation Staff and special thanks to the various businesses who sponsored this series including McIntyre Electric, Premier Equipment, Alexander's Fudge, Meester Insurance, SoundBox Productions, Niagara Peninsula Energy Inc. and Team Swayze Real Estate. We value your support of these opportunities for our residents to gather socially. All of these evenings of fun and musical entertainment have been well-supported by our residents.

Movies in the Park this past Friday evening was another good opportunity for families to enjoy a family-oriented movie on the large screen with snacks of popcorn, chips and various drinks being provided as always, by the Kiwanis Club of West Lincoln, for any sized donation. The last movie night of the Summer of 23 Season will take place on Friday, August 25th Rain or Shine.

August 20 -23, CAO Hendry, Councillors Reilly and Chechalk and myself will be attending the Association of Municipalities of Ontario Conference, otherwise known as AMO, where we will have the opportunity to bring some of our local West Lincoln concerns to the attention of various Provincial Ministers, Deputy Ministers and/or Parliamentary Assistants through previously scheduled delegations. Regional Councillor Witteveen and I, together with Regional Chair Bradley, other Mayors and Regional Councillors plus some Senior staff will also be taking part in similarly scheduled Regional delegations in regard to larger Regional Government interests and/or concerns. This AMO Conference also allows for a hands-on Trade Show, many educational sessions and various networking opportunities. It is important that West Lincoln is a visible presence at such professional gatherings.



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

September 11, 2023, 6:30 p.m.
Township Administration Building
318 Canborough Street, Smithville, Ontario

Council: Councillor William Reilly (Chair)
 Councillor Shelley Bradaric
 Mayor Cheryl Ganann
 Councillor Jason Trombetta
 Councillor Mike Rehner
 Councillor Terry Bell
 Joann Chechalk

Staff: Bev Hendry, CAO
 Brian Treble, Director of Planning and Building
 Justin Paylove, Deputy Clerk
 Kevin Geoghegan, IT Help Desk Analyst
 Susan Smyth, Senior Planner

Other Members: Nancy Neville
 Rodger Vaughan
 Dora Pavlidis
 WeeStreem
 Rob Wood
 Gord Szaszi
 Henry Van Ryn

8248 Concession 3 Road (Henry and Lisa Van Ryn) - Zoning By-law Amendment

1. Application for Zoning By-law Amendment

The Chair advised that this public meeting for rezoning was being held to consider an amendment to the Township of West Lincoln's Zoning By-law under

Section 34 of the Planning Act as submitted by Henry and Lisa Van Ryn for the property municipally known as 8248 Concession 3 Road and on behalf of the owners (Doug and Rita Lampman) of 8214 Concession 3 Road. Both properties are located on the south side of Concession 3 Road, south east of the Hamlet of Caistor Centre, west of Smithville Road/Regional Road 14, municipally known as 8214 and 8248 Concession 3 Road (File No. 1601-006-23).

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

The rezoning application has been submitted to permit the operation of a salvage yard on the lands recently added to 8248 Concession 3 Road (shown as Parcel 3 on the attached sketch), with adequate setbacks from significant environmental features. This will also fulfill condition 6 of the applicants' consent application (B03/2023WL) which granted the minor boundary adjustment. The intent of this zoning bylaw amendment will also recognize the deficient lot area of 8214 Concession 3 Road which does not meet the minimum lot area requirement of 40 hectares, being a total lot size of 17.0 hectares following the boundary adjustment. This will also fulfill condition 6 of the related consent application (B03/2023WL). The rezoning will also recognize the deficient front yard setback for the existing residence located at 8214 Concession 3 Road which is located approximately 6.0 metres from the front lot line whereas, 15 metres is the minimum front yard requirement within an Agricultural 'A' zone.

The purpose of the zoning bylaw amendment is to change the zoning from an Agriculture 'A' zone to Agriculture 'A-5' zone for Parcel 3 (4037.4 square metres), being the lands added to 8248 Concession 3 Road. Additionally, to rezone 8214 Concession 3 Road with site specific exceptions to recognize the zoning deficiencies on the property, being the reduced lot area of 17.0 hectares and a front yard setback of 6.0 metres.

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 property municipally known as 8248 and 8214 Concession 3 Road (File No. 1601-006-23)

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 (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.

The Clerk advised the Chair that notice was given by way of email and mail circulation to agencies and neighboring properties on August 18th, 2023. Additionally, a notice sign was placed on the property on August 17th, 2023.

The Chair advised that this was a public meeting to consider a Zoning By-law Amendment application submitted for the property municipally known as 8248 and 8214 Concession 3 Road (File No. 1601-006-23).

The Chair asked Senior Planner, Susan Smyth, to explain the purpose and reason for the Zoning By-law Amendment.

The Senior Planner, Susan Smyth, provided an overview of the application.

The Chair asked if there were any oral or written submissions from any members of the public present as part of the Zoom meeting that wished to provide comments at this time with respect to the Zoning By-law Amendment. 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 from any members of the public for the proposed zoning by-law amendment application.

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, she 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.

Mayor Ganann inquired to the Director of Planning and Building, Brian Treble, in regards to the 30 metre protected setback, and if it was enforceable for the Township, to ensure compliance.

In response to the inquiry, the Director of Planning and Building Brian Treble, stated that this would be difficult to enforce however it could be possible through random By-law checks. Council agreed, and directed the Director of Planning and Building to have staff conduct random By-law checks, to which the Director agreed.

Councillor Chechalk inquired if a fence would provide a more practical buffer to the possible encroachment on the protected lands.

In response to the inquiry from Councillor Chechalk, the Director of Planning and Building Brian Treble stated that this possibility could be explored through the site plan process.

Councillor Chechalk further inquired to the update to the Township Zoning By-law, which was modified to include a salvage yard, and wondered if it was brought up due to this application.

In response to the inquiry from Councillor Chechalk, the Director of Planning and Building Brian Treble, confirmed that the Zoning By-law definition of a salvage yard was out of date, and was altered to be more applicable to West Lincoln as a whole.

Councillor Bradaric inquired into the type of salvage the yard will hold, and if that was taken into account into the 30 metre barrier suggested by the Region during the site visit.

In response to the inquiry from Councillor Bradaric, the Director of Planning and Building Brian Treble confirmed that the site visit was to see just how far the graveled portion of the yard extended and its proximity to the protected land, and further noted that the entire site is likely a contaminated site. However, the Director of Planning and Building Brian Treble, noted that there was no instruction that the site had to be cleaned from the regulatory authorities, just that the 30 metre setback now had to be respected.

Councillor Bradaric inquired how a 30 metre setback was decided, and if this provided enough space.

In response to the inquiry from Councillor Bradaric, the Director of Planning and Building Brian Treble, stated that a 30 metre setback is standard, and that the applicant was not interested in the high cost to evaluate the site to see if a few more metres could be obtained.

The Chair stated that a combined Technical and Recommendation Report was being considered by Council later. 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, Jessica Dyson at jdyson@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's 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 called the meeting adjourned at the hour of 7:05 PM.

JUSTIN PAYLOVE, DEPUTY
CLERK

COUNCILLOR WILLIAM REILLY,
CHAIR



September 14, 2023

To Whom It May Concern,

The City of Hamilton is looking to launch 311 for our municipality. 311 is a telecom service that allows constituents to call 311 instead of the city's 10-digit number (905) 546-2489 to reach our municipality's customer contact centre. As part of the launch of 311, the City of Hamilton is required to gain alignment from other municipalities that may be affected.

The City of Hamilton would like to launch 311 for the telecom exchange of 805103 . This exchange also covers part of your municipality.

By launching 311 in this exchange, there is the potential that constituents in your municipality who dial 311 in error would be connected to our customer contact center. The City of Hamilton would develop a process to forward these calls to your municipality.

The Canadian Radio-television and Telecommunications Commission (CRTC) requires expressed alignment from your municipality in writing for the City of Hamilton to proceed with its launch. This could be in any written format of your municipality's choosing. Should you need to discuss this initiative further, or need additional information, please contact me directly.

Thank you,

Heather Vitucci

Heather Vitucci
Business and Support Services
Customer Service, POA and Financial Integration, City of Hamilton
(905) 546-2424 ext. 2595
heather.vitucci@hamilton.ca

Paper mail to follow



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

MEETING NO. SEVEN

September 11, 2023, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council:	Councillor William Reilly (Chair) Councillor Shelley Bradaric Mayor Cheryl Ganann Councillor Jason Trombetta Councillor Mike Rehner Councillor Terry Bell Councillor Joann Chechalk
Staff:	Bev Hendry, CAO Brian Treble, Director of Planning and Building Kevin Geoghegan, IT Help Desk Analyst Justin Paylove, Deputy Clerk Susan Smyth, Senior Planner
Other Members:	Nancy Neville Dora Pavlidis Rob Wood WeeStreem Rodger Vaughan Gord Szaszi Chris Tsiropoulos Karen Sabatine

1. CHAIR - Councillor William Reilly

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

1. Comments can be made from members of the public for a matter that is on the agenda by advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
2. The public may submit written comments for matters that are on the agenda to jpaylove@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. This meeting will be livestreamed as well as recorded and available on the Township's website.

2. LAND ACKNOWLEDGEMENT STATEMENT

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hattiwendaronk (Hat-i-wen-DA-rong), the Haudenosaunee (Hoe-den-no-SHOW-nee), and the Anishinaabe (Ah-nish-ih-NAH-bey), including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara, stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

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

3.1 Councillor Terry Bell - ITEM P59-23

Councillor Bell noted that he has a conflict of interest with Item P59-23, as he sits on the Legion Villa Board.

4. PUBLIC MEETING(S)

4.1 Zoning Bylaw Amendment - Henry and Lisa Van Ryn - 8248 Concession 3 Road

Re: An application for a Zoning Bylaw Amendment has been submitted by Henry and Lisa Van Ryn for the property municipally known as 8248 Concession 3 Road and on behalf of the owners (Doug and Rita Lampman) of 8214 Concession 3 Road. Both properties are located on the south side of Concession 3 Road, south east of the Hamlet of Caistor Centre, west of Smithville Road/Regional Road 14, municipally known as 8214 and 8248 Concession 3 Road (File No. 1601-006-23).

5. CHANGE IN ORDER OF ITEMS ON AGENDA

6. APPOINTMENTS

6.1 ITEM P59-23

Nancy Neville and Gord Szaszi

Re: Waiving of Development Fees for Legion Villa

POWERPOINT PRESENTATION

Councillor Terry Bell declared a conflict on this item. (Councillor Bell noted that he has a conflict of interest with Item P59-23, as he sits on the Legion Villa Board.)

Mayor Ganann inquired if Gord Szaszi was here in an official capacity from the Region, or if this was a personal project of his.

In response to the inquiry made by Mayor Ganann, Gord Szaszi stated that he works with the Region and his role largely focuses on working with non-profit organizations and similar organizations, such as the Legion Villa.

Mayor Ganann inquired into the process in which the project was with the Regional Development team, and if the project was in the purview of the Region at the moment or if this project was far down the list, and wondered what would push this project to be in the queue.

