

Lincoln Chambers

June 1st, 1999

The Council of the Town of Lincoln met in special session on Tuesday, June 1st, 1999, at 7:00 pm, in the Lincoln Chambers.

All members of Council were present, except Ald.H.Bald, Ald.B.Davies, Ald.R.Kelly and Mayor R.Konkle, and the meeting was chaired by Ald.B.Culp. Staff present: Wm. J.Tigert (CAO), K.Kruger (Clerk), G.Holman (Director of Public Works), J.Pease (Community Services Co-ordinator), K.Elise (Chief Librarian) and K. Dale (Acting Director of Planning). Also in attendance: Town Solicitor Stuart Ellis.

#### APPOINTMENT OF ACTING MAYOR

Motion:

Moved by Ald.A.Danyluck, Seconded by Ald.W.MacMillan

That pursuant to Section 69 of the Municipal Act, Ald.B.Culp be hereby appointed as Acting Mayor, for the purposes of this meeting of Council. CARRIED

#### PUBLIC MEETING, PROPOSED BY-LAW UNDER THE DEVELOPMENT CHARGES -- .. ACT, 1997

Ald.B.Culp opened the Public Meeting and requested that staff outline the reasons for the meeting and the proceedings to be followed.

The Clerk outlined that the Public Meeting was being held pursuant to Section 12 of the Development Charges Act, 1997, to make available information to the Public, regarding the Town's development charge proposals and to provide an opportunity for any person who wishes to make representation to Council regarding the proposed charges. The Clerk further noted that a background study setting out the details of the proposals is being brought forward for Council consideration and has been available to members of the public at the Town offices since May 18th, 1999. It was also noted that public notice was placed in the local newspaper in its May 12th, 1999, edition, advising of this public meeting and of the availability of the background report, and inviting interested persons to provide written submissions. The Clerk advised that none had been received.

The Chairman introduced Mr. Gary Scandlan, of C.N.Watson & Associates Limited, consultants working on behalf of the Town, to review and highlight the background study dated May, 1999. Mr. Scandlan reviewed for all those present the details in the report, including an overview of the study process and key dates, the process required for calculating development charges under the New Development Charges Act, 1997, details regarding the growth forecast, 10 year historic service standards, lists of future capital projects incorporated in the study, a summary of the proposed development charges and development charge rules or policies, and a comparison of existing development charge amounts to the amounts proposed in the study done in 1996, and the current proposals.

Following Mr. Scandlan's presentation, the Chairman then invited any member of the public to make any submission or presentation or ask any questions regarding the report and the proposed development charge.

Ms. Carol Allstin was present and raised questions regarding the delineation of works to be included in development charges and those works outside of particular subdivisions which would be the developers direct responsibility. -2-

(Council, June 1/99)

Mr. Scandlan reviewed the legislation and the establishment of local services which may be outside of the actual development area. He outlined the definitions used for local services which would be the developers direct responsibility.

Ms. Austin raised further questions regarding items such as storm ponds, culverts and drainage diversions which perhaps should be on a local service basis. Mr. Scandlan further reviewed local

services and referred to Schedule "D" of the study, outlining general policy guidelines for local services.

Ms. Austin raised further questions regarding the cost estimates for storm facilities and questioned if the estimates were accurate. Mr. Scandlan noted that the costs included in the study are based on engineering estimates.

The Chairman inquired if any other members of public in attendance had any questions, comments or concerns. Upon confirming that no other members of the public had any further comments at this time, the Chairman inquired if any members of Council had questions.

Members of Council questioned impacts on hamlet areas not included in the urban areas identified for the area specific development charges. Mr. Scandlan suggested that the Town-wide rates would apply and that area specific charges would only be levied in areas where those services are available. Questions were raised regarding the potential Campden sewer services and their impact. Mr. Scandlan advised that should this project occur, an update to the study and by-law amendment could be accommodated.

Members of Council also raised questions regarding comparison of the proposed development charge amounts to other municipalities. It was also questioned if similar methodology or process was used in other municipalities. Mr. Scandlan noted that the same methodology is used in a large number of municipalities and highlighted some comparisons to development charge amounts in other municipalities.

After confirming that no other members of Council had any questions, the Chairman asked for clarification regarding the procedure from this point. Mr. Scandlan advised that members of the public are invited to submit any further questions or comments in writing within one week. Further, that staff will respond to any such inquiries or comments and report that information back to Council for any necessary Council decision.

In response to questions, Mr. Scandlan also outlined the subsequent appeal process to Council's eventual decision to the Ontario Municipal Board.

Upon confirming that no-one present wished to speak further regarding this issue, the Chairman declared the public meeting adjourned.

ADJOURNMENT Beamsville Room

June 2nd, 1999

a

Minutes of the Community Services Committee of the Town of Lincoln held on Wednesday, June 2nd, 1999, at 7:00 p.m., in the Beamsville Room. Present were: Ald. W. MacMillan (Chair), Ald. D. Good and Ald. G. Barlow. Staff present were: J. Pease, Community Services Coordinator.

Regrets: Ald. H. Bald.

ACCOUNTS -

Motion :

Moved by Ald. D. Good, Seconded by Ald. G. Barlow  
That Department payments in the amount of \$32,512.15 incurred in accordance with Council Policy A-94-218, having now been audited by Committee, be ratified by Council.

CARRIED

BUSINESS ARISING FROM PREVIOUS MINUTES e

None.

REPORTS

1999 Park Capital Project

Motion :

Moved by Ald. G. Barlow, Seconded by Ald. D. Good.

(CM) 99-128

That the Jordan Hollow Park, Northeast Neighbourhood Park

and Vineland Park projects, plus the Recreation Master Plan Update Project proceed as outlined in this report. The limit for playground equipment of \$40,000 for the Northeast Park and funds for site preparation be approved as per the budget allocation. CARRIED

Status Report

Motion:

Moved by Ald. D. Good, Seconded by Ald. G. Barlow.

(CM) 99-129

That Council accept this report as information. CARRIED

Motion :

Moved by Ald. D. Good, Seconded by Ald. G. Barlow.

That the Community Services Director be authorized to do a feasibility study for a Community/Rec. Centre for Lincoln, that may include youth centre, pool and cultural facilities. The upset limit for this study is to be \$5,000.

MEMORANDUMS

None.

CORRESPONDENCE

(a) Lions Club of Jordan Inc. re: Rental Charge.

Committee has referred to staff for follow-up. (b) Jerry Friesen, Race Director re: Road Race.

Motion :

Moved by Ald. G. Barlow, Seconded by Ald. D. Good.

That a special event permit be issued for this event on August 28th, 1999. CARRIED

(c) Jacob Beam School re: Trees.

Committee referred to staff for follow-up.

(d) Canadian Diabetes re: Tent Rental Fee Waiver Request.

Motion :

Moved by Ald. G. Barlow, Seconded by Ald. D. Good.

That Council waive the tent rental fee, not the set up fee, for the fundraiser to be held at Stoney Ridge Cellars Ltd. on July 31st and August 1st 1999. Further, that the Canadian Diabetes Association's name be added to the Town's Community Group List for waiving of rental fees.

Also that the Community Services Coordinator update the present policy identifying new criteria for the waiving of rental fees for Town facilities including the Town tent. CARRIED

NEW BUSINESS

None.

UNSCHEDULED DELEGATIONS

None.

ADJOURNMENT

There being no further business to discuss, the Chairman declared the meeting adjourned.

