

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN COUNCIL MINUTES

MEETING NO. NINETEEN

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

Township Administration Building

318 Canborough Street, Smithville, Ontario

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

Staff: Bev Hendry, CAO*
Jessica Dyson, Director of Legislative Services/Clerk
Mike DiPaola, Director of Public Works and Recreation*
Brian Treble, Director of Planning and Building*

Other Members: Regional Councillor Witteveen*
Bruce Harris, WeeStream
Tom Hanrahan, Legal Counsel (Sullivan Mahoney LLP)*
Michael Bonomi, Legal Counsel (Sullivan Mahoney LLP)*

*IN ATTENDANCE PART-TIME

1. **SINGING OF "O CANADA" - Smithville Christian High 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/meetings](http://events.westlincoln.meetings)

2. LAND ACKNOWLEDGEMENT STATEMENT

Mayor Ganann 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 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 Terry Bell

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 pecuniary interests and/or conflicts of interest disclosed.

6. REQUEST TO ADDRESS ITEMS ON THE AGENDA

There were no changes in order of items 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.

Councillor Reilly inquired to Regional Councillor Witteveen if the Region was able to figure out who vandalized the speed cameras, which he noted created a safety hazard, and if he is aware of what safeguards will be put in place going forward to maintain the cameras and protect the public. In response to Councillor Reilly's inquiry, Regional Councillor Witteveen explained that the vandals were not able to be found and held accountable, because the camera only triggers by traffic driving over the speed limit.

9. CONFIRMATION OF MINUTES

9.1 Council Meeting – Regular
Re: Minutes - November 27, 2023
Confidential Minutes Under Separate Cover

RECOMMENDATION:

Moved By Councillor Jason Trombetta
Seconded By Councillor William Reilly

1. That, the minutes of the open session portion of the November 27, 2023 regular Council meeting be accepted; and,
2. That, the confidential minutes relating to the closed session portion of the November 27, 2023 regular Council meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided Section 239 of the Municipal Act.

Carried

10. COMMUNICATIONS

10.1 Ernie Sibbett, Chair (Crime Stoppers of Niagara)
Re: January 2024 Crime Stoppers Month

RECOMMENDATION:

Moved By Councillor Joann Chechalk
Seconded By Councillor Jason Trombetta

That, the correspondence received from Ernie Sibbett, Chair (Crime Stoppers of Niagara), regarding "January 2024 Crime Stoppers Month", dated October 26, 2023, be received for information.

Carried

11. MAYOR'S REMARKS

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

12. REPORT OF COMMITTEE

12.1 All Committees Meeting (Including Public Meetings)

Re: Minutes - December 4, 2023

RECOMMENDATION:

Moved By Councillor Mike Rehner

Seconded By Councillor Joann Chechalk

That, the minutes of the December 4, 2023 All Committees (Including Public Meetings) meeting, be accepted, and the recommendations contained therein, be approved;

with the exception of Item #10.1

Carried

In response to Councillor Chechalk's inquiry regarding future zoning and secondary plan amendments to address zoning changes for other properties that are not included in amendment in question, the Director of Planning and Building explained that the area covered in this item has been contentious for several decades at this point. The secondary plan was created many years ago to allow for transition use of this land, but since then Township staff have come back and reconsidered the potential uses for this area. The Director of Planning & Building stated that report item 10.1, was meant to broaden the permitted uses of the land in this area beyond typical employment uses, but would still provide services to the community.

In response to Councillor Chechalk's further inquiry regarding a housekeeping amendment with respect to the permitted uses of the subject land, the Director of Planning and Building, explained that there is a need to make at least one change to the Zoning By-law to deal with AODA compliance issues that have been brought to the Township's attention.

RECOMMENDATION:

Moved By Councillor Joann Chechalk

Seconded By Councillor Mike Rehner

That, the recommendations as outlined in item 10.1 within the All Committees (Including Public Meetings) minutes regarding “Amendments to Permitted Uses of Spring Creek Secondary Plan (OPA 57) File No. 1701-006-19”, be approved.

Carried

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 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 Finance/Treasurer (Donna DeFilippis)
Re: Memorandum - 2024 Interim Tax By-law

RECOMMENDATION:

Moved By Councillor Terry Bell

Seconded By Councillor William Reilly

That, the Memorandum regarding the "2024 Interim Tax By-law", dated December 11th, 2023, be received for information.