In response to the inquiry made by Mayor Ganann, Gord Szaszi noted that Affordable Housing was front and center for the Region, and is currently working on other projects that are farther ahead, stating that these projects are going through the proper channels, which is what they are proposing to Council. He noted that the Region does not have an extensive grant program for housing, but can act as a mediator between higher levels of government/ministries and these local organizations.

Councillor Chechalk inquired into if this project was still going to maintain its independent living standard, as well as Development Charges, and if it was premature to request the waiving of the Development Charges, as the recent provincial bills are removing Development Charges to builds like this.

In response to the inquiry made by Councillor Chechalk, Gord Szaszi noted that the project would still be focusing on building independent living but with "aging in place" practices. He further noted that the Councillor was correct in regards to the development charges, but the applicants wanted to get ahead of the process.

Councillor Chechalk inquired to the Director of Planning and Building regarding the changes that the province has made to the development charges system.

In response to the inquiry made by Councillor Chechalk, the Director of Planning and Building Brian Treble, stated that while he cannot speak to all of the specific changes made, he noted that staff have recently had a meeting with the Economic Development Advisor from the Region, to further understand the changes.

Mayor Ganann inquired into the rigidity of the idea of truly affordable homes, with maintaining rent at market value needing to be a focus of the proposal in order to be affordable for the long-term.

In response to the inquiry from Councillor Chechalk, Gord Szaszi noted that affordable rent or "market value rent" was a shifting number, and is largely dependent on whether or not the project receives particular grants. However, he noted that the project will still fall into the acceptable affordable range.

Councillor Chechalk inquired into the development charges at the region and other planning fees, and whether or not they had agreed to also waive associated fees.

In response to the inquiry made by Councillor Chechalk, Gord Szaszi noted that the region will follow the lead of the municipality on the topic of fee waiving.

Councillor Reilly inquired what this project could potentially do to the projected 12 year waitlist in the Region for this type of housing.

In response to the inquiry made by Councillor Reilly, Gord Szaszi stated that while he can't give a specific number of years that this development would reduce the waitlist due to the construction of this expansion, however he noted that it would provide a large number of people on the waitlist with safe and affordable housing.

Moved By Councillor Joann Chechalk

Seconded By Mayor Cheryl Ganann

1. That, the presentation made by Nancy Neville and Gord Szaszi regarding a request to waive the fees for the new development for the Legion Villa be received; and,

2. That, the correspondence as outlined above be referred to staff to present a recommendation report at a future Planning/Building/Environmental Committee Meeting.

Carried

6.2 ITEM P60-23

Dora Pavlidis

Re: Backyard Chickens in Residential Zones

Dora Pavlidis read from a prepared letter to Council.

Councillor Rehner noted the concern of Avian Flu, which was documented in West Lincoln, and noted that someone had lost their entire flock causing great economic hardship. Councillor Rehner went on to note that a major concern would be the possibility of roosters, which would cause a multitude of problems with complaints from those who live in the urban boundary.

Director of Planning and Building Brian Treble, stated and Committee agreed, that this may pose risks to the very large poultry industry that West Lincoln has, and will require further consultation with various stakeholders.

Dora Pavlidis noted that not only did chickens provide eggs, but also companionship to their owners as well as fantastic natural insecticides which would significantly cut down on the presence of ticks in the area.

Committee agreed that the proposal requires serious consideration, and a future public meeting, and noted that they would like to have a fulsome report regarding the potential risks and benefits from experts in the future.

Moved By Councillor Mike Rehner

Seconded By Councillor Jason Trombetta

1. That, the presentation made by Dora Pavlidis regarding a request to allow for backyard chickens in the residential zones be received; and,
2. That, the correspondence as outlined above be referred to staff to present a recommendation report at a future Planning/Building/Environmental Committee Meeting.

Carried

7. REQUEST TO ADDRESS ITEMS ON THE AGENDA

NOTE: Section 10.13 (5) & (6) – General Rules

One (1) hour in total shall be allocated for this section of the agenda and each individual person shall only be provided with **five (5) minutes** to address their issue (some exceptions apply). A response may not be provided and the matter may be referred to staff. A person who wishes to discuss a planning application or a matter that can be appealed, will be permitted to speak for ten (10) minutes.

Chair to inquire if there are any members of the public present who wish to address any items on the Planning/Building/Environmental Committee agenda.

8. CONSENT AGENDA ITEMS

All items listed below are considered to be routine and non-controversial and can be approved by one resolution. There will be no separate discussion of these items unless a Council Member requests it, in which case the item will be removed from the consent resolution and considered immediately following adoption of the remaining consent agenda items.

8.1 ITEM P61-23

CONSENT AGENDA ITEMS

Moved By Councillor Mike Rehner

Seconded By Councillor Terry Bell

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

1. Items 1, and 2 be and are hereby received for information; and,
2. Item 3 be and is hereby received and the recommendation contained therein be approved.

with the exception of Item no.(s)_____.

Carried

1. Information Report PD-44-2023 – 2022 Building Department Annual Budget Report
2. Information Report PD-48-2023 - Housekeeping Amendment No.7
3. Recommendation Report PD-45-2023 – Removal of 1995 Development Agreement from Title of Pt Lot 31, Conc 6, Former Township of Gainsborough, now the Township of West Lincoln

9. COMMUNICATIONS

10. STAFF REPORTS

10.1 ITEM P62-23

Senior Planner (Susan Smyth), Manager of Planning (Dave Heyworth) & Director of Building and Planning (Brian Treble)

Re: Recommendation Report PD-42-2023 – Application for Zoning Bylaw Amendment for 8214 and 8248 Concession 3 Road (File No. 1601-06-23)

Moved By Councillor Mike Rehner

Seconded By Mayor Cheryl Ganann

1. That, Recommendation Report PD-42-2023, regarding “Application for Zoning Bylaw Amendment for 8214 and 8248 Concession 3 Road (File No. 1601-06-23)”, dated September 11, 2023, be received; and,
2. That, the application for Zoning Bylaw Amendment submitted by Henry and Lisa Van Ryn owners of 8248 Concession 3 Road, and Doug and Rita Lampman owners of 8214 Concession 3 Road, be approved in accordance with the attached Amending Zoning By-law with the site-specific regulations; and,
3. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the *Planning Act*.

Carried

10.2 ITEM P63-23

By-law Enforcement Officer (Jesse Paul) & Director of Building and Planning (Brian Treble)

Re: Recommendation Report PD-46-2023 – Amendment to Accessible Parking By-Law

Council inquired to the Director of Planning and Building Brian Treble, why the removal of the wording of accessible parking spaces was being removed from the By-law.

In response to the inquiry from Council, the Director of Planning and Building Brian Treble, noted that the By-law went above and beyond the standards set by the province, and had caused some tickets to be thrown out due to the lack of painted spaces in West Lincoln while the By-law calls for them.

Council agreed that while the decision to remove the requirement to have the painted lines was prudent, it would be best to start painting the accessible parking spaces for the benefit of the community. Council agreed that the Director of Planning and Building Brian Treble, would speak to the Director of Public Works to figure out the cost of adding accessible parking painting to the road painting budget in 2024.

The Director of Planning and Building Brian Treble, agreed with Council and stated he would follow up with the Director of Public Works to make sure that the item would be discussed during budget in 2024.

Moved By Councillor Shelley Bradaric

Seconded By Mayor Cheryl Ganann

1. That, Recommendation Report PD-46-2023, regarding “Amendment to Accessible Parking By-Law”, dated September 11, 2023 be received; and,
2. That, the Accessible Parking By-law, 97-2020, as amended, be further amended by deleting and replacing the definition of an accessible parking space as listed in the Draft Amending By-law, as found at Attachment 1 to this report.

Carried

10.3 ITEM P64-23

Director of Building and Planning (Brian Treble)

Re: Recommendation Report PD-47-2023 - 167 St. Catharine Street Draft Plan of Condominium Extension Approval - 1 Year File No. 2100-086-17

Council inquired to the Director of Planning and Building Brian Treble, why another extension was being offered to the applicant, as it had already lapsed once before.

In response to the inquiry from Council, the Director of Planning and Building Brian Treble, noted that the applicant had stated they were in the middle of another project and it would not be financially possible to begin the one in West Lincoln as well.

Council stated that they wanted to see this project move forward, and agreed they would like to see a real monetary commitment made by the applicant to complete the project.

The Director of Planning and Building Brian Treble clarified that the one year extension is from the previous application, and would only last until May of 2024.

Council agreed that before an extension was granted that they would like a monetary commitment that was satisfactory to the Director of Planning and Building.

Moved By Councillor Shelley Bradaric

Seconded By Councillor Joann Chechalk

1. That, report PD-47-2023, regarding "Recommendation Report, 167 St. Catharine Street Draft Plan of Condominium Extension Approval, File No. 2100-086-17" dated September 11, 2023, be received; and,
2. That, the Draft Plan approval for 167 St. Catharine Street BE EXTENDED for a period of one year, to expire on May 25, 2024, subject to the conditions found at Attachment 2 to this report; and,
3. That, a notice of extension be circulated to relevant agencies and departments.

Referred

Moved By Councillor Joann Chechalk

Seconded By Councillor Terry Bell

That, this item be referred back to staff to be brought forward to the next Council meeting, after consulting with the Applicant, which would have a financial commitment satisfactory to the director.

Carried

11. OTHER BUSINESS

11.1 ITEM P65-23

Members of Committee

Re: Other Business Matters of an Informative Nature

12. NEW BUSINESS

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

13. CONFIDENTIAL MATTERS

Moved By Councillor Mike Rehner

Seconded By Mayor 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 Director of Building and Planning (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) - Helen Kszan (File No.22-00280)

VERBAL UPDATE

Applicable closed session exemption(s):

- Advice that is subject to Solicitor-Client Privilege, including communications necessary for that purpose; and,
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

13.2 Director of Planning and Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) - Official Plan Amendment (OPA) 63

VERBAL UPDATE

Applicable closed session exemption(s):

- Advice that is subject to Solicitor-Client Privilege, including communications necessary for that purpose; and,
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

13.3 Director of Planning & Building (Brian Treble)

Re: Property Matter/By-law Enforcement Matter - South Grimsby Road Property Matter

VERBAL UPDATE

Applicable closed session exemption(s):

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- personal matters about an identifiable individual, including municipal or local board employees

13.4 By-Law Enforcement Officer (Jesse Paul) & Director of Planning and Building (Brian Treble)

Re: Legal/Enforcement Matters - Quarterly By-Law Update

VERBAL UPDATE

Applicable closed session exemption(s):

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- personal matters about an identifiable individual, including municipal or local board employees

Carried

Moved By Councillor Trombetta

Seconded By Councillor Chechalk

That, this Committee meeting does now resume in open session at the hour of 9:56 PM.

Carried

13.1 ITEM P66-23

Director of Building and Planning (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) - Helen Kszan (File No.22-00280)

VERBAL UPDATE

13.2 ITEM P67-23

Director of Planning and Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) - Official Plan Amendment (OPA) 63

VERBAL UPDATE

13.3 ITEM P68-23

Director of Planning & Building (Brian Treble)

Re: Property Matter/By-law Enforcement Matter - South Grimsby Road Property Matter

VERBAL UPDATE

13.4 ITEM P69-23

By-Law Enforcement Officer (Jesse Paul) & Director of Planning and Building (Brian Treble)

Re: Legal/Enforcement Matters - Quarterly By-Law Update

VERBAL UPDATE

14. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of 9:57 PM.