CHAIRMAN SECRETARY Lincoln Chambers

June 7th, 1999

The Council of the Town of Lincoln met in regular session on Monday, June 7th, 1999, at 7:00 pm, in the Lincoln Chambers. All members of Council were present except Ald. B. Culp, and the meeting was chaired by Mayor R. Konkle. Staff present: Wm. Tigert (CAO), K. Kruger (Clerk), G. Holman (Director of Public Works), K. Dale (Acting Director of Planning), J. Pease (Community Services Co-ordinator) and J. Kukalis (Technical Services Manager).

ADOPTION OF MINUTES

Motion:

Moved by Ald. R. Kelly, Seconded by Ald. A. Danyluk

That the minutes of Council's regular meeting of May 17th, 1999, be adopted as circulated. CARRIED

Motion:

Moved by Ald. B. Davies, Seconded by Ald. W. MacMillan

That the minutes of Council's special meeting of May 20th, 1999, be adopted as circulated. CARRIED

Motion :

Moved by Ald.B.Davies, Seconded by Ald.W.MacMillan  
That the minutes of Council's special meeting of June 1st, 1999, be adopted as circulated. CARRIED

BUSINESS ARISING FROM THE MINUTES .....-p----.  
CORRESPONDENCE, RE: WORLD .- . ROWING - CHAMPIONSHIPS

Members of Council. considered the item tabled from the May 3rd, 1999, Council meeting, regarding the use of Charles Daley Park for parking for the World Rowing Championships. Members of Council inquired if any additional information had been received from the organizers regarding this issue. Members of Council were informed that the Town is at liberty to make any arrangements for its own special events but that the park was not planned to be used for any specific events organized for the rowing championships. Members of Council expressed disappointment with respect to the organizers participation with Lincoln.

Motion :

Moved by Ald.B.Davies, Seconded by Ald.W.MacMillan  
That the Town permit the use of Charles Daley Park as a satellite parking area for the World Rowing Championships August 21st to 29th, 1999, and that staff be authorized to meet with the organizers to make any necessary arrangements. CARRIED

BILL 35, ADHOC COMMITTEE I\_ RE: PROCESS UPDATE

Mr. Phil Andrewes and Mr. John Alton were in attendance representing the Bill 35 AdHoc Committee.

Mr. Andrewes reported to members of Council, the activities of the AdHoc Committee to date and its efforts undertaken to understand the voluminous information and regulations regarding Bill 35 to make timely recommendations to Council. He advised that the committee has determined that it would benefit from the guidance and input of a consultant, and that the committee is seeking Council's approval to proceed with a request for proposals to obtain such a consultant. -2-

(Council, June 7/99)

Members of Council questioned if current commission staff would not be able to provide the necessary expertise in this area. In response to questions, Mr. Alton outlined the large number of considerations which must be reviewed and brought forward for Council consideration and also highlighted that part of the exercise is to gain the most objective view for the best use of the Town's hydro asset.

Members of Council also questioned the estimated cost and were advised that the estimates are in the range of \$16,000 to \$20,000, to be borne by the Commission pursuant to Bill 35.

Members of Council raised further questions regarding details of potential organizations of the utility and whether the study would show these various options and associated costs.

Motion:

Moved by Ald.A.Danyluck, Seconded by Ald.W.MacMillan  
Whereas the Council of the Corporation of the Town of Lincoln and the Commission of Your Town's Hydro Commission has jointly established an AdHoc Committee to make recommendations for compliance with Bill 35.

And whereas the AdHoc Committee considers it expedient to retain the resources of a consultant to assist with the creation of a business plan leading up to and potentially including the drafting of a transfer by-law and Articles of Incorporation.

And whereas the AdHoc Committee deems it expedient to facilitate the process.

Now therefore, be it resolved that the Council of the Corporation of the Town of Lincoln authorize the AdHoc Committee to draft the terms of reference as discussed, and to call for proposals from those consultants that the committee identifies as acceptable.

That the AdHoc Committee will review all proposals received and make recommendations to the Commission.

And that the Commission shall be authorized to award the proposal based on the recommendation of the AdHoc Committee.

REGIONAL COUNCILLOR JILL . HILDRETH -  
CARRIED

Councillor Hildreth was in attendance and updated members of Council on activities at the Region. Councillor Hildreth advised of the new development. charge study released for public meeting scheduled for June 29th, and noted that the Township of West Lincoln has received Regional approval for delegation of consent approval September 1st, sooner than the rest of the Region which is scheduled to occur January, 2000.

REPORTS .-

PUBLIC MEETING

Motion :

Moved by Ald.R.Kelly, Seconded by Ald.A.Danyluck . That the Public Meeting minutes of May 26th, 1999, be adopted. CARRIED

PLANNING COMMITTEE

Motion:

Moved by Ald.R.Kelly, Seconded by Ald.A.Danyluck  
That the Planning Committee minutes of May 25th, 1999, be adopted, and the recommendations contained therein, be approved and acted upon. CARRIED (Council, June 7/99)

COMMUNITY SERVICES COMMITTEE -

Motion:

Moved by Ald.W.MacMillan, Seconded by Ald.R.Davies  
That the Community Services Committee minutes of June 2nd, 1999, be adopted, and the recommendations contained therein be approved and acted upon. CARRIED

PW 99-130, HILLVIEW DRIVE/ELM STREET, - INFRASTRUCTURE REPLACEMENT,  
TENDER RESULTS --

Motion:

Moved by Ald.A.Danyluck, Seconded by Ald.R.Kelly  
(PW 99-130)

That the contract: for the construction of the Hillview Drive/Elm Street Watermain project be awarded to Bear Construction.

Further that the firm of Totten, Sims, Hubicki be retained for administration and inspection services for the project. Further, that the Mayor and Clerk be authorized to sign and seal the contract documents on behalf of the municipality.

CARRIED

PW 99-133, RAILWAY CROSSING IMPROVEMENT .- PROJECT

Members of Council raised questions and concerns regarding the rationale of Transport Canada and the requirement for an extra width of rubberized surface for crossings. Members of Council expressed a number of concerns with the additional costs now to be borne by the municipality, and suggested these costs should not simply be accepted.

The Director of Public Works highlighted that the track replacements are scheduled to occur soon and there may be limited time for input prior to installation. The CAO suggested that the Town proceed based on the report: submitted, under protest, and commence lobbying for consideration for costs and changes in standards, instead of risking the loss of the project now.

Members of Council raised questions regarding the cost of the installation of planks and asphaltting instead of the rubberized crossings. The Director of Public Works noted that the capital cost is approximately \$12,000 per crossing.

Members of Council raised questions regarding whether the volume of traffic warrants the costs of these improvements.

Members of Council suggested other alternatives to the standards should be investigated.

It was noted that the life expectancy of the rubberized crossings is considerably longer, and that installation of wooden planks results in substantial annual maintenance costs.

Motion :

Moved by Ald.A.Danyluck, Seconded by Ald.R.Kelly  
(PW 99-133) - .

That the Town of Lincoln Council authorize the purchase of rubberized railway interface material for the crossings at Martin Road, Merritt Road and 15th Street. from Jay Chris Industrial Rail Supply. Further that the additional funds required to complete this project be allocated from the resurfacing budget by downscaling the hot/cold mix programs accordingly. CARRIED -4-  
(Council, June 7/99)

Motion :

Moved by Ald.W.MacMillan, Seconded by Ald.B.Davies  
Council proceed with the 3 railroad crossings with rubber matting as per Report PW 99-133.

Also staff and Council convey to our MP in the strongest terms possible that the expectations of Transport Canada are unreasonable and a poor use of taxpayers dollars. If the requirements of Transport Canada are not adopted or changed, then Transport Canada be responsible financially for the additional works. CARRIED

AD 99-134, RESIGNATION OF FIRE CHIEF

The CAO highlighted for those present the Open House scheduled for Sunday, June 13th, for the Fire Chief and also suggested that Council authorize the purchase of some form of token of appreciation for the Chief's years of service. Members of Council expressed appreciation for the Fire Chief's efforts and works over the years and noted that Mr. Rouse was a dedicated individual who always had the best for the Fire Services and the municipality at heart. Council wished all the best for Mr. Rouse in his future endeavours.