Carried

15.3 Director of Planning & Building (Brian Treble)
Re: Recommendation Report PD-63-2023 - Naming of Dennis Drive and Brandon Lane by By-law and Issuance of Certificate of Completion & Assumption of Streets & Works for Old Towne Gateway Estates/Smithville Station Plan of Subdivision, Developer: Marz Homes (Smithville Station) Inc.

RECOMMENDATION:

Moved By Councillor Jason Trombetta

Seconded By Councillor Terry Bell

1. That, Recommendation Report PD-63-2023, regarding "Naming of Dennis Drive and Brandon Lane by By-law and Issuance of Certificate of Completion & Assumption of Streets & Works for Old Towne Gateway Estates/Smithville Station Plan of Subdivision, Developer: Marz Homes (Smithville Station) Inc.", dated December 11, 2023, be RECEIVED; and,

2. That, a Final Certificate of Completion be issued for Old Towne Gateway Estates/Smithville Station Plan of Subdivision 30M-446; and,
3. That, the Township pass a By-law to name Dennis Drive and Brandon Lane and also assume the Old Towne Gateway Estates/Smithville Station, Plan of Subdivision, 30M-446, and all related works, services and the park, in accordance with Schedule 'A' of the attached draft By-Law.

Carried

15.4 Councillor William Reilly

Re: Niagara Transit Commission Public Advisory Committee

Councillor Reilly explained that the initial date had passed to nominate a member of the public from West Lincoln to the Niagara Transit Commission Public Advisory Committee. Because no interest had been expressed from the public prior to the initial deadline, this motion to set a new deadline to gather applications and then put forward a nominee is being voted on tonight.

Mayor Ganann provided further explanation that this motion was spurred on by a member of the public who reached out to the Township expressing their interest in filling the position. It was at this time that the Township discovered that the initial deadline had passed without any applicants, and so now it is recommended in this motion that the application period be reopened in order to fill the committee seat to represent West Lincoln on this regional committee.

RECOMMENDATION:

Moved By Councillor William Reilly

Seconded By Councillor Shelley Bradaric

1. That, staff be and are hereby directed to notify the public regarding accepting applications to sit on the Niagara Transit Commission Public Advisory Committee immediately; and,
2. That, all applications be submitted prior to end of day on January 8th 2024 and,
3. That, recommendations for appointment be presented at the January 15th, 2024 All Committees Meeting.

Carried

15.5 Mayor Cheryl Ganann

Re: Regional Governance Review as overseen by the Ministry of Municipal Affairs and Housing

FOR INFORMATION

Mayor Ganann explained that the government structure of the Niagara Region is still a priority of the provincial government, noting that the Provincial Government Standing Committee will be meeting in an undisclosed location on Wednesday, January 10th in the City of St. Catharines. Mayor Ganann shared that Niagara municipalities must register and be approved in order to speak at this meeting.

Mayor Ganann expressed that there is support primarily amongst the Niagara business community for a single City of Niagara, noting that most of the municipal government community are arguing for the creation of four cities of Niagara. Mayor Ganann stressed that none of these ideas are publicly held positions of any body, but they have been shared in discussion and represent the known options being considered in the restructuring the Niagara Region, along with making no change.

Mayor Ganann shared that the Township of West Lincoln has applied to appear at the standing committee meeting in St. Catharines in January, and stated that the application has been received, but has not been approved as of yet.

Councillor Rehner expressed his dismay over the media representation of those who took part in the Tri-Council meeting on August 10th, 2023, as being in support of government restructuring in Niagara when that was not the case. Councillor Rehner expressed his desire for the current government structure to be maintained. Mayor Ganann explained that no position was taken at that Tri-Council meeting, but that it simply was made to facilitate discussion and participants showed a broad desire to consider future discussions of the potential for government restructuring in the Niagara Region.

Councillor Reilly inquired to Mayor Ganann about how the Township and Township Council can express to the public that taking part in the standing committee meeting, if the application to participate is approved, does not constitute support for restructuring of the Niagara Region and its municipalities. In response to Councillor Reilly's inquiry, Mayor Ganann explained that the mayor's of the Niagara municipalities will coordinate their message to tell the province what they would prefer to see if restructuring is inevitable.

Councillor Chechalk expressed her thoughts on the issue of municipal restructuring and spoke to the nature of the Tri-Council meeting from this past summer, and the value of working and speaking with other local municipalities. She encouraged the Council to embrace participation in this consultation process.

Councillor Trombetta expressed his thoughts on the issue of municipal restructuring in Niagara. He thanked Mayor Ganann for putting this issue on the agenda so that Council could publicly express their thoughts and opinions on the matter, while still recognizing that a decision on this restructuring will be made outside of their control and regardless of their personal positions on it.