JUSTIN PAYLOVE, DEPUTY
CLERK

COUNCILLOR WILLIAM REILLY,
CHAIR

**TOWNSHIP OF WEST LINCOLN
PUBLIC WORKS & RECREATION COMMITTEE
MINUTES**

MEETING NO. FIVE

September 18, 2023, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Councillor Mike Rehner (Chair)
Mayor Cheryl Ganann
Councillor Shelley Bradaric
Councillor William Reilly
Councillor Jason Trombetta
Councillor Joann Chechalk
Councillor Terry Bell

Staff: Bev Hendry, CAO
Jessica Dyson, Director of Legislative Services/Clerk
Mike DiPaola, Director of Public Works and Recreation
Donna DeFilippis, Director of Finance/Treasurer
Tim Hofsink, Acting Fire Chief
Kevin Geoghegan, IT Help Desk Analyst

Other Members: Bruce Harris, WeeStreem

1. CHAIR - Councillor Mike Rehner

Prior to commencing with the Public Works & Recreation Committee meeting agenda, Chair Rehner provided the following announcements:

1. Comments can be made from members of the public for a matter that is on the agenda by advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
2. The public may submit written 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. This meeting will be livestreamed as well as recorded and available on the Township's website.

2. LAND ACKNOWLEDGEMENT STATEMENT

The Chair read the following Land Acknowledgement Statement:

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hattiwendaronk (Hat-i-wen-DA-rong), the Haudenosaunee (Hoe-den-no-SHOW-nee), and the Anishinaabe (Ah-nish-ih-NAH-bey), including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara, stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

3. CHANGE IN ORDER OF ITEMS ON AGENDA

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

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

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

5. APPOINTMENTS

There were no appointments/presentations.

6. REQUEST TO ADDRESS ITEMS ON THE AGENDA

The Chair inquired if the IT Help Desk Analyst was aware of 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 the Procedural By-law, for which the IT Help Desk Analyst confirmed there was not.

There were no members of the public in attendance in-person.

7. CONSENT AGENDA ITEMS

NOTE: All items listed below are considered to be routine and non-controversial and can be approved by one resolution. There will be no separate discussion of these items unless a Council Member requests it, in which case the item will be removed from the consent resolution and considered immediately following adoption of the remaining consent agenda items.

7.1 ITEM PW15-23

CONSENT AGENDA ITEMS

Moved By Councillor Terry Bell

Seconded By Councillor Shelley Bradaric

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

1. Item 1 be and is hereby received for information with the exception of Items #(s)_____

Carried

SUMMARY OF CONSENT AGENDA ITEMS APPROVED:

1. West Lincoln Public Library Board - Minutes of July 25, 2023

8. COMMUNICATIONS

There were no communications.

9. STAFF REPORTS

9.1 ITEM PW16-23

Director of Public Works and Recreation (Mike DiPaola) & Project Manager (Ray Vachon)

Re: Recommendation Report PW-19-2023 - East Chippawa Road Slope Failure and Concrete Box Culvert Emergency Repair

In response to Mayor Ganann's question regarding the timing of this project and how imminent the collapse of the bank is, the Director of Public Works & Recreation stated that staff were planning to complete the design of this slope failure in 2023, noting that staff had become aware of the failure in 2020 and at the time completed a geotechnical investigation to determine how stable the slope was. The Director of Public Works & Recreation stated that staff had budgeted for construction in 2024; however, staff became aware of another failure to the slope in the spring of 2023 and therefore in order to ensure more damage is not done to the bank and there is no failure to the road due to the upcoming rain and snow conditions, staff are requesting the slope to be repaired in 2023, instead of waiting until 2024.

Moved By Mayor Cheryl Ganann

Seconded By Councillor Terry Bell

1. That, Recommendation Report PW-19-2023, "East Chippawa Road Slope Failure and Concrete Box Culvert Emergency Repair", dated September 18, 2023, be received; and,
2. That, Council authorize Ontario Construction Inc., to undertake the slope failure and culvert repair in the amount of \$266,815.00 (excluding HST) in accordance with Clause 4.5 of the Tendering and Purchasing Policy (POL-T-2015); and,
3. That, the estimated total project cost of \$345,000.00, including detailed design, construction, contingency and other miscellaneous costs, be approved; and,
4. That, Budget Amendment BA2023-11 of \$300,000 be approved and funded from Development Charges of \$30,000 and a Transfer from the Capital Reserve of \$270,000; and,
5. That, a By-law be passed to authorize the Mayor and Clerk to enter into an agreement with Ontario Construction Inc.

Carried

9.2 ITEM PW17-23

Director of Public Works and Recreation (Mike DiPaola) & Coordinator of Engineering Services (Jennifer Bernard)

Re: Recommendation Report PW-24-2023 - Pedestrian Crossover – St. Catharine Street at Dennis Drive

Councillor Reilly inquired about the implementation of the project and when the Pedestrian Crossover would be installed and completed. In response to Councillor Reilly's question, the Director of Public Works & Recreation stated that based on the response received from the Niagara Region, the first step is to get the cost sharing agreement signed, noting that once this is completed, the Niagara Region will tender the project in which then the timing of the project would be outlined by the successful contractor. The Director of Pubic Works & Recreation noted that the Niagara Region is also hoping that this project is completed by the end of 2023, however, it could be early 2024.

In response to Councillor Bradaric's question regarding investigating whether a Crossing Guard needs to be assigned to this new location, the Director of Legislative Services/Clerk stated that Pedestrian Crossover's do not warrant a Crossing Guard; however, should this be something that

Council wishes to investigate further, then the Clerk's staff can look into retaining a consulting firm to complete a school crossing guard warrant to see if a Crossing Guard at this location would be recommended.

It was noted that there an item for discussion regarding Crossing Guard Capacities would be brought forward during the following Administration/Finance/Fire Committee meeting, and therefore, further questioning and staff direction was held until that time (see Item A49-23 on the September 18, 2023 Administration/Finance/Fire Committee Minutes for more information).

In response to Councillor Chechalk's question regarding the signaling and illumination of the Pedestrian Crossover, the Director of Public Works & Recreation stated that this crossover would be the same as the West Street at Wade Rd crossover, whereas there is a button installed and should a pedestrian wish to cross. The Director of Public Works & Recreation added that the crossover flashes and indicates to motorists that there is a pedestrian crossing, noting that these lights do not flash all of the time, only when the button has been activated. The Director of Public Works & Recreation also shared that there will be appropriate signage before the Pedestrian Crossover, advising motorists to slow down, as well as appropriate markings on the pavement.

Moved By Councillor William Reilly

Seconded By Councillor Terry Bell

1. That, Recommendation Report PW-24-2023, re: "Pedestrian Crossover – St. Catharine Street at Dennis Drive", dated September 18, 2023 be received; and,
2. That, staff be authorized to enter into a cost sharing agreement with the Niagara Region for the construction of the St. Catharine Street at Dennis Drive Pedestrian Crossover; and,
3. That, budget amendment BA2023-12 of \$57,200, funded through a transfer from the Capital Reserve, to cover the Township's share of the estimated project cost, be approved; and,
4. That, any additional amounts collected from future developments related to this crosswalk be transferred into the Capital Reserve.

Carried

9.3 ITEM PW18-23

Director of Public Works and Recreation & Coordinator of Recreation Services (Wendy Beaty)

Re: Recommendation Report REC-05-2023 - Recreation Staffing and Resources Recommendation for Upcoming Programming and Events

In response to Councillor Bradaric's question regarding whether there was a possibility that this position could include looking into the availability of any Community Partnerships within the community to help enhance the recreation department and programming, the Director of Public Works & Recreation stated that this would be within the work plan for the Recreation and Wellness Programmer position, noting that in addition to assisting with the Santa Claus Parade Event and other community events, the employee will also try to work towards improving community engagement and partnerships.

Councillor Bradaric inquired about the cost of the different events and programs and asked if Council could get a clear breakdown of each event and how much it would cost should the Township require another full-time employee to help with these events. The Director of Public Works & Recreation stated that when staff present the 2024 budget the breakdown of each event is included in the operating budget, adding that should another full-time position be brought forward in order to help run these events and community engagement programs it will be clearly outlined within the budget presentation.

Moved By Councillor William Reilly

Seconded By Councillor Shelley Bradaric

1. That, Recommendation Report REC-05-2023, re: West Lincoln Santa Claus Parade Event, dated September 18, 2023 be received; and,
2. That, Council approve the extension of the Recreation and Wellness Programmer contract from January 1, 2024 to March 1, 2024 funded through a transfer from the Contingency Reserve in the amount of \$14,000.

Carried

10. OTHER BUSINESS

10.1 ITEM PW19-23

Members of Council

Re: Other Business Items of an Informative Nature

There were no Members of Committee that brought forward any other business items of an informative nature.

11. NEW BUSINESS

There were no new business items brought forward from Members of Committee.

12. CONFIDENTIAL MATTERS

There were no confidential matters.

13. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of 6:57 p.m.

**JESSICA DYSON,
DIRECTOR OF LEGISLATIVE
SERVICES/CLERK**

**COUNCILLOR MIKE REHNER,
CHAIR**

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

MEETING NO. SIX

September 18, 2023, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Councillor Jason Trombetta (Chair)
Councillor Shelley Bradaric
Mayor Cheryl Ganann
Councillor Mike Rehner
Councillor William Reilly
Councillor Terry Bell
Councillor Joann Chechalk

Staff: Bev Hendry, CAO
Jessica Dyson, Director of Legislative Services/Clerk
Donna DeFilippis, Treasurer/Director of Finance
Tim Hofsink, Acting Fire Chief
Kevin Geoghegan, IT Help Desk Analyst
Cassandra Carey, Human Resources Coordinator*

Other Members: Bruce Harris, WeeStreem

***IN ATTENDANCE PART-TIME**

1. CHAIR - Councillor Jason Trombetta

Prior to commencing with the Administration/Finance/Fire Committee meeting agenda, Chair Trombetta provided the following announcements:

1. Comments can be made from members of the public for a matter that is on the agenda by advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
2. The public may submit written 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. This meeting will be livestreamed as well as recorded and available on the Township's website.

2. LAND ACKNOWLEDGEMENT STATEMENT

Chair Reilly read the following Land Acknowledgement Statement:

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hattiwendaronk (Hat-i-wen-DA-ronk), the Haudenosaunee (Hoe-den-no-SHOW-nee), and the Anishinaabe (Ah-nish-ih-NAH-bey), including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara, stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

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 disclosure of pecuniary interest and/or conflict of interest.

5. APPOINTMENTS

There were no appointments/presentations.

6. REQUEST TO ADDRESS ITEMS ON THE AGENDA

There were no requests to address items on the agenda from Members of the Public.

7. CONSENT AGENDA ITEMS

NOTE: All items listed below are considered to be routine and non-controversial and can be approved by one resolution. There will be no separate discussion of these items unless a Council Member requests it, in which case the item will be removed from the consent resolution and considered immediately following adoption of the remaining consent agenda items.