Motion:

Moved by Ald.W.MacMillan. Seconded by Ald.B.Davies  
(AD 99-134)

That Council formally thank Clair Rouse for his many years of dedicated service to the Lincoln Fire Department.

That up to \$300 be used to purchase a suitable gift.

CARRIED

CONFIRMATION OF COMPLIANCE WITH SECTION 34 OF THE PLANNING ACT - - -

Motion:

Moved by Ald.G.Barlow, Seconded by Ald.D.Good

That Council has considered the requirements of Paragraph 17 of Section 34 of the Planning Act, R.S.O. 1990, and concludes that no further notice of public meeting is required in the matter of the following proposed amendments to Zoning By-law No. 93-14-21 :

(a) No. 99-51-2181, to amend Zoning By-Law No. 93-14-21, as amended, of the Town of Lincoln (1283269 Ontario Limited, Hillside Estates/Chitwan Management Inc/Plateau).

(b) No. 99-55-2182, to amend Zoning By-law No. 93-14-21, as amended. of the Town of Lincoln (Rittenhouse Estates Phase I).

CARRIED

BY-LAWS -- Motion:

Moved by Ald.D.Good. Seconded by Ald.K.Kelly \* That leave be given to introduce the following by-laws:

(a) No. 99-51-2181, to amend Zoning By-law No. 93-14-21, as amended, of the Town of Lincoln (1283269 Ontario Limited, Hillside Estates/Chitwan Management Inc/Plateau).

(b) No. 99-52, to authorize the execution of a site plan agreement with Continental Realty Associates Inc.

(c) NO. 39-53, to adopt, confirm and ratify matters dealt with by Council resolution.

(d) No. 99-54, to authorize the acceptance of a conveyance of

lands from 2729598 Canada Inc.

(e) No. 99-55-2182, to amend Zoning By-law No. 93-14-21, as amended, of the Town of 1,incoln (R11;tenhouse Estates Phase I).

CARRIED -5-

(Council, June 7/99)

Motion:

Moved by Ald.D.Good, Seconded by Ald.G.Barlow - . That By-law Nos. 99-51-2181, 99-52, 99-53, 99-54, and 99-55-2182, read a first time, be now read a second and third time and finally passed, and that the Mayor and Clerk sign and seal the said by-laws. CARRIED

CORRESPONDENCE

1. CAA Niagara, re: Mid-Peninsula Corridor. R & F
2. City of Thorold, re: Regional Niagara Waste Management Study, Task Three Report. R & F

CLOSED SESSION

Motion :

Moved by Ald.R.Kelly, Seconded by Ald.A.Danyluck

That Council adjourn to closed session to consider personnel and legal issues. CARRIED

Upon conclusion of discussions in closed session, Council reconvened.

ADJOURNMENT

There being no further business to discuss, the Mayor declared the meeting adjourned. Beamsville Room

June 9th. 1999

Minutes of a meeting of a special Fire & Public Safety Committee meeting held on Wednesday, June 9th, 1999, at 5:30 pm, in the Beamsville Room. Present were : Ald.W.MacMillan (Chairman), Mayor R.Konkle, Ald.D.Good and Ald.B.Davies. Also present: Ald.A.Danyluck, Ald.R.Kelly and Ald.G.Barlow. Staff present: Wm.J.Tigert (Chief Administrative Officer).

Motion:

Moved by Mayor R.Konkle, Seconded by Ald.B.Davies

That this committee adjourn to closed session to consider a personnel issue. CARRIED

Upon conclusion of discussions in closed session, the committee reconvened to open session, and directed the Chief Administrative Officer to prepare a report for the June 21st, 1999, Council meeting.

ADJOURNMENT

There being no further business to discuss, the Chairman declared the meeting adjourned.

CHAIRMAN SECRETARY Beamsville Room

June 9th, 1999

Minutes of a meeting of the Museum Committee held in the Beamsville Room on Wednesday, June 9th, 1999, at 7:00 p.m. Present were: Ald. H. Davies (Chair), Ald. G. Barlow, Ald. A. Danyluck, Dick Catterall (arrived late due to another meeting) and Lawrence Moyer. Staff present were: H. Booth (Museum Curator/Director).

Lawrence Moyer was introduced.

ACCOUNTS

Statement of Operations was outlined, with clarification that the 1999 budget had not yet been reconciled.

Motion:

Moved by Ald. G. Harlow, Seconded by Ald. A. Danyluck.

That Department payments in the amount of \$2,531.75 incurred in accordance with Council Policy A-94-218, having now been audited by Committee, be ratified by Council. CARRIED

BUSINESS ARRIVING FROM PREVIOUS MINUTES

None.

(MU 99-131)

The use of costuming, particularly for the new grant staff, was discussed.

Motion :

Moved by Ald. A. Danyluck, Seconded by Ald. G. Barlow.  
That the policy and procedure for both Bequests and for  
Costuming be accepted and included in the Museum Department's  
policy and procedure documents. CARRIED  
(MU 99-132)

It was noted that not all activities mentioned would take place,  
and that judges would need to be found for the costume contest.

Motion:

Moved by Ald. G. Barlow, Seconded by Ald. A. Danyluck.  
That the above suggestions be approved for the 2000  
Millennium/Canada Day celebrations, and that the suggestions be  
taken to the Millennium Committee for inclusion in their planning  
activities. CARRIED

#### MEMORANDUMS

a) Schoolhouse Bookings and Revenues.

Cancellations were discussed, and it was agreed that a new  
system for waiting lists and cancellation procedures should be  
followed.

b) Donations.

It was asked whether one of the new donors, June Pratt, is a  
relative of the Fry family as she had donated some items  
belonging to them. It was stated that she is. c) Feasibility Study.

There was discussion regarding the suitability of the  
applicants, and whether or not to re-draft the Terms of  
Reference and re-advertise as only two proposals were  
received. The Curator/Director was asked to confirm the  
motion with the CAO.

Motion:

Moved by Ald. A. Danyluck, Seconded by Ald. G. Barlow.  
That the Museum Committee recommend to Council the acceptance of  
the proposal by J. K. Jouprien to conduct historical, technical,  
and costing analysis to plan the restoration, installation of  
public programming, and maintenance of the Fry House, Jordan  
Museum, as specified in the Terms of Reference, provided May  
1999. CARRIED

#### CORRESPONDENCE

a) ANM Associates Ltd., re: Virtual photography.

The Curator/Director was asked to find out pricing on the  
service. RLE'

b) Marie Troup, Storytelling Festival, re: Thank you letter.

R&F

c) School House Evaluations

The Curator/Director brought attention to the negative  
reaction to the suggestion of raising admission in the  
evaluations. R&F

#### DELEGATIONS

Lawrence Moyer outlined reunion plans for the Moyer Family  
Society. He stated that a portion of proceeds are to be  
earmarked for a museum project, and asked for permission to have  
input on where that money would be spent.

The Curator/Director was asked to provide a list of suitable  
projects as outlined in the Strategic Planning Session to be held  
June 22, 1999.

Mr. Moyer and the Family Society were gratefully thanked.

#### NEW BUSINESS

a) The Curator/Director brought attention to an article  
highlighting the museum in the June 5<sup>th</sup> edition of the Globe  
and Mail.

b) The Curator/Director introduced a letter from the Canadian  
TODS company, and gave an update as to the status of highway  
signage. She was directed to see the CAO to secure legal  
advice.

There being no further business to discuss, the Chairman declared

the meeting adjourned.