15.6 Members of Council
Re: Council Remarks

1. Various Council Members
Re: Happy Holidays

Various Members of Council wished the rest of Council, staff, and residents of West Lincoln Happy Holiday's and Happy New Year.

2. Mayor Ganann
Re: Mayor's New Year's Levee

Mayor Ganann informed everyone that she will be hosting the first ever West Lincoln Mayor's New Year's Levee. It will be on Saturday, January 6th, 2024 from 2:00 p.m. to 4:00 p.m. and will include free public skating and light refreshments.

16. NEW ITEMS OF BUSINESS

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

17. BY-LAWS

RECOMMENDATION:

Moved By Councillor Mike Rehner

Seconded By Councillor Joann Chechalk

1. That, leave be granted to introduce By-law #s 2023-85, 2023-86, 2023-87, 2023-88, 2023-89 and 2023-90, 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 2023-85

A By-law to confirm the proceedings of the council of the Corporation of the Township of West Lincoln at its regular meeting held on the 27th day of November, 2023.

17.2 BY-LAW 2023-86

Being a By-law to amend By-law 97-2030 which designates private roadways as fire routes along which no parking of vehicles shall be permitted.

17.3 BY-LAW 2023-87

Being a By-law adopt Amendment No. 57 (Re-designation of Spring Creek Heights Secondary Plan) to the Official Plan for the Township of West Lincoln.

17.4 BY-LAW 2023-88

Being a by-law to establish Dennis Drive and Brandon Lane, Plan 30M-446, Township of West Lincoln, as public highways and to assume public services.

17.5 BY-LAW 2023-89

Being a By-law to provide for an interim tax levy and to provide for the payment of taxes and to provide for penalty and interest of fifteen percent.

17.6 BY-LAW 2023-90

A By-law to consolidate Fees and Charges and to establish user fees and charges for services, activities or the use of property within the Township of West Lincoln.

18. CONFIDENTIAL MATTERS

RECOMMENDATION:

Moved By Councillor Joann Chechalk

Seconded By Councillor Jason Trombetta

That, the next portion of this meeting be closed to the public to consider the following pursuant to Section 239(2) of the Municipal Act 2001:

18.1 Director of Planning & Building (Brian Treble) & Director of Public Works & Recreation (Mike DiPaola)

Re: Legal/Solicitor-Client Privilege - Development & Front-Ending Agreements

VERBAL UPDATE

Applicable closed session exemption(s):

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

18.2 Director of Planning and Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) - Proposed Official Plan Amendment (OPA) No. 63 (File No.22-0035)

VERBAL UPDATE

Applicable closed session exemption(s):

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

18.3 Human Resources Coordinator(Cassandra Carey) & Director of Legislative Services/Clerk (Jessica Dyson)

Re: CAO Performance Review - Report to CAO & Council

Applicable closed session exemption(s):

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

Carried

RECOMMENDATION:

Moved By Councillor Jason Trombetta

Seconded By Councillor Terry Bell

That, this Council meeting now resume in open session at the hour of 10:53 p.m.

Carried

18.1 Director of Planning & Building (Brian Treble) & Director of Public Works & Recreation (Mike DiPaola)

Re: Legal/Solicitor-Client Privilege - Development & Front-Ending Agreements

VERBAL UPDATE

Council rose without reporting.

- 18.2 Director of Planning and Building (Brian Treble)
Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) -
Proposed Official Plan Amendment (OPA) No. 63 (File No.22-0035)

VERBAL UPDATE

Council rose without reporting.

- 18.3 Human Resources Coordinator (Cassandra Carey) & Director of
Legislative Services/Clerk (Jessica Dyson)
Re: CAO Performance Review - Report to CAO & Council

RECOMMENDATION:

Moved By Councillor William Reilly

Seconded By Councillor Joann Chechalk

That, the CAO's Performance Review Report for the 2023, as part of the
CAO Performance Review Policy, be received for information.

Carried as Amended (see below)

RECOMMENDATION:

Moved By Councillor Joann Chechalk

Seconded By Councillor William Reilly

That, the recommendation regarding the CAO Performance Review –
Report to CAO & Council be amended to add the following:

That, the Mayor be authorized to proceed as directed in closed session.

Carried

19. ADJOURNMENT

The Mayor to declare this meeting adjourned at the hour of 10:55 p.m.

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

MAYOR CHERYL GANANN