7.1 ITEM A44-23

CONSENT AGENDA ITEMS

Moved By Mayor Cheryl Ganann

Seconded By Councillor Joann Chechalk

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

1. Items 1, 2 and 3 be and are hereby received for information; and,
2. Items 4, 5 and 6 be and are hereby received and the recommendations contained therein be adopted with the exception of Items #(s) 4

Carried

1. Mayor's Youth Advisory Committee (MYAC) - Minutes of July 5, 2023
2. Information Report T-25-2023 - Financial Update as of August 31, 2023
3. Information Report WLFD-14-2023 - Monthly Update - August 2023
5. Recommendation Report T-21-2023 - Tendering and Purchasing Policy Update
6. Recommendation Report T-22-2023 - Purchasing Card Policy Update
4. Recommendation Report CAO-04-2023 - Christmas Break Holiday Hours 2023

In response to Councillor Bradaric's inquiry regarding how the holiday hours and facility closures would be communicated to the public, the Director of Legislative Services/Clerk stated that the closure to municipal facilities would be communicated on the Township's website as well on the Township's social media platforms.

Moved By Councillor Shelley Bradaric

Seconded By Councillor William Reilly

1. That, Recommendation Report CAO-04-2023 dated September 18, 2023 regarding "Christmas Break Holiday Hours 2023", be received; and,
2. That, the following Christmas Break Schedule be approved:
 1. That, the Main Administration Office be closed on December 28th, and 29th, 2023 (office closed for the period between December 25th, 2023 to and including January 1st, 2024); and,
 2. That, the Public Works Yard remain open on December 28th and 29th, 2023; and,

3. That, the West Lincoln Community Centre remain open, subject to program scheduling, from December 24th, 2023 to January 1st, 2024 inclusive, with the exception of December 25th, 2023.

Carried

8. COMMUNICATIONS

8.1 ITEM A45-23

Judi Kelly - Board Member & Committee Member

Re: Resignation from the West Lincoln Library Board and West Lincoln Age Friendly Advisory Committee

Moved By Councillor Shelley Bradaric

Seconded By Mayor Cheryl Ganann

1. That, the notice of resignation received on August 23rd, 2023 and September 1st, 2023 from Judi Kelly, Board Member on the West Lincoln Public Library and Committee Member on the West Lincoln Age Friendly Advisory Committee, be received with regrets; and,
2. That, By-law 2023-05 being a By-law for appointments to the West Lincoln Public Library Board, be amended to remove Judi Kelly from Schedule "A"; and,
3. That, By-law 2023-03, being the appointment By-law for Boards and Committees, be amended to remove Judi Kelly from Schedule "A".

Carried

9. STAFF REPORTS

9.1 ITEM A46-23

Director of Finance and Treasurer (Donna DeFilippis)

Re: Information Report T-23-2023 - 2024 Budget Process and Schedule

In response to Councillor Rehner's question regarding whether Council should be capping the budget at a certain budgetary number in order to save staff time during the budget presentation, the Director of Finance/Treasurer stated that Council putting forward a number in which staff are requested to budget off of is something that other municipalities do. Furthermore, the Director stated that staff start with a base budget which is typically inflation or less than inflation and then a number of different factors, such as reserve transfers and staffing requests, make up for the overall final budget amount presented to Council for approval.

The Director of Finance/Treasurer stated in order to make the budget process as easy to understand as possible, two meetings are requested in order to present a draft budget and then the final budget presentation to Council. The Director of Finance/Treasurer also shared that there will be a meeting in January in order to present to Council capital and staffing requests, noting that once Council reviews this presentation it would be a good time to provide further direction to staff.

Councillor Reilly inquired about the possibility of the budget being presented to Council at the end of the year in order for final budget approval to be made at the beginning of the following year. In response to Councillor Reilly's question, the Director of Finance/Treasurer shared that having the budget approved at the end of the year is a possibility, noting that staff are trying to improve presenting the budget to Council earlier adding that staff have been able to schedule the budget to be approved in February which is an improvement from the previous year.

In response to Councillor Bradaric's question regarding whether there was a prediction on if a surplus would be available, in order to understand what that type of flexibility may be presented for the upcoming budget. The Director of Finance/Treasurer shared that they are projecting a surplus for 2023, noting that it would be difficult to provide an amount since there are still four more months of the year and expenses may still come forward. The Director of Finance/Treasurer stated that they would have a better understanding of what the surplus may be in November or December of this year, noting that the surplus is a very important piece of information as it does impact how staff look at the 2024 budget.

Moved By Councillor Joann Chechalk

Seconded By Councillor Mike Rehner

That, Information Report T-23-2023, regarding the “2024 Budget Process and Schedule”, dated September 18, 2023, be received for information.

Carried

9.2 ITEM A47-23

Director of Finance/Treasurer (Donna DeFilippis)

Re: Recommendation Report T-24-2023 - Grants to Cemetery Boards

Moved By Councillor Joann Chechalk

Seconded By Mayor Cheryl Ganann

1. That, Recommendation Report T-24-2023 regarding “Grants to Cemetery Boards”, dated September 18, 2023 be received; and,

2. That, a Cemetery Grant of \$1,719 per acre be approved for the 2024 budget year.

Carried

9.3 ITEM A48-23

Acting Fire Chief (Tim Hofsink)

Re: Recommendation Report WLFD-12-2023 - West Lincoln Fire Station 2 Site Management

The Acting Fire Chief brought forward a PowerPoint presentation (as attached as **Schedule A**) to Members of Committee outlining options that are available with respect to how the Township can manage the old Fire Station 2 building.

In response to Councillor Reilly's question regarding volunteer's having to travel outside the municipality for training and whether that counts towards their total training time for that evening, the Acting Fire Chief stated that the Fire Department's Wednesday Training nights run from 7:30 p.m. to 9:30 p.m., noting that there is some flexibility with the time, but staff still respect the personal lives of the volunteer firefighters and therefore want to take their travel time into consideration.

There were echoing comments from Members of Committee regarding the structure of the building and how long this building is projected to last, as well as what would need to be done structurally to ensure the longevity of the building. In response to these questions, the Acting Fire Chief noted that there was a condition asset report performed on the old Fire Station 2 facility in 2020, which outlined the general conditions of the structure which was in decent condition, noting that it would be a low impact type of use that would be required for the building. The Acting Fire Chief shared that should part of the building remain, there would not be any heat, hydro or plumbing, adding that there would be no heavy loads attached to the roof structure. It was noted that there is currently one tube heater in the building that was installed as a measure to ensure that one of the reserve trucks was prevented from freezing over the winter months, however, there is no intention of maintaining that heater as most of the activity will be performed in bunker gear.

Councillor Reilly asked for confirmation, and a verbal follow-up at another time, with respect to the drainage plan of the old Fire Station 2 building being part of the original site plan, in order to ensure proper drainage would occur should the Township proceed with the partial demolition of the old Fire Station 2 building.

Councillor Bell suggested having a contractor come in and assess the portion of the old Fire Station 2 in order to get an estimate of how much it would cost to have the building heated. In a follow-up to Councillor Bell's suggestion, Councillor Chechalk stated that with the change in climate over varying seasons, the freezing and thawing on the brick of the building may cause the structure to decay quicker should there be regulated heat in the building. It was requested that the Township's Chief Building Official (CBO) provide a response regarding the state of the building and if the building is structurally sound.

In response to Councillor Bradaric's question regarding who would be responsible for overseeing the partial demolition of the building should any problems arise from this demolition, the Acting Fire Chief stated that the project would be overseen by the current project manager from Niacon, which is the company that has provided the quote for the partial and full demolition. The Acting Fire Chief also advised that the quotes provided are fixed "all in" prices, therefore it would be very unlikely to see the figures change.

Mayor Ganann asked for clarification regarding the demolition price and whether this was included in the original request for proposal (RFP). In response to Mayor Ganann's question, the Director of Finance/Treasurer stated that the tender did not include demolition; however, the contingency that was added did include the price for demolition, noting that the overall budget for this project envisioned a demolition.

In response to Mayor Ganann's question regarding whether training would still continue should a full demolition of the old Fire Station 2 building occur, the Acting Fire Chief stated that the training would continue regardless whether that be at our own facility or elsewhere, noting that Fire Staff are looking to take advantage of something that the Fire Department currently has, with very little loss and limited risk.

Councillor Chechalk questioned whether the Township would have to tender the partial and full demolition project since this was not included in the original Request for Proposal in order to get a fair price for this project. Councillor Chechalk suggested that in order to allow for staff to gather more information regarding this process and best next steps, this item to be referred back to staff.

Moved By Councillor William Reilly

Seconded By Councillor Shelley Bradaric

1. That, Recommendation Report WLFD-13-2023, regarding “West Lincoln Fire Station 2 Site Management”, dated September 18, 2023 be received; and,
2. That, staff be authorized to proceed with partial demolition of the old Fire hall with the building space comprised of the two northern most bays being retained for an indoor training space. The remainder of the building would be removed and the concrete floor/pad retained and curbed as required.

Referred (see below)

Referral Motion:

Moved By Councillor Joann Chechalk

Seconded By Councillor William Reilly

That, Recommendation Report WLFD-13-23 regarding the “West Lincoln Fire Station 2 Site Management”, be referred back to staff to report back at a future Committee or Council meeting in order for staff to gather further information regarding the Old Fire Station 2 building.

Carried

10. OTHER BUSINESS

10.1 ITEM A49-23

Councillor Shelley Bradaric

Re: Crossing Guard Capacity & Update

FOR DISCUSSION

Councillor Bradaric raised a number of questions regarding the Crossing Guard staffing capacity, such as staff coverage for vacancies, and staff training for crossing guard vacancies. In response to Councillor Bradaric's questions, the Director of Legislative Services/Clerk stated that currently, the Township does not have back-up crossing guards and are using staff from various departments such as the Clerks Department, Public Works and Recreation Departments to assist with these vacancies, noting that staff are trained to cover these vacancies. The Director of Legislative Services/Clerk also stated that due to some changes in departmental hours and the switch of seasonal work, its becoming more difficult to find staff to cover last minute vacancies.

In response to Councillor Bradaric's question regarding the Crossing Guard hours and how much time they are compensated for and if the hours of operation leads to the capacity issue, the Director of Legislative Services stated that the hours vary depending on the location of crossing, adding the shifts are anywhere between 30 to 45 minutes twice a day. The Director of Legislative Services/Clerk stated that the Crossing Guards are paid hourly, with their time being accumulated bi-weekly and divided by 60 minutes, adding that the amount of time that the Crossing Guards are compensated for is something that the Clerk's Department has been looking into and will be budgeting for the 2024 budget.

There was much discussion from Members of Committee regarding the Crossing Guard hours and compensation and when it would come into effect. It was noted that since each crossing location has different hours, some Crossing Guards may see higher increases than others, and therefore, it is important to ensure an increase that is fair staff implemented. In order for Members of Committee to have a clear understanding of the hours that each Crossing Guard works, their current accumulated hours and what the budget would look like to increase all of the Crossing Guards hours to one hour per shift, it was suggested that a recommendation report be brought forward at a future Committee or Council meeting for further discussion and approval.