CHAIRMAN - SECRETARY Lincoln Centre

June 14th, 1999

The Council of the Town of Lincoln met in special session on Monday, June 14th, 1999, at 7:30 pm, at the Lincoln Centre. All members of Council were present except Ald.H.Bald, Ald.B.Culp and Ald.W.MacMillan, and the meeting was chaired by Mayor R.Konkle. Staff present: Wm. J.Tigert (CAO) , K.Kruger (Clerk) and G.Holrnan (Direct-or of Public Works).

The Chairman opened the meeting and advised those present of the purpose of the meeting to consider the Bartlett Creek Municipal Drain downstream section engineer's report.

The Clerk outlined the purpose of the meeting, to provide all owners of affected lands an opportunity to discuss and review the report, and advised of the notice delivered to all affected property owners and agencies.

The Clerk further advised that ordinarily Council would, following public comment, consider the report and would then have various options including adopting the report and proceeding with the works, referring the report back to the drainage engineer for further consideration if necessary, or rejecting the project.

He advised however that there were difficulties with the assessment list as contained in the engineer's report with a number of properties missed, and therefore a second public meeting was scheduled for Monday, August 9th, 1999, at 7:00 pm, notice of which would be mailed to all affected landowners.

The Director of Public Works then presented a background report providing information on events dating back to 1977, which have eventually resulted in the tabling of this engineer's report.

Mr. Kent Schachowskoj of Wiebe Engineering outlined the scope and type of works contained in the Engineer's report noting the three areas are channel improvements, culvert improvements, and erosion and sediment controls.

Mr. Brian Wiebe of Wiebe Engineering then outlined the procedures followed under the Drainage Act and the process now to be followed. He noted that the Town has actually gone beyond the meetings with the public required under the Drainage Act to involve public input. He advised that should the works be approved, there is procedures under the Court of Revision and then if necessary to the Drainage Tribunal to resolve specific assessment issues. Mr. Wiebe outlined the total cost of the project of approximately \$650,000, \$190,000 to be assessed to drainage area landowners, \$40,000 to the Bartlett Chemical Company, \$370,000 levied against road and utility allowances and \$50,000 assessed against landowners in the Golden Horseshoe Branch.

Following the presentations, the Chairman opened the meeting to questions and comments from landowners in attendance.

Mr. Stewart Grieve raised questions regarding Section 4 of the Drainage Act and what other sections of the Act have been implemented. Mr. Wiebe noted that Section 4 of the Act deals only with the authority to commence the works and that there are a number of ways in the Act in which a Municipal Drain can be initiated. He further outlined that the various methods of assessment and processes to be followed are pursuant to the Drainage Act. -2-

(Special Council, June 14/99)

Mr. Grieve noted the report states the project is to provide sufficient outlet for upstream flows. He questioned if there is consideration of any drainage works in the upstream area to avoid damages there. He noted a local drain in the area of his property causing difficulties and raised questions regarding what can be done with that problem. The Director of Public Works noted that Mr. Grieve's property is in the upstream section and

that the development community is required to build diversion channels, holding ponds, and other works, pursuant to the Bartlett Creek Drainage plan to deal with upstream flows. He noted that the issue of Mr. Grieve is one which is on private property and is the responsibility of the involved property owners. He highlighted that the downstream portion only is proposed to be carried out under the Drainage Act. Mr. Grieve indicated that no-one can identify who the property owner of the area in question. Mr. Wiebe reconfirmed that the issue as described is a private landowner matter. Mr. Grieve submitted some pictures for Council of the area in question.

Ms. Rose Clark noted that there have been areas of flooding problems ever since she moved to Beamsville some years ago and that it does not make sense to her that private owners are responsible for their drainage ditches.

Mr. Les Keczan questioned the benefit of the works. He noted that since 1977, there has not been any significant flooding problems. He questioned what benefit he would receive being on the eastern edge of the drainage area and why he should pay for something to benefit someone else. Mr. Wiebe outlined that under the Drainage Act, all owners in the drainage area contributing water to the system are responsible for some assessment for the works.

Ms. Barb Fry raised questions regarding the drainage area versus the urban area outlined, and whether the drainage area is bigger. The Director of Public Works noted the drainage area size and advised that a portion of this is Block A or the urban area. He further highlighted that all property owners in the drainage area contribute to the works.

Mr. Ron Feere noted previous works done such as through Bomberry Park and the amounts paid by taxpayers to put that drainage in. He questioned how the Town is guaranteeing that these improvements will continue and correct the problems for the long term. The Director of Public Works noted two projects done in the general area, one in the mid 1980's where the storm sewer was installed but perhaps did not contemplate the full build-out of the urban area. He also highlighted the Comisso drain down under the Drainage Act in approximately 1990.

Mr. M. Sindall requested clarification regarding distribution of costs and asked for confirmation that approximately \$190,000 of the works is to be assessed against the landowners of the drainage area, of which Block A is responsible for \$81,794. Mr. Wiebe confirmed the information was correct.

Mr. Blake Konkle addressed Council and noted that his property is included on the assessment list at .9 hectares and abutting similar sized properties at .8 and .1 hectares. He advised that in fact his property is less than .9 hectares in total. He noted that there are a number, and inconsistencies in the report and raised concerns that there may be other errors. Mr. Wiebe noted that assessment matters such as that brought up by Mr. Konkle can be dealt with at the Court of Revision and that there would be an opportunity to address any issue of assessed acreage. -3- (Special Council, June 14/99)

Mayor Korick noted that the information is derived from the assessment maps supplied by the Province and that they may not be entirely accurate. He confirmed that there is a method to deal with the matter and correct the assessment where there is an error.

Ms. Dorothy Skea questioned if the assessment was a one time payment or if there was an annual amount. The Clerk outlined that the assessment as included in the engineer's report and assessment schedule sent is a one time payment but noted that there would be periodic maintenance required on any drainage scheme which would have some costs associated.

Mayor Konkle further highlighted that there is periodic inspection of any municipal drain and the possibility of required maintenance. He outlined the experience of the municipality with the Gavora Drain as an example.

Mr. Stuart Keimer advised that he lives at the southern reach of the drainage area and has one of the largest individual assessments. He advised that he has already paid a lot for land drainage over the last number of years to drain the property.

He questioned how the Drainage Act guides the manner of assessments, what options for assessment is available under the Act, whether the Act deals with special circumstances, and what other ways are available to assess costs and responsibility. He also noted that the Act gives access and also full availability and freedom to the municipality with respect to the initiation and assessment of future maintenance costs. He questioned if the Act gives any consideration for administration of the works by landowners with respect to maintenance or further improvements.

Mr. Wiebe outlined that in his experience, municipal drains are generally maintained only when affected landowners ask for them to be maintained, and therefore there is input from the affected landowners. With regard to assessment options, he noted that where some areas may be tiled, the impact and any necessary adjustments can be dealt with through the Court of Revision process. He also highlighted that the assessment rate applied to lands is based on the use of land as well as issues such as travel length and land area.

Mr. Reimer noted that the report mentions input from the Conversation Authority and other authorities and questioned if those authorities have supplied comments based on the updated Master Plan. The Director of Public Works confirmed that the authorities have been commenting on information based on the Bartlett Creek Master Drainage Plan update study of 1995.

Mr. Reimer further noted that within the report, landowners assessments of less than \$50 are to be paid by the municipality.

Mr. Reimer expressed concerns that based on the number of assessments under \$50 he will then be required not only to pay for his own assessment, but also for those people's assessments through his taxes. He suggested that if there is an assessment, it should be paid by the individual property owner to be fair.