Moved By Councillor Shelley Bradaric

Seconded By Councillor Terry Bell

1. That, the Clerk's Department Staff be directed to retain a consulting firm to complete a school crossing guard warrant, once the Pedestrian Crossover located at St. Catharine Street at Dennis Drive process has started; and;
2. That, staff bring forward a report to the October Administration/Finance/Fire Committee meeting to budget for increasing the Crossing Guard hours to two hours per day (one hour per session).

Carried

10.2 ITEM A50-23

Members of Committee

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

There were no verbal updates from any Committee Member who were appointed as members to the Township's various Boards and Committees.

10.3 ITEM A51-23

Members of Council

Re: Other Business Items of an Informative Nature

There were no Members of Committee that brought forward any other business items of an informative nature.

11. NEW BUSINESS

There were no new business items brought forward from Members of Committee.

12. CONFIDENTIAL MATTERS

Moved By Councillor Shelley Bradaric

Seconded By Mayor 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:

12.1 Property Tax & Payroll Coordinator (Lisa Kasko-Young) & Director of Finance/Treasurer (Donna DeFilippis)

Re: Confidential Report No. T-26-23 - Property Tax Adjustments Section 357 Applications

Applicable closed session exemption(s):

- personal matters about an identifiable individual, including municipal or local board employees.

12.2 Director of Legislative Services/Clerk (Jessica Dyson)

Re: Citizen Appointments on Boards and Committees

1. Joint Accessibility Advisory Committee (JAAC)
2. Mayor's Youth Advisory Committee

Applicable closed session exemption(s):

- personal matters about an identifiable individual, including municipal or local board employees

12.3 CAO (Bev Hendry)

Re: Staffing & Department Resources Update

VERBAL UPDATE

Applicable closed session exemption(s):

- personal matters about an identifiable individual, including municipal or local board employees.

Carried

Moved By Councillor William Reilly

Seconded By Councillor Mike Rehner

That, this Committee meeting now resume in open session at the hour of 10:44 p.m.

Carried

12.1 ITEM A52-23

Property Tax & Payroll Coordinator (Lisa Kasko-Young) & Director of Finance/Treasurer (Donna DeFilippis)

Re: Confidential Recommendation Report T-26-2023 - Section 357-358-359 Applications

Moved By Councillor Joann Chechalk

Seconded By Councillor Terry Bell

1. That, Confidential Recommendation Report, T-26-2023 regarding “Section 357/358/359 Applications”, dated September 18th, 2023 be received; and,
2. That, the list of applications as contained in Appendix A to report T-26-2023 be approved.

Carried

12.2 ITEM A53-23

Director of Legislative Services/Clerk (Jessica Dyson)

Re: Citizen Appointments on Boards and Committees

1. Joint Accessibility Advisory Committee
2. Mayor's Youth Advisory Committee

Moved By Councillor William Reilly

Seconded By Councillor Shelley Bradaric

1. That, the following persons be and are hereby appointed to serve on the following Committees and/or Boards until their successors are appointed:
 1. Joint Accessibility Advisory Committee
 - a. Taylor McPhail
 2. Mayor's Youth Advisory Committee
 - a. Joshua Harkin
 - b. George Witt
2. That, Donna Herrington of the Joint Accessibility Advisory Committee, be advised of Taylor McPhail's appointment as the Township of West Lincoln citizen representative; and,

3. That, a By-law be presented at the September 25, 2023 Council Meeting to amend By-law 2023-03, being the appointment by-law for Boards and Committees, specifically Schedule D – Mayor's Youth Advisory Committee.

Carried

12.3 ITEM A54-23

CAO (Bev Hendry)

Re: Staffing & Department Resources Update

VERBAL UPDATE

Members of Committee rose without reporting.

13. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of 10:45 p.m.

**JESSICA DYSON,
DIRECTOR OF LEGISLATIVE
SERVICES/CLERK**

**COUNCILLOR JASON
TROMBETTA, CHAIR**

STATION 2

WEST LINCOLN FIRE STATION 2 SITE MANAGEMENT



Background and Current Situation

- ▶ Station 2 is nearing completion
- ▶ The expected occupancy date is anticipated to fall within the timeframe of 4 to 6 weeks.
- ▶ In deciding how to manage the old building, an opportunity to retain two of the northern most bays as a training space was recognized. This space is currently in use for training by Volunteer Firefighters and would be lost with demolition.
- ▶ Having examined the financials of the project with the Director of Finance, it was determined that either option would be funded completely under the scope of the new fire hall construction budget.

Site Management Options

Station 2 – Old Fire Hall Options

- ▶ 1. Full Demolition / Removal
 - Entire structure would be demolished and all debris removed from the site
- ▶ 2. Partial Demolition / Renovation
 - The office/conference room/kitchen and 4 southern most bays would be removed
 - The two northern most bays would be retained
 - Roof capped / flashing finished



- The intention in preserving a section of the old building is to retain a valuable all-weather training space for the benefit of Volunteer Firefighters within our municipality.

Benefits of Retention of the Two Bays

- ▶ No setup or take down required (props, mazes, smoke system, roof props, forcible entry door etc.)
- ▶ Maintains units in service in West Lincoln during training
- ▶ Indoor training space in poor weather
- ▶ Provides Fire Fighters with a space to use artificial smoke to simulate operations in fire conditions
- ▶ Maximizes the limited amount of training time available for Fire Fighters
- ▶ Eliminates the need to move apparatus out of the bay areas



DATE: September 11, 2023

REPORT NO: PD-47-2023

SUBJECT: **Recommendation Report - 167 St. Catharine Street
Draft Plan of Condominium Extension Approval - 1 Year
File No. 2100-086-17**

CONTACT: Brian Treble, Director of Planning & Building

OVERVIEW:

- An application was made on behalf of the owner of 167 St. Catharine Street to extend the Draft Plan approval of plan of condominium, originally approved in 2018 to 2025.
- Since 2018 a site plan application has been made and has been finalized but not signed. In addition, the property has changed ownership since the original application.
- The current draft plan approval expired on May 25, 2023.
- Previously applicants proposed changes to the plan. Since late 2022 the plan has been final but not signed and no securities have been deposited.
- The 2021 changes were to eliminate a buffer block on the north end which was originally required to provide a buffer to a regionally significant forest, however, the Region has determined that the woodlot should no longer be regulated.
- The second change was to relocate one of the units that faced St. Catharine Street and move it to the back of the property where the buffer block was originally located.
- The changes were minor and the site plan was essentially finalized, but not signed. Planning staff recommend extending the draft plan approval by another year, but not two at this time.

RECOMMENDATION:

1. That, report PD-47-2023, regarding “Recommendation Report, 167 St. Catharine Street Draft Plan of Condominium Extension Approval, File No. 2100-086-17” dated September 11, 2023, be received; and,
2. That, the Draft Plan approval for 167 St. Catharine Street BE EXTENDED for a period of one year, to expire on May 25, 2024, subject to the conditions found at Attachment 2 to this report; and,
3. That, a notice of extension be circulated to relevant agencies and departments.

ALIGNMENT TO STRATEGIC PLAN:

Theme #2

- **CHAMPION** Strategic responsible growth

BACKGROUND:

The Draft Plan of Condominium Approval for 167 St. Catharine Street was originally given in June of 2018. The draft plan approved in 2018 included 20 townhouse units located on a private condominium street, west of Union Cemetery, north of Regional Road 20 and southeast of the former College Street School.

Under the *Planning Act*, Plans of Subdivisions and Condominiums can be draft approved, which ties a series of conditions to the approval that must be met prior to final approval and registration. Conditions can include road widening, parkland dedication and zoning approvals.

CURRENT SITUATION:

The subject property was sold in 2020 and the new owner, 2724524 Ontario Ltd., modified the plan and worked to obtain site plan approval. The site plan process was finalized in late 2022, but the final site plan has not been signed and security deposits have not been provided to the Township. The applicants have requested an extension to their draft plan approval to allow them more time to complete the required conditions.

The applicant's two changes to the draft plan in 2021, including removing a buffer block to a former regionally significant woodlot, and relocating one dwelling unit from St. Catharine Street to where the buffer block used to be.

This is now the second extension of draft plan approval for this development. Staff recommend that this extension be approved, but advise that future extensions may not carry the same recommendation, in order to keep the project moving towards development, staff support a one-year extension to expire on May 25, 2024.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

This extension has not been circulated as there are no major changes proposed. The Region previously commented on the removal of the buffer block and had no objections.

CONCLUSION:

An application for Draft Plan Approval extension has been made by 2724524 Ontario Ltd., owners of 167 St. Catharine Street. The current Draft Plan Approval expired on May 25, 2023. An emergency staff extension was granted to September 30th, 2023. The applicants have not submitted documentation to show that the conditions of approval are completed, and therefore an extension is required. Staff can recommend that a one-year extension be given and that the conditions of approval remain the same.

ATTACHMENTS:

1. Location Map
2. 167 St. Catharine Street Draft Approval Conditions

Prepared & Submitted by:

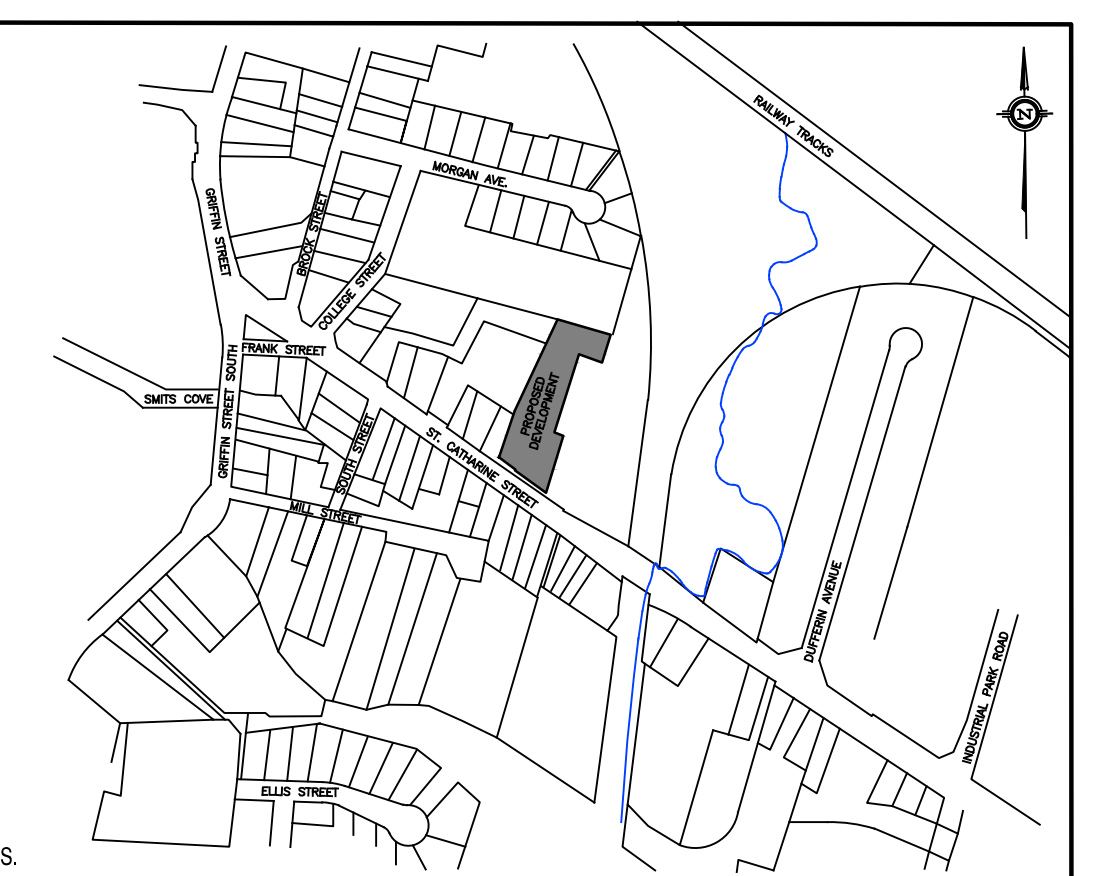
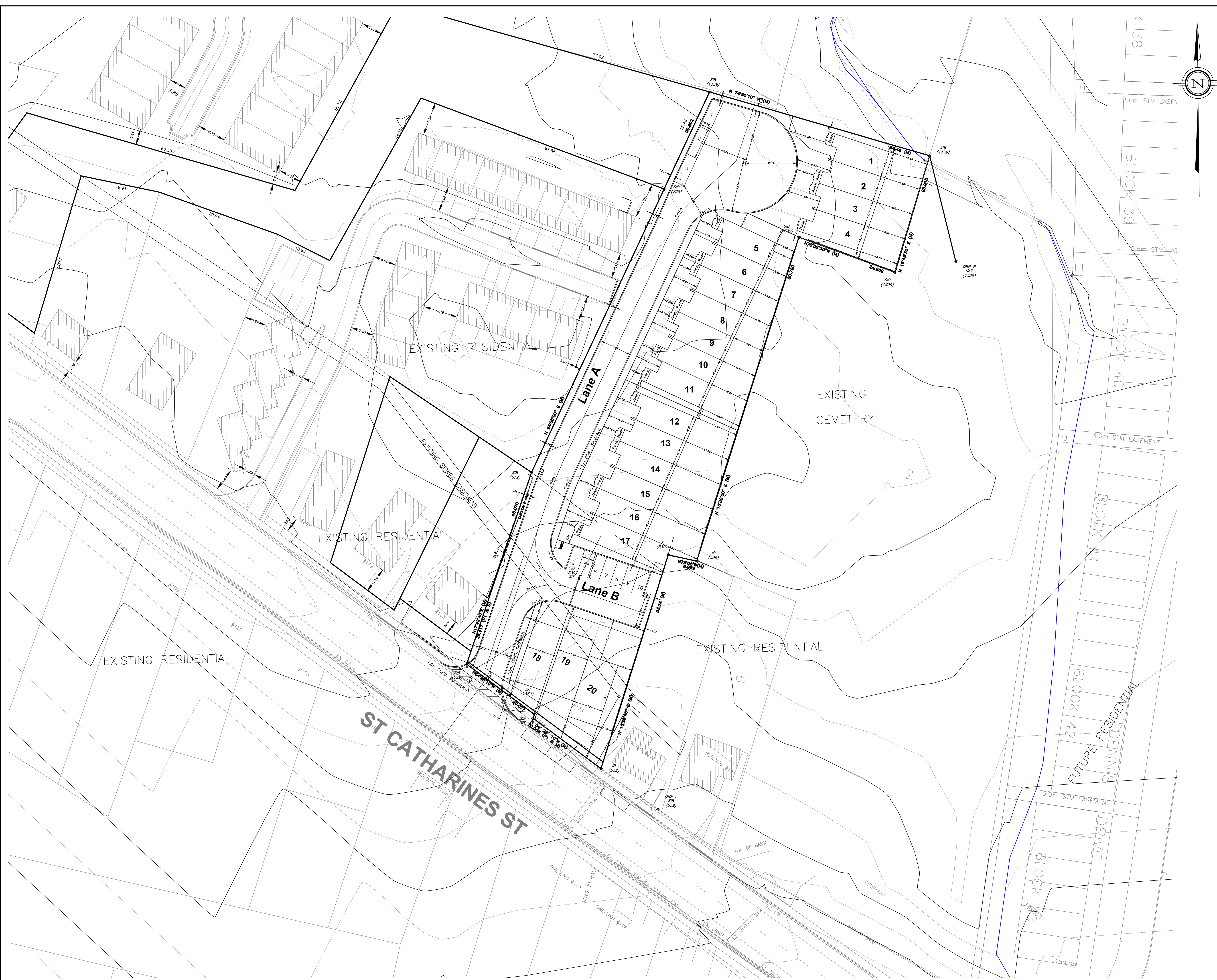


Brian Treble
Director of Planning & Building

Approved by:



Bev Hendry
CAO



Keyplan
Scale N.T.S.

Additional Information Required Under
Section 51 (17) of the Planning Act
(a)-(c) as shown
(d) residential (street townhouses)
(e)-(g) as shown
(h) municipal water supply
(i) clay
(j) as shown
(k) municipal storm and sanitary sewers
(l) sewer easement

OWNER'S CERTIFICATE

I/we 2424568 Ontario Inc. being the registered owners of the subject lands described in this application, have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts and I hereby authorize Metropolitan Consulting Inc. to act in my stead in this matter.

Signatures _____ Day _____ Month _____ Year _____

Print Names _____

SURVEYOR'S CERTIFICATE

I hereby certify that the boundary of the lands to be subdivided and their relationship to the adjacent lands are accurately and correctly shown on this plan.

SEPTEMBER 8, 2017
DATE

William A. Mascoe
WILLIAM A. MASCOE
ONTARIO LAND SURVEYOR

LAND USE SCHEDULE

USE	HECTARE	ACRE
TOWNHOUSES (Blocks 1-4)	0.405	1.003
ROAD WIDENING (Block 6 & 7)	0.004	0.001
COMMON AREA (ROAD & PARKING) (Block 8)	0.182	0.45
LANDSCAPING/OPEN AREAS (Block 5)	0.059	0.146
TOTAL SITE AREA	0.65	1.60

No.	DATE	BY	REVISIONS
1	2020/06	TPF	SANITARY EASEMENT ADDED

OWNER

2424568 ONTARIO INC.
5490 YOUNG STREET, SMITHVILLE
ONTARIO, L0R 2A0
PH. 905. 330. 4261
EMAIL . KELLYDEWING@GMAIL.COM

AGENT



4450 PALETTA COURT
BURLINGTON, ON L7L5R2
TEL. 905.637.2926
FAX. 905.637.3268
EMAIL . ENGINEERING@METROCON.CA

MUNICIPALITY



LEGAL DESCRIPTION

PART OF LOTS 47, 51 & 52, REGISTERED PLAN M90 IN THE TOWN OF SMITHVILLE, REGIONAL MUNICIPALITY OF NIAGARA

PROPERTY

167 & 173 ST.CATHARINES STREET

TITLE

DRAFT PLAN OF CONDOMINIUM

MCI FILE NO.
T20006

SCALE
1: 400

DATE
April 22, 2021

File No.2000-086-17

Attachment No. 2

May 10, 2021

167 ST. CATHARINES STREET
TOWNSHIP OF WEST LINCOLN
CONDITIONS OF FINAL APPROVAL (AMENDED)

*Amendments in **Bold**

The conditions for final approval and registration of **167 St. Catharines Street** Condominium, in the name of **2724524 Ontario Ltd.**, File No. 2000-086-17, Township of West Lincoln are:

1. **This decision applies to the 167 St. Catharines Street Plan of Vacant Land Condominium, Township of West Lincoln prepared by Metropolitan Consulting, and as attached to Report PD-56-21 as Attachment 2, containing a total of 20 units and common element area.**

TOWNSHIP CONDITIONS:

2. That the Owner provide to the Township of West Lincoln a letter advising that all lots conform to the requirements of the Township's Zoning By-law.
3. That the Zoning By-law Amendment receive final approval (expiry of the appeal period) prior to receiving final approval of the condominium.
4. That the Owner submit an application for Site Plan Approval for review and approval.
5. That the Owner dedicate 5% cash-in-lieu of parkland to the Township of West Lincoln, or alternately that adequate parkland be provided to the satisfaction of the Township.
6. That the Owner/Developer prepare a streetscape and landscape plan for this condominium plan in accordance with the requirements of the Township of West Lincoln. The streetscaping and landscaping details are to be shown on the general servicing plan, or a separate plan, as part of the required Site Plan Application.
7. That the condominium agreement or subsequent site plan/development agreement between the Owner/Developer and the Township of West Lincoln contain a clause in wording satisfactory to the Regional Public Works Department (Development Services Division) requiring the Owner to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of development.
8. That the proposed street(s) be constructed to the satisfaction of the Township of West Lincoln.
9. That the street naming fee be provided and the proposed streets be named to the satisfaction of the Township of West Lincoln.

10. That the Owner provides fire route signs and no parking signs in locations approved by the Township of West Lincoln.
11. That the Owner/Developer submit all servicing, lot grading, drainage, roadway plans and supporting design calculations to the Township of West Lincoln as part of the site plan application for review by other relevant agencies for review and approval.
12. That all municipal services required by the Township of West Lincoln be provided by the Owner/Developer in a manner satisfactory to the Township.
13. That the Condominium Agreement between the Owner and the Township of West Lincoln be registered by the municipality against the land to which it applies.
14. That the Owner/Developer agrees in writing to satisfy all the requirements, financial and otherwise, of the Township of West Lincoln concerning, and without limiting the generality of the foregoing, the provision of roads, installation of services, drainage and hydro services, as may be determined by the pre-servicing report to be submitted by the Owner to the Township of West Lincoln for approval.
15. That the applicant confirm to the satisfaction of the Township Public Works Department that there is sufficient servicing capacity available to the subject lands, including water and sanitary.
16. That the Owner agrees in the Site Plan Agreement to pay all development charges to the Township of West Lincoln in accordance with the Township's Development Charges By-law.
17. That sidewalks be provided along one side of Lane A within the development to standard requirements of the Township of West Lincoln.
18. That prior to approval of the final plan, through the site plan application, the owner submit to the NPCA and the Township of West Lincoln a detailed stormwater management plan for the development completed by a qualified engineer and prepared in accordance with the MOECC Stormwater Management Practices, Planning and Design Manual, (as amended). This will include any oil/grit separator sizing detail.
19. That detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site, be submitted to the Conservation Authority and the Township for review and approval through site plan approval.
20. That the site plan agreement include a requirement that the owner provide a cash payment of \$5,000 to be dedicated to a new pedestrian crossing for Regional Road 20.
21. That the Owner submit an Urban Design Brief Report to show how the units fronting St. Catharines Street (Regional Road 20) will be aligned with the Township's Urban Design Manual, to the satisfaction of the Director of Planning.

REGIONAL CONDITIONS:

22. That the following warning clause shall be included in the condominium agreement between the Owner/Developer and the Township of West Lincoln and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:

“Purchasers/Tenants are advised that due to the proximity of this development to industrial lands to the north, may result in impacts (e.g. noise, dust and/or odour) that may occasionally interfere with some activities of the dwelling occupants”.