Mr. Keith McIntyre raised questions regarding the current construction for storm sewers on Barry Drive and Cherrywood Drive and how they would affect this system. The Director of Public Works outlined the purpose of the Barry Drive storm sewer to serve some of the Southwest Neighbourhood and the Forest Hill development and noted that the costs are borne entirely by the developers. Mr. McIntyre raised further questions regarding why the property assessment on the Baptist Church is so much higher than some other area churches. Staff advised that they would have to examine that assessment. -4-

(Special Council, June 14/99)

Mrs. Carol Austin addressed those present and suggested that a large detention facility has been earmarked for her property.

She raised questions regarding the goal of the proposed project and whether it is for correction of flooding problems. She noted that there has been no flooding recently and that what did occur was years ago and has been corrected through various improvements. She advised that she has been told that the drain is not intended for a 100 year storm and there would still be major flooding with such an event. She advised of a petition circulated in 1997 among property owners abutting the downstream section which petitioned against the works. She noted the only flooding in that area is when a particular culvert freezes. Mrs.

Austin asked who requested the report and how much resident.; who have not asked for the work will be levied. Mr. Wiebe noted the

municipality initiated the project pursuant to the Drainage Act and advised that individual landowners have been assessed approximately \$190,000 of the \$650,000 project cost.

Mrs. Austin further stated that residents within the Bartlett Creek area have not requested the project, and that no Town roads have been flooded and that this is a way of getting the Drainage Act through the back door. She questioned how the process can assess residents for a legal outlet and why the process is prejudicially affecting Bartlett Creek Drainage area resident. with the addition of the Golden Horseshoe Creek. Mr. Wiebe noted that owners within the drainage area have a legal requirement to pay for required outlets, and further that the Golden Horseshoe Branch was requested by owners in that area and that they are being assessed costs to provide that outlet for their area.

Mrs. Austin reviewed the engineer's written response to her concerns submitted and noted difficulties with some of the responses. She raised issue with the number of hectares of the drainage area discussed in the report, and suggested that the figures do not add up. Mr. Schachowski noted that the report outlines that the drainage area is approximately 1,100 hectares, and specifies the area of that Block A and the Golden Horseshoe area. He noted that these are only parts of the whole drainage area.

Mrs. Austin further noted that residents affected can give input regarding works required and highlighted that the Town is not responsible for flooding which occurs under the Drainage Act. She suggested that the process through this Act is a cheap way for the Town to acquire lands and highlighted other concerns such as issues that the spoil is left on the side of the creek and that landowners pay for any bridges required to cross the channels. She further suggested that the process is done only to be cheap for the Town and that they pay only one-half of assessed value for lands required to implement the drain. She further suggested that this is a land grab with little compensation.

Mrs. Austin further noted that the costs are estimated only and that maintenance costs are yet to come, noted that the petitions being used are from 1989, and suggested that Bartlett Creek is a creek only and not a municipal drain. She suggested that Council is permitted flooding of the creek for the benefit of development.

Ms. Beth Williams questioned whether statements have been made that rural area contributes more water. She suggested this is not true as run-off would be higher from developed lands. Mr. Les Keczan expressed agreement that when development occurs there should be more run-off. The Director of Public Works noted that Town policies provide that post development flows must be equal to pre-development flows. -5-

(Special Council, June 14/99)

He noted that they are correct when they say the run-off is quicker from developed areas and therefore local controls have been designed and required upstream to address those flows.

Mr. Wiebe further highlighted that paved areas are assessed at a higher rate under the Drainage Act and that is a factor used to allocate costs.

Mr. Jim Williams questioned the total cost of the project. Mr. Wiebe advised that it is approximately \$650,000.

Mrs. Williams questioned how much has been spent to date. Mr. Wiebe noted page 48 of the report which outlines that approximately \$200,000 in expenditures has been incurred to date.

Mr. Peter Giardine noted that when he purchased his property approximately two years ago, he inquired at the Town if there were any future development costs expected and none were revealed.

Mr. Les Keczan questioned assessments and whether lands in the

southern area where subdivisions are slated are assessed as rural land. The Director of Public Works noted that for the purposes of the Drainage Act, the current use of the land as a rural use is the basis of the assessment, but noted that they will be further paying for required works under the Development Charges Act when developed in order to ensure that the flows from the area do not change.

Mr. Peter Giardine suggested that it seems obvious that no residents want this work and questioned why it is being forced through. The Chairman noted the flooding issues which do exist and the potential difficulties which may be experienced. He further suggested that there is no final decision on the implementation of the project at this time.

A landowner present asked for clarification on whether new subdivisions will have storm ponds, and whether the drainage will still go to the Bartlett Creek Drain at the same rate as it is right now.

Mr. Charlie Morningstar also questioned who is responsible for maintenance of holding ponds. The Director of Public Works confirmed that the works required of developers are to maintain the existing flows from the affected areas, and also that the developers are responsible for the construction of any holding ponds. Following proper construction, the municipality assumes ownership and the responsibility for maintenance.

A landowner present asked if the works proceed, how the assessment is collected. Mr. Wiebe noted that when the final costs are established, ordinarily the municipality will provide a separate bill for payment.

The Chairman further highlighted that depending on the amount, there may be options made available by Council to pay over a period of time.

Mr. John Burton raised further questions regarding payment. He questioned whether the estimates in the report would be accurate, as there would likely be some additional interests costs since the works will not proceed until this fall or spring of next year. Mr. Wiebe noted that the estimated project costs in the report include costs of interim financing and clarified that the final assessment will be based on actual costs. -6-

(Special Council, June 14/99)

Ms. Myrtle Stevenson questioned if there are other area creeks intended to be improved under the same process. The Director of Public Works noted that there are no plans at this time to pursue similar improvements in other creeks but noted that the 1989 Master Drainage Plan did look at all major drainage areas in the Town.

The Chairman confirmed that no-one else present wished to speak regarding the issue.

Motion:

Moved by Ald.R.Kelly, Seconded by Ald.A.Danyluck

That Council adjourn its special meeting respecting the Bartlett Creek Municipal Drain downstream section to reconvene August 9th, 1999, at 7:00 pm. CARRIED

ADJOURNMENT

There being no further business to discuss, the Mayor declared the meeting adjourned. Meetings of the Finance & Administration Committee held on Wednesday, June 16th, 1999, at 7:00 pm, in the Beamsville Room. Present were: Ald.B.Culp (Chairman), Mayor R.Konkle, Ald.B.Davies, Ald.D.Good and Ald.G.Barlow (for Ald.W.MacMillan). Staff present: K.Kruger (Clerk).

DELEGATIONS

KPMG, RE: 1998 FINANCIAL STATEMENTS - - - - -

Ms. Janet Allen, Partner with KPMG, Auditors for the Town, was in attendance and presented for committee members, the 1998 Town financial statements.

Ms. Allen rioted firstly that the Auditors report as presented is what is known as a clear audit report and no qualifications were provided.

Ms. Allen then reviewed in detail for committee members, the Audit Report. Ms. Allen reviewed the consolidated balance sheet and highlighted areas where there were significant changes and reviewed impacts and reasons for those changes. Ms. Allen reviewed the reserves and reserve fund balances noting that the overall balance was up substantially due mostly to transfers to the operating rate stabilization reserve and the Beamsville Urban Service Area. Members of committee noted the reserve for landfill site development/waste management and questioned whether it should be renamed or reallocated. It was suggested that a further report from staff on that issue should perhaps be brought forward. Ms. Allen also reviewed the statement of operations for 1998, also highlighting significant differences from the previous year.

Motion:

Moved by Mayor R.Konkle, Seconded by Ald.D.Good  
That the 1998 financial statements and 1998 financial information return be received for information. CARRIED  
MONTHLY ~ . ACCOUNTS

Motion:

Moved by Ald.B.Davies, Seconded by Mayor D.Good  
That Department payments in the amount of \$4,091,831.55 incurred in accordance with Council Policy A-94-218, having now been audited by committee be ratified by Council. CARRIED  
REPORTS

BU 99-102, MARCH BUILDING REPORT

Motion:

Moved by Ald.H.Davies, Seconded by Ald.D.Good  
(BU 99-102)

That Report HU 99-102, being the March Building report, as submittled by the Chief Building Official, be received for the committee's information. CARRIED

BU 99-127, APRIL BUILDING REPORT -

Motion :

Moved by Ald. H. Davies, Seconded by A1.d. G. Barlow  
(BU 99-127)

That Report BII 99-127, being the April Building, as submitted by the Chief Building Official, be received for the committee's information. CARRIED -2 -

(Finance, June 16/99)

CS 99-135, INVESTMENTS, RESERVES, RESERVE FUNDS AND TRUST FIJND STATUS

Members of committee entered into discussions regarding the tent reserve and whether arrangements should be made for transfers Lo the reserve or simply eliminating the reserve at this time.

Motion:

Moved by Ald.B.Davies, Seconded by Ald.G.Barlow  
(CS 99-135)

That the investments, reserves, reserve funds and trust fund status reports, as at. May 31st, 1999, be received for information. CARRIED

CS 99-137, ADVERTISING CONTRACT - MUNICIPAL NOTICE

Committee members raised some concerns regarding moving its advertising for the small difference in price, partici-iarly when dealing with a local business.

Motion:

Moved by Ald.D.Good, Seconded by Ald.R.Davies  
That Report CS 99-137, be tabled to the. next Finance & Administration Committee meeting after discussions with the Lincoln Post Express. CARRIED

CS 99-138, PREMIUMS, 1999 EMPLOYEE .- BENEFITS -- PLAN

Committee members raised questions and clarified issues regarding the claims experience of the municipality and impacts on premiums. Questions were also raised regarding the level of benefits offered and potential areas for cost savings.

Motion :

Moved by Ald.B.Davies, Seconded by Ald.G.Barlow  
(CS 99-138)

That Sun Life and Green Shield be selected as the carriers for the employee benefits plan for the Town of Lincoln for the benefits and at the rates as outlined in Report CS 99-138, effective July 1st, 1999. CARRIED

CS 99-136, SUMMARY OF CORRESPONDENCE REPORT -

Motion:

Moved by Ald.G.Barlow, Seconded by Ald.R.Davies  
(CS 99-136)

That the summary of correspondence report, be adopted, and the recommendations contained therein be approved and acted upon. CARRIED

STAFF MEMORANDIJS ---- SALVAGE MATERIAL -

Motion:

Moved by Mayor R.Konkle, Seconded Ald.D.Good

Re: Bathroom Sink

That the offer by Mr. Murray G.Howard of the purchase of the used bathroom sink from the Howard House be approved. CARRIED -3-  
(Finance, June 16/99)

OTHER BUSINESS

ADVANCE FUNDING PROGRAM

The Clerk advised committee members that three charities from the Roster submitted by the Town of Lincoln for the Advance Funding Program had been refused by the Province. He advised that the municipality has the option of reallocating these funds, and that to expedite the receipt of these funds, the Advance Funding Program is recommending that a group already approved would be the most appropriate. The Clerk outlined the suggestion that the funds be reallocated to the Beamsville Lions Club who have a broader mandate and support a wider range of local charities than other groups on the approved roster.

Motion:

Moved by Ald.D.Good, Seconded by Ald.H.Davies

Re: Advance Funding Program

That the funding originally allocated to the Lincoln Agricultural Society Homecraft Division (\$3,857.88), Beamsville Lioness Club \$3,857.88) and the Lincoln Library (\$3,857.88) under the Advance Funding Program be reallocated to the Beamsville Lions Club. CARRIED

CAMPDEN SEWERS

Mayor Konkle advised those present that the possibility of providing a borrowing arrangement through the Region of Niagara rather than a debenture issue is being investigated which would result in some savings for the residents of Campden should the Campden Sewer Works proceed. Committee members noted that the Campden area is the only one to date paying 100% of its own costs for sewage services as the other areas were in receipt of provincial grants or funding. Committee members raised questions for clarification of the process and encouraged any avenues which would result in lower financing costs for the project.

ADJOURNMENT

There being no further business to discuss, the Chairman declared the meeting adjourned.

CHAIRMAN Lincoln Chambers

June 21st, 1999

The Council of the Town of Lincoln met in regular session on Monday, June 21st, 1999, at 7:00 PM, in the Lincoln Chambers. All members of Council were present, and the meeting was chaired by Mayor R.Konkle. Staff present: Wm.Tigert (CAO), K.Kruger

(Clerk), G.Molman (Director of Public Works), J.Pease (Community Services Co-ordinator) and H.Booth (Museum Curator).

#### ADOPTION OF MINUTES

Motion :

Moved by Ald.R.Kelly, Seconded by Ald.A.Danyluck  
That the minutes of Council's regular meeting of June 7th, 1999, be adopted as circulated. CARRIED

Motion :

Moved by Ald.R.Kelly, Seconded by Ald.A.Danyluck  
That the minutes of Council's special meeting of June 14th, 1999, be adopted as circulated. CARRIED

#### DELEGATION AND REPORT, RE: CAMPDEN SANITARY SEWERS .-

In light of the number of persons in attendance regarding the issue of Campden Sanitary Sewers, members of Council considered bringing forward in the agenda, scheduled delegations and consideration of the report respecting the Campden Sanitary sewers for discussion at this time.

Motion:

Moved by Ald.R.Kelly. Seconded by Ald.B.Davies . . . a That the scheduled delegations and consideration of Report PW 99-146, Campden Sanitary Servicing project, be considered at this time. CARRIED

#### SCHEDULED DELEGATIONS

#### DENISE UPSON/WALLY MOROZ, RE: CAMPDEN SANITARY SEWERS - - - - -

Ms. Upson advised members of Council. that the issue deals with 30 years of difficulties experienced in Campden. She suggested that although normally each community has paid for its own sewer and water services, the situation in Campden is not a normal one, since funding should have been available through provincial grants. She advised that the owners would be willing to pay for their own share but that they should not be required to pay for a Town mistake on the application submitted under the provincial water protection funding program. She advised of information that Campden did qualify for the grant after additional information was forwarded to the MOEE, but all funding was already allocated.

Mr. Moroz addressed Council and advised that in a community survey, 96% of the residents agreed there is a need for a communal sewage system, but that 100% advised that they cannot afford the financial burden of the current proposal. Mr. Moroz further highlighted statistics regarding age and income sources in Campden. Mr. Moroz suggested that the community would be devastated by the costs and that Council should be responsible for at least 80% of the funding as was not received in provincial grants. He further suggested that other options be investigated such as increasing the scope of the project to provide for a wider property base to pay for the works, extending the project to include water services, or financing the costs of the project across all of Lincoln. -2-

(Council, June 21/93)

Members of Council raised questions regarding information that the application was not submitted correctly. Ms. Upson advised that Mr. Dan Cross of the MOEE had provided that information. In response to questions, the Director of Public Works reviewed the details of the PWPF funding, and the various information and studies gathered over the last 10 to 11 years, submitted in the grant application. He advised that no questions were raised by the MOEE until a letter was received at the Town that the project was ineligible. He advised that when the Town questioned the matter, it was then that the MOEE expressed its need for more current information on health information and whether orders had been issued by the MOEE. He clarified and expressed concerns that the questions were raised by the same Ministry that had been involved in detail throughout the studies and process in arriving at the recommended resolution, and also the same Ministry that

had not issued an order on the area because they themselves were part of the studies to date. The Director further noted that the allocation of funding is largely political as demonstrated by the allocation of funding, and further noted that the areas own MPP had advised that the Town would qualify and would be eligible for the grant allocation. -

Members of Council raised questions and clarified issues regarding the survey results cited for the Campden area. Members of Council further reviewed the years of work put into the issue by Council, staff and Campden residents to try to arrive at an acceptable option to correct the sewage problems, and to make the corrections financially possible. Concerns were expressed with the response from the Ministry of the Environment, as the Ministry itself was intimately involved throughout the process, up to the application under the Provincial Water Protection Fund. It was suggested that the area now has a Cabinet Minister in the Government, who should be asked for his assistance in pressing for financial assistance. It was noted that at least 8 different proposals have been investigated in detail over the years, and suggested that as much as possible Council and staff have done their work.