23. That the condominium agreement between the owner and the Township contain provisions whereby the owner agrees to implement the approved noise mitigation measures as recommended in the Environmental Noise Impact Study prepared by dBA Acoustical Consultants Inc., dated December 2016.

24. That prior to approval of the final plan or any on-site grading, the owner submits to the Niagara Region for review and approval two copies of a detailed stormwater management plan for the condominium and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the MOECC documents entitled Stormwater Management Planning and Design manual, March 2003 and Stormwater Quality Guidelines for New Development, June 1991:

- a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site.

Note: The Region will request that the Niagara Peninsula Conservation Authority Review the stormwater management and other related plans on the Region's behalf and submit comments to the Niagara Region regarding the approval of these plans and the subsequent clearance of related conditions by Regional staff. A technical review fee is applicable.

25. That the Condominium Agreement or site plan between the owner and the Township of West Lincoln contain provisions whereby the owner agrees to implement the approved stormwater management, erosion and sedimentation control measures required in accordance with Condition 24.

26. That the following warding clause should be included in the Condominium Agreement:

“Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry of Tourism, Culture and Sport in London (519-675-7742) and the owner's consulting archaeologist shall be notified immediately. In the event that human remains are encountered during construction, the owner should immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of

Small Business and Consumer Services in Toronto (416-326-8392), the Ministry of Tourism, Culture and Sport and the owner's consulting archaeologist."

27. That the owner dedicates a road widening (Block 6), free and clear of any mortgages, liens or other encumbrances, to the Regional Municipality of Niagara along the frontage of Regional Road 20 (St. Catharines Street) to the satisfaction of the Niagara Region. All costs for the providing the necessary survey plan and all related documents are the responsibility of the applicant.
28. That prior to final approval for registration of this plan of condominium, the owner shall submit the design drawings [with calculations] for the sanitary systems required to service this development to the Niagara Region and obtain Ministry of Environment Compliance Approval under the Transfer of Review Program.
29. That prior to final approval for registration of this plan of condominium, the operation and maintenance of the sanitary sewer on the Regional Right-of-Way be addressed to the satisfaction of the Niagara Region.
30. That the owner promptly acknowledges that draft approval does not include a commitment of servicing allocation by the Niagara Region as this servicing allocation will be assigned at the time of final approval of the condominium for registration purposes and any pre-servicing will be at the sole risk/responsibility of the developer.
31. That the owner promptly provide the Niagara Region with a written undertaking that all offers and agreements of purchase and sale, which may be negotiated prior to registration of this condominium, shall contain a clause clearly indicating that a servicing allocation for this condominium will not be assigned until the plan is granted final approval for registration, and a similar clause be inserted in the condominium agreement between the owner and the Township.
32. That prior to final approval for registration of this plan of condominium the owner shall submit the design drawings [with calculations] for the storm drainage/stormwater management and external storm sewer systems required to service this development to ensure the existing system is adequate to accommodate the flows from this development. If the existing storm sewer is needs to be resized to accommodate this development the owner will have to obtain Ministry of Environment Compliance Approval under the Transfer of Review Program.
33. That, prior to any construction taking place within the Regional road allowance, the developer shall obtain a Regional Construction Encroachment and/or Entrance Permit from the Niagara Region Transportation Division. Any application to the Niagara Region shall include Township of West Lincoln approvals for on-street parking removal and sight-line diagram for the proposed access.
34. The condominium agreement shall include a clause that the owner agrees that in all Agreements of Purchase and Sale or Lease for all Units inclusive to service closing, shall include the following warning clause:

“Purchasers/Tenants are advised that waste pick-up for this development will be provided by the owner/corporation since the site layout of this development does not permit waste collection per Regional Niagara Policy C3.007 – Requirements for Commencement of Collection for New and Redevelopments.”

35. That the condominium agreement between the owner and the Township of West Lincoln contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.
36. That the Urban Design Brief, prepared by Metropolitan Consulting Inc., be revised to address the following:
- The Urban Design Brief should indicate and demonstrate that the proposal is guided and informed by the West Lincoln council endorsed Smithville Urban Design Manual.
 - The Urban Design Brief should include a site design concept demonstrating the application of the Smithville Urban Design Manual guidelines to the design by showing building placement and orientation, placement of driveways, placement of walkways, and intent of landscape areas, and the intent of interface with the public realm.
 - The architectural design of the 4 townhouse units known as Block 4 as these are the units that are most visible from the public realm. The design of these units will be reviewed in detail at the Site Plan stage. However, at this stage, the urban design brief should demonstrate intent by providing concepts and visuals that demonstrate the intent of the architectural design of the facades when interfacing the public realm. The addition of conceptual elevations of the 4 units facing the public realm is suggested. Equally, a demonstration of the interface between these units and the public realm – potentially – in the form of a concept site design.
 - At this early stage of design, it is suggested the development include provision for a safe and barrier free walkway connection from the public sidewalk to the units at the rear of the property.

NIAGARA PENINSULA CONSERVATION AUTHORITY CONDITIONS:

37. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, grading, storm servicing, stormwater management, and construction sediment control drawings.
38. That the Developer incorporate the following mitigation measures, as outlined in the Environmental Impact Study (prepared by GeoProcess Research Associates Inc., dated March 3, 2017) into the applicable engineering/site plan drawings, to the satisfaction of the Niagara Peninsula Conservation Authority:
- a. That all outdoor lighting is composed of lighting standards which direct all light downward and away from any natural areas.
 - b. That bird-friendly design techniques are used on all walls that face toward the woodland feature.

- c. Topsoil removed during stripping is recommended for reapplication post-construction.
- d. That the Grading Plan designate specific locations for stockpiling of soils and other materials which will be a minimum of 30 metres from the dropline of any trees to be retained.

(CONDITION REQUIRING IMPLEMENTATION OF TREE PRESERVATION PLAN REMOVED)

- 39. That Conditions 37 to 38 above be incorporated into the Site Plan Agreement between the Developer and the Township of West Lincoln, to the satisfaction of the Niagara Peninsula Conservation Authority. The Township of West Lincoln shall circulate the draft Site Plan Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

NIAGARA PENINSULA ENERGY INC. CONDITIONS:

- 40. That the developer enters into a service agreement with Niagara Peninsula Energy Inc. (NPEI) to service the development. All costs associated with the supply of electrical services within the boundaries of the mentioned site will be borne by the developer.
- 41. That should NPEI be required to alter the existing distribution system in order to supply the area in question, they will require advanced notice of the development status. Alterations to the existing distribution system may require a separate capital contribution from the developer.

CANADA PACIFIC (CP) RAIL CONDITIONS:

- 42. That, the following clause be inserted in all offers to purchase, agreements or purchase and sale or lease and in the title deed or lease of each unit:

“Warning: Canadian Pacific Railway Company or its assigns or successors in interest have a rights-of-way within 300m from the land the subject hereof. There may be alterations to, or expansions of, the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the including of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CPR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

UTILITY COMPANY CONDITIONS:

- 43. That the appropriate utility company confirm that satisfactory arrangements, financial and otherwise, have been made for telephone facilities serving this draft plan of condominium which are required by the Municipality to be installed underground; information on the utility company involved and the required confirmation shall be forwarded to the Municipality.

44. That, the Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

CANADA POST CONDITIONS:

45. The Owner shall complete to the satisfaction of the Director of Planning of the Township of West Lincoln and Canada Post:
- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - 1. That the home/business mail delivery will be from a designated Centralized Mail Box
 - 2. That the developers/owners be responsible for officially notifying the purchasers of the exact centralized Mail Box locations prior to the closing of any home sales.
 - b) The owner further agrees to:
 - 1. Work with Canada post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the condominium.
 - 2. Install a concrete pad in accordance with the requirements of an in locations to be approved by Canada post to facilitate the placement of Community Mail Boxes
 - 3. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of condominium.
 - 4. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
 - 5. Maps are also to be predominantly displayed in the sales office(s) showing specific Centralized Mail Facility Locations.
 - c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (lock box assembly) at their own expense (less than 100 units will require a front loading lock box assembly) will be in the affect for buildings and complexes with a common lobby, common indoor or sheltered space.

LAPSING CONDITION:

46. That if final approval is not given to this plan within **THREE YEARS** of the approval date and no extensions have been granted draft approval shall lapse. If the Owner wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required together with a resolution from the Township, must be received by the Township prior to the lapsing date.

CLEARANCE OF CONDITIONS

Prior to granting approval of the final plan, the Township's Planning Department will require WRITTEN notification from the following agencies that their respective conditions have been met satisfactorily:

- **The TOWNSHIP OF WEST LINCOLN PLANNING DEPARTMENT & PUBLIC WORKS DEPARTMENT** – Conditions 1 to 21 (inclusive),
- **REGIONAL PLANNING AND DEVELOPMENT SERVICES DEPARTMENT (DEVELOPMENT SERVICES DIVISION)** – Conditions 22 to 36
- **NIAGARA PENINSULA CONSERVATION AUTHORITY** – Conditions 37 to 39
- **NIAGARA PENINSULA ENERGY INC** – Conditions 40 to 41
- **CP Rail** – Condition 41
- **Utilities** – Condition 43 & 44
- **Canada Post Condition** – Condition 45

NOTES:

1. Conveying

- (a) As the land mentioned above to be conveyed to the municipal corporation may be more easily described in the conveyance by reference to a Registered Plan than by “metes and bounds”, we suggest that the description be so worded, and,
- (b) We further suggest that the Owner give to the municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the plan.

2. Land Required to be Registered Under the Land Titles Act

- (a) Section 160(1) of The Land Titles Act, which requires all new plans be registered in the land titles system;
- (b) Section 160(2) – allows certain exceptions.

3. Water and Sewerage Systems

Inauguration or extensions of a piped water supply, a sewerage system, a storm drainage system or a stormwater management system is subject to approval of the Ministry of Environment (Approvals Branch) pursuant to Section 52 and Section 53 of The Ontario Water Resources Act, R.S.O. 1990.

4. Agencies to be Contacted:

(a) With respect to the requirements of the Township of West Lincoln Planning Department contact:

Mr. Brian Treble
Director of Planning and Building
318 Canborough Street
P.O. Box 400
Smithville, Ontario
L0R 2A0
Telephone – (905) 957-3346 ext. 5138
FAX – (905) 957-3219

(c) With respect to the requirements of the Regional Planning and Development Services Department (Development Services Division) contact:

Mr. Phill Lambert
Associate Director, Infrastructure Planning and Engineering
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, Ontario
L2V 4T7
Telephone – (800) 263-7215
FAX – (905) 687-8056

(d) With respect to the requirements of the Regional of Niagara Planning Department contact:

Mr. Pat Busnello
Associate Director, Development Planning and Urban Design
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, Ontario
L2V 4T7
Telephone – (905) 980-6000 ext. 3379
FAX – (905) 641-5208

(e) With respect to the requirements of the Niagara Peninsula Conservation Authority contact:

Mr. David Deluce, MCIP, RPP
Acting Manager, Plan Review and REgulations
250 Thorold Rd. W., 3rd Floor
Welland, Ontario
L3C 3W2
Telephone - (905) 788-3135 ext. 224

FAX - (905) 788-1121

(f) With respect to the requirements of Niagara Peninsula Energy Inc.:

Ms. Cathy Robins
Operation Manager
4548 Ontario Street, Unit 2
Beamsville, Ontario
L0R 1B5
Telephone 905-563-5550
Fax 905-563-0838

(g) With respect to the requirements of Canada Post:

Mr. David Kyle
Canada Post Corporation
Delivery Planning
955 Highbury Avenue North
London, ON N5Y 1A3

5. Review of Conditions

Applicants are advised that should any of the conditions appear unjustified or their resolution appears too onerous, they are invited to bring their concerns to the General Committee's attention. The Committee will consider requests to revise or delete conditions.