Members of Council also expressed opinion that the decisions on grant allocations are very political, and noted that the former MPP had advised that the Town would be eligible for the grant. It was noted that the Town had 30 years of supporting information submitted, and it is unfair to charge now that the Town was negligent based on comments from one MOEE official. It was again noted that the MOEE staff were very involved in the whole process.

Ms. Upson stated that the installation of sewers as recommended is only feasible with the receipt of grants or Town assistance. Members of Council advised that the Town is continuing to work with the new Ministers to try to obtain assistance.

In response to statements made, members of Council further clarified that tax bills are separate from the sewer and water bills, and reviewed the financing of the Vineland and Beamsville sewer systems.

Mr. Moroz suggested that the issue is now how the residents can get assistance to help off-set the \$16,000 cost per household. Members of Council suggested that the Province would want to see a local commitment to the resolution, and that the report as submitted would confirm Council's intentions and provide for over \$600,000, costs being front-ended by the municipality. (Council, June 21/99)

Members of Council further suggested that it appears that no-one disputes that the installation of sewers are a necessity and that there are existing health hazards, but that the issue is how the works are going to be financed. It was noted that insofar as provincial funding, this is still being pursued and that the Town now has its eligibility for this project established. It was suggested that the Town is therefore in a better position for any potential funding when it adopts and supports the resolution. It was also suggested that all residents should send information to the MPP to make him aware of the problem and to remind the member that he was elected based on the results in Lincoln. It was urged that all residents contact him directly, along with the Minister of the Environment and the Premier.

**DENNIS KEEGAN, RE: ... CAMPDEN SANITARY SEWERS**

Mr. Dennis Keegan addressed Council and raised concerns that there has been no discussions and no steps taken regarding storm drainage in the Campden area. He noted that the two problems are interlinked and that improvements are required to drainage in the area so that storm run-off and septic systems are not competing for the same soils. He noted that the Region and the Town have not installed and maintained proper storm drainage systems and

questioned why this was not addressed. He also raised questions with the number of potential options for corrections not pursued, such as a bio-system. He noted that he is not opposed to a sewer system but questioned the process to arrive at that recommendation, and suggested that prior to carrying out such works, the Town correct the drainage issue, which may help eliminate the problem.

Members of Council noted that by improving storm drainage, the sanitary sewer problem would simply be moved downstream. It was suggested there is a need to address the sewage problem and to ensure that it is not contaminating downstream areas. It was stated that the storm drainage works suggested also would not be inexpensive. Members of Council raised questions regarding the storm works in the areas and activities through past years.

#### REPORT PW ~ 99-1 46, CAMPDEN SANITARY SERVICING PROJECT IMPLEMENTATION PLAN . . . ~

Members of Council stated that it recognizes there is a sewage problem in the area, and also recognizes that there are financial difficulties for the homeowners. It was noted that the Town is hoping to proceed further by defining this as the desired solution, and aggressively pursuing funding from the Province. Members of Council questioned how long the project can be deferred if no provincial funding is forthcoming. Members of Council further discussed the potential of grant programs forthcoming from the Province and the Federal Government, and suggested the Town needs to have all of its plans ready if and when any funding is announced.

Members of Council further stressed that the allocation of grants is a very political issue and that the Town and its residents need to exert political pressure. -4-

(Council, June 21/99]

Motion:

Moved by Ald.A.Danyluck, Seconded Ald.R.Kelly

1. That the Town of Lincoln Council consider a by-law under Section 221 of the Municipal Act for the establishment of a Sanitary Sewer Service Area for the hamlet of Campden.
2. That the Town of Lincoln Council consider a by-law under Section 221 of the Municipal Act for the establishment of a Sewer Rate (Capital) using the methodology described in this report.
3. That the Town of Lincoln Council consider a by-law under Section 221 of the Municipal Act for the establishment of a Sewage Service (Operating) Rate.
4. That the Town of Lincoln Council authorize staff to prepare the contract documents with the Region of Niagara and Integrated Municipal Services for the design and construction phases of this project.
5. That funds in the amount of \$30,000 be included in the draft 2000 Capital Budget for the purposes of preparing a Secondary Plan for the hamlet of Campden.
6. That the Town of Lincoln continue to aggressively pursue any additional grants or funding to offset the cost of the Campden Sanitary Sewers.
7. Further, that contingent upon grant dollars being available from the Province, that the by-laws be presented for action at the Town Council meeting of August 16th, 1999.

CARRIED

#### PUBLIC MEETING, RE: PROPOSED CLOSING - AND CONVEYANCE OF PART - OF THE UNOPENED ROAD ALLOWANCE BETWEEN LOTS 22 AND 23, CONFESSION 2 . . . . (CLINTON)

The Chairman opened the Public Meeting respecting the proposed closing and conveyance of the subject unopened road allowance.

At the request of the Chairman, the Clerk outlined the purpose of the Public Meeting pursuant to Section 300 of the Municipal Act.

It was also noted that notice of the Public Meeting was advertised in the local newspaper, pursuant to the Municipal Act., in its May 26th, June 2nd, June 9th and June 16th, 1999, editions. Additionally, the Clerk highlighted a memorandum circulated to members of Council outlining concerns raised by an abutting property owner, and suggesting that Council consider reducing the section of unopened road allowance to be closed and conveyed, subject to any other public comments or concerns.

Ms. Helen Uzelac was in attendance and requested clarification of the area of the unopened road allowance now recommended to be closed. The Clerk confirmed that the memorandum before Council is based on correspondence from the applicant: and from Ms. Anka Uzelac, suggesting that only a section of the unopened road allowance north of 30 Road for a distance of: approximately 503 feet be closed and conveyed.

Members of Council questioned when the necessary by-law would be brought forward for Council consideration. The Clerk noted that: depending on public input and Council direction, any changes to the proposed closing would be addressed and a draft by-law would be circulated to the interested parties prior to presentation to Council.

Upon confirming that no-one else present wished to speak regarding the issue, the Chairman declared the Public Meeting closed. -5-

(Council, June 21/99]

Motion :

Moved by Ald.R.Kelly, Seconded by Ald.A.Danyluck  
That staff be directed to prepare a by-law to close and convey that part of the unopened road allowance between Lots 22 and 23, in Concession 2 of the former Township of Clinton as outlined in the correspondence of June 14th, 1999, from Mr. Norman Beale and Ms. Anka Uzelac. CARRIED

#### REPORTS

##### FIRE & PUBLIC SAFETY COMMITTEE

Motion:

Moved by Ald.W.MacMillan, Seconded by Ald.B.Davies  
That the Fire & Public Safety Committee minutes of June 9th, 1999, be adopted, and the recommendations contained therein, be approved and acted upon. CARRIED

##### MUSEUM COMMITTEE

Members of Council requested updates on the TODS Signage. It was also noted that Mr. Lawrence Moyer was in attendance at the meeting and has undertaken to provide a portion of the proceeds from their annual reunion to the Museum for a suitable project. Members of Council noted the donation was admirable and much appreciated by the Town.

Motion:

Moved by Ald.B.Davies, Seconded by Ald.W.MacMillan  
That the Museum Committee minutes of June 9th, 1999, be adopted, and the recommendations contained therein be approved and acted upon. CARRIED

##### FINANCE & ADMINISTRATION COMMITTEE - -

Members of Council raised questions regarding the possibility of financing for Carnpden through the Region of Niagara as noted in the minutes. Members of Council were advised that the issue is still being investigated and discussed with Regional representatives. Members of Council then raised questions regarding the proposed advertising contract and suggested the committee recommendation to discuss with only one of the interested parties would be unfair and any discussion should involve the other also. Other opinion was that a decision should be made based on the quotes received.

Motion :

Moved by Ald.A.Uanyluck, Seconded by Ald.R.Kelly

Further to Report 99-13'7 that also the Grimsby/Lincoln News be invited to come to the Town for discussions and the motion of Ald.Good and Ald.L)avies be amended to reflect this. - LOST  
AYES: Ald.Barlow, Ald. Danyluck, Ald.Good, Ald.Kelly. -- NAYES: Ald.Bald, Ald.Culp, Ald.Davies, Ald.MacMillan, Mayor

Konkle .

Motion :

Moved by Ald.ii.Bald, Seconded by Ald.D.Good

That the Grimsby/Lincoln News be awarded future Town of Lincoln advertising until otherwise notified. CARRIED  
Members of Council also noted that the main issue at the committee meeting had been the receipt of the 1998 Financial Statements, and highlighted that the financial report, as presented by the Auditor, indicates that the Town's finances are in good shape. -6-

(Council, June 21/99)

Motion :

Moved by Ald.B.Culp, Seconded by Ald.U.Good

That the Finance & Administration Committee minutes, of June 16th, 1999, as amended, be adopted, and the recommendations contained therein be approved and acted upon. CARRIED  
PW 99-142, LINCOLN CENTRE AUDITORIUM

Members of Council raised questions regarding details of past: replacements in relation to these new works required. The Director of Public Works noted prior improvements done and reviewed the problem now being experienced.

Motion :

Moved by Ald.D.Good, Seconded by Ald.G.Barlow

(PW 99-142)

That Council authorize staff to award the installation of two ten-ton gas fired rooftop units to the low bid, Konkle Plumbing & Heating at a cost of \$19,710 + GST. CARRIED

PW 99-147, 1999/2000 ICE RENTAL RATES --

Motion :

Moved by Ald. B.Culp, Seconded by Ald. D. Good

(PW 99-147)

That the Town of Lincoln Council. approve an increase in the 1999/2000 ice rental rates as outlined in this report and that staff be directed to notify the various user groups of this decision.

Further that staff be directed to establish a committee to review the feasibility of undertaking various capital improvements to the Jordan Arena and report back to the Council with its findings. CARRIED

CM 99-14 5, JORDAN HOLLOW PARK/DEMOLITION - OF B[JIT,DINGS

Members of Council questioned if the proposed contract includes filling and grading. The Community Services Co-ordinator noted the contract includes removal of debris, but not grading. The Director of Public Works highlighted that the grading plan is to be determined when the final design of the park is determined, and therefore no significant expenditures on grading are recommended at this time. Members of Council also raised questions regarding the proposed use of the area by the Fire Department for training purposes. Members of Council also raised questions regarding retaining one building on the property to ensure that the NEC will allow the building of any desired facility.

Motion:

Moved by Ald.A.Danyluck, Seconded by Ald.W.MacMillan

(CM 99-145)

That Council authorize staff to engage the services of Harbour Excavating Limited to complete the demolition and removal of waste at Jordan Hollow Park at an upset limit of \$11,400.00 plus GST.

That staff liaise with the NEC on the clearance for additional or needed building permits on this site before the demolition contract is let. CARRIED (Council, June 21/99)  
AD 99-148, INTERIM FIRE CHIEF

Motion:

Moved by Ald. W. MacMillan. Seconded by Ald. B. Davies. That Council enter into a service agreement with Fire Management Inc. That Fire Management Services Inc will provide Mr. Gerald Sunstrum to act as the Interim Fire Chief for the Town of Lincoln until the review currently underway is completed and Council then is in a position to advertise the position on a full time, permanent basis. CARRIED

BY-LAWS . . . Motion:

Moved by Ald. G. Barlow, Seconded by Ald. D. Good - That leave be given to introduce the following by-laws:

- (a) No. 99-56-2183, to amend Zoning By-law No. 93-14-21, as amended, of the Town of Lincoln (Niagara Under Glass).
- (b) No. 99-57-2184, to amend Zoning By-law No. 93-14-21, as amended, of the Town of Lincoln (Heritage Village Vineland).
- (c) No. 99-58, to authorize the borrowing of the sum of \$93,192, from the consolidated reserve fund for the purpose of the Main Street Underground Hydro Services Local Improvement project, and to repeal By-law No. 98-03.
- (d) No. 99-59, to repeal By-law Nos. 99-32 and 99-33 of the Town of Lincoln.
- (e) No. 99-60, to repeal By-law No. 98-'74, of the Town of Lincoln.
- (f) No. 99-61, to authorize the execution of a contract agreement with Bear Construction Inc, with respect to the Hillview Drive/Elm Street Infrastructure Replacement project.
- (g) No. 99-62, to authorize the execution of an employment service contract with Fire Management Inc.
- (h) No. 99-63, to adopt, confirm and ratify matters dealt with by Council resolution. CARRIED

Motion:

Moved by Ald. D. Good, Seconded by Ald. G. Barlow - That By-law Nos. 99-56-2183, 99-57-2184, 99-58, 99-59, 99-60, 99-61, and 99-62, read a first time, be now read a second and third time and finally passed, and that the Mayor and Clerk sign and seal the said by-laws. CARRIED

#### APPLICATIONS FOR TILE DRAINAGE LOANS

Motion:

Moved by Ald. G. Barlow, Seconded by Ald. D. Good

That the following tile drainage applications be approved:

- (a) Sqambelluri, Lot 23, Concession 1 (Clinton) \$15,000.
- (b) Keczan, Lot 12, Concession 4 (Clinton) \$16,700.
- (c) Viene Estates Inc, Lot 12, Concession 6 \$16,800.

CARRIED

#### NOTICE OF NEW BUSINESS -

#### RENTAL RATES POLICY, CHARLES DALEY PARK -

Members of Council requested clarification regarding entrance fees to Charles Daley Park. It was confirmed that the policy provides for a fee of \$2 per person up to \$5 for any carload. It was confirmed that a car with only one individual would pay an entrance fee of \$2. -8-

(Council, June 21/99)

Concerns were expressed by some members of Council with the park rental fee and that such rental arrangement does not exclude the users from the entrance fee. In response to questions, the CAO noted the current arrangements are similar to that of provincial parks and conservation areas where no exclusive use is given, but rights to certain uses are defined. Opinion was expressed by members of Council that the park should not be rented for exclusive use and that the \$40 fee for the current uses provided is very reasonable.

Further opinion was expressed that the policy as approved is very clear and that it is not unreasonable to pay extra over the

general entrance fee, for any additional uses or services.

#### ONTARIO STREET RECONSTRUCT-

Members of Council raised questions regarding the anticipated starting date of the Ontario Street Construction project. The Director of Public Works noted that the Region of Niagara is behind schedule and that staff will inquire as to the anticipated start date.

#### BEAMSVILLE LIONS PARK FENCE -

Members of Council raised questions regarding the status of the relocation of the Beamsville Lions Park Fence. The Director of Public Works