In order to assist the agencies listed above in clearing conditions for final approval and registration of the plan, it may be useful to forward executed copies of the Condominium Agreement between the Owner and the Township to those agencies.

6. Hydro One Cautionary Note

An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors could raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating “**DANGER – Overhead Electrical Wires**” in all locations where personnel and construction vehicles might come in close proximity to the conductors.

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2023-65

A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN AT ITS SPECIAL MEETING HELD ON THE 9TH DAY OF AUGUST AND ITS REGULAR MEETING HELD ON THE 14TH DAY OF AUGUST, 2023.

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, special, held on the 9th day of, August and the fourteenth meeting, regular, held on the 14th day of, August, 2023, 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
25th DAY OF SEPTEMBER, 2023.**

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2023-66

**BEING A BY-LAW TO AMEND BY-LAW 2023-03
WHICH CONFIRMED VARIOUS APPOINTMENTS
AND/OR RECOMMENDATIONS FOR APPOINTMENTS
TO BOARDS, COMMITTEES & MUNICIPAL
POSITIONS**

WHEREAS the Council of the Corporation of the Township of West Lincoln enacted By-law 2023-03 which confirmed various appointments and/or recommendations for appointments to Boards, Committees and Municipal positions;

WHEREAS the Council of the Corporation of the Township of West Lincoln now deems it desirable to amend Schedule D of By-law 2023-03 to provide for additional citizen appointments to the Mayor’s Youth Advisory Committee.

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

- 1. That, Joshua Harkin and George Witt be appointed to the Mayor’s Youth Advisory Committee as citizen representatives; and,
- 2. That, Schedule D of By-law 2023-03 be deleted and replaced with the attached revised Schedule D.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
25th DAY OF SEPTEMBER 2023.**

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK

SCHEDULE “D” TO BY-LAW 2023-03

APPOINTMENTS TO THE MAYOR’S YOUTH ADVISORY COMMITTEE

That, the following persons be and are hereby appointed to serve on the Mayor’s Youth Advisory Committee until their successors are appointed:

- 1. Carter Pataran
- 2. Carson McFarlane
- 3. Reighan Van Duzen
- 4. Seth Chechalk
- 5. Tamas Hunter
- 6. Sydney Kivell
- 7. Joshua Harkin
- 8. George Witt

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW 2023-67

**BEING A BY-LAW TO AMEND SCHEDULE A OF BY-LAW
2023-05 WHICH PROVIDED FOR APPOINTMENTS TO THE
TOWNSHIP OF WEST LINCOLN PUBLIC LIBRARY BOARD**

WHEREAS the Council of the Corporation of the Township of West Lincoln enacted by-law 2023-05 to appoint a Library Board and to delegate the authority for the Members of the Corporation of the Township of West Lincoln Public Library Board to adopt policies, procedures and conditions for the operation of the West Lincoln Public Libraries;

AND WHEREAS Schedule “A” of By-law 2023-05 provides for persons appointed to the Township of West Lincoln Public Library Board;

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

1. That, Schedule A of By-law 2023-05 be and is hereby amended with the following:
 - i. By removing Judi Kelly from the West Lincoln Public Library Board

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
25th DAY OF SEPTEMBER, 2023.**

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK

SCHEDULE “A” TO BY-LAW 2023-05

**PERSONS APPOINTED TO THE TOWNSHIP OF WEST LINCOLN
PUBLIC LIBRARY BOARD**

The following persons be and are hereby appointed to serve on the Township of West Lincoln Public Library Board for the term of Council 2022-2026 or until their successors are appointed:

Wendy Wilson
David Kurth
Peggy Cook
Leanne Reilly
Julie Adams
Martina (Tina) Jol
Puneet Bajaj

Councillor Shelley Bradaric

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2023-68

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 bylaw by virtue of the provisions of Section 34 of the Planning Act, 1990, as amended;

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

1. That, Schedule 'A' Map 'D3' & 'D4' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Part of Lot 8, Concession 3, being Parcel 2 and 3 shown on Consent Sketch, in the Township of West Lincoln, Regional Municipality of Niagara, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law; and,
2. That, Map 'D3' & 'D4' to Schedule 'A' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Parcel 3 (Severed Lands) shown on Schedule 'A', attached hereto and forming part of this By-law from Agriculture Zone to Agriculture with Exception (A-227); and,
3. That, Map 'D3' & 'D4' to Schedule 'A' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing a portion of the zoning on Parcel 3 (Severed Lands) shown on Schedule 'A', attached hereto and forming part of this By-law to include an Environmental Conservation 'EC' zone covering the west portion of Parcel 3, being approximately 1,073 square metres (0.11 hectares) which contains Provincially Significant Wetlands, Significant Woodlands, and associated 30-metre Vegetation Protection Zone (VPZ); and,
4. That, Part 5 of Zoning By-law 2017- 70, as amended, is hereby amended by adding the following to Part 13.2:

A-227

Permitted Uses:

As per the A-5 existing special provision including the salvage yard.

Regulations:

All regulations of the A zone except:

- a) Minimum lot area of no less than 4,037.4 square metres (0.40 hectares)
- b) Minimum 30 metre Vegetation Protection Zone (VPZ) of approximately 1,073 square metres (0.11 hectares); and,

5. That, Map 'D3' & 'D4' to Schedule 'A' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Parcel 2 (retained lands) shown on Schedule 'A', attached hereto and forming part of this By-law from an Agriculture Zone to an Agriculture with Exception (A-228); and,
6. That, Part 5 of Zoning By-law 2017- 70, as amended, is hereby amended by adding the following to Part 13.2:

A-228

Permitted Uses:

As per the parent zone.

Regulations:

All regulations of the A zone except:

- a) Minimum lot area of no less than 17.0 hectares
- b) Minimum front yard setback of 6.0 metres; and,

7. That, all other provisions of By-law 2017-70 continue to apply; and,
8. That, notwithstanding Section 34(10.0.0.1) and Section 45(1.3) of the *Planning Act*, an application for a Zoning By-law Amendment or Minor Variance can be made within two years of the passing of Zoning By-law 2017-70, without further resolution of Council; and,
9. That, this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
25th DAY OF SEPTEMBER, 2023.**

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2023-68

Location:

This By-law involves a parcel of land legally known Part of Lot 8, Concession 3, being Parcel 2 and 3 (on Consent Sketch, File #B03/2023WL), Township of West Lincoln, Regional Municipality of Niagara.

Purpose & Effect:

The purpose of the Zoning By-law Amendment is to change the zoning from an Agriculture 'A' zone to Agriculture 'A-227' for Parcel 3 (4,037.4 square metres), being the lands added to 8248 Concession 3 Road which will permit the salvage yard use and zone the 30 metre Vegetation Protection Zone (VPZ) of approximately 1,073 square metres (0.11 hectares) and environmental features of Parcel 3 with Environmental Conservation 'EC' as shown on Schedule 'A' attached. Additionally, the purpose of this Zoning By-law Amendment is to rezone 8214 Concession 3 Road with Agriculture 'A-228' to recognize the zoning deficiencies on the property, being the reduced lot area of 17.0 hectares and a front yard setback of 6.0 metres.

Public Consultation:

The Public Meeting was held on September 11th, 2023. All written and oral comments will be considered in the making of the decision by Council. Agency comments regarding this application has been included in the amending bylaw.

File: 1601-006-23

Applicant: Henry and Lisa VanRyn

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2023-69

A BY-LAW TO AUTHORIZE THE REMOVAL OF THE PREVIOUSLY REGISTERED DEVELOPMENT AGREEMENT (RO697920) FROM TITLE ON LANDS LEGALLY DESCRIBED AS PT OF NORTH HALF OF LOT 31, CONC 6, GAINSBOROUGH AS IN RO818154, (PIN 46077-0291) IN THE FORMER TOWNSHIP OF GAINSBOROUGH, NOW IN THE TOWNSHIP OF WEST LINCOLN.

WHEREAS the Corporation of the Township of West Lincoln deems it expedient to remove the previously registered development agreement from title on lands legally described as legally described as PT of North Half of lot 31, Conc 6, Gainsborough as in RO818154, (PIN 46077-0291) in the former Township of Gainsborough, now in the Township of West Lincoln.

AND WHEREAS approval and authority for such signing of an agreement for the removal of site plan from title is required;

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

1. That, the Mayor and Clerk be and are hereby authorized to sign any and all required documentation to have the development agreement registered in 1995 as Instrument No. RO697920 removed from title on a portion of the subject lands.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS 25TH
DAY OF SEPTEMBER, 2023.**

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
BY-LAW NO. 2023-70

**A BY-LAW TO AMEND BY-LAW 97-2020, AS
AMENDED, BEING A BY-LAW TO AUTHORIZE
CERTAIN PARKING, STANDING OR STOPPING OF
VEHICLES OPERATED BY OR CONVEYING
PHYSICALLY HANDICAPPED PERSONS ON ANY
HIGHWAY AND TO AUTHORIZE AND REQUIRE THE
PROVISION OF DESIGNATED PARKING SPACES
FOR THE SOLE USE OF VEHICLES OPERATED BY
OR CONVEYING PHYSICALLY HANDICAPPED
PERSONS**

WHEREAS the Council of the Corporation of the Township of West Lincoln considers it desirable to amend By-law 97-2020 to capture the intent and spirit of the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11, as amended;

AND WHEREAS the most effective and efficient way to amend By-law 97-2020, as amended, is to delete and replace the existing language in Sentence 1.2.1 (1) to Section 1 - Definitions;

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

1. That, Sentence 1.2.1 (1) to Section 1 - Definitions, of By-law 97-2020, be deleted and replaced with the following:

1.2.1 For the purpose of this by-law:

- (1) “*Accessible Parking Space*” shall mean a *parking* space designated by authorized signs for the exclusive use of a *vehicle* displaying a *permit* in accordance with the requirements of the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended, and the regulations made thereunder, and this by-law”;

2. That, this by-law shall come into force and effect on October 1st, 2023.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
25th DAY OF SEPTEMBER, 2023**

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2023-71

A BY-LAW TO AUTHORIZE AN AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN AND ONTARIO CONSTRUCTION INC. FOR THE EAST CHIPPAWA ROAD SLOPE FAILURE AND CONCRETE BOX CULVERT EMERGENCY REPAIR

WHEREAS the Council of the Corporation of the Township of West Lincoln deems it expedient to enter into an agreement with Ontario Construction Inc. for the East Chippawa Road Slope Failure and Concrete Box Culvert Emergency Repair

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

1. That, the Corporation of the Township of West Lincoln enter into an agreement with Circle P. Paving Inc. for the paving of road repairs at various locations throughout the Township; 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 25th
DAY OF SEPTEMBER, 2023**

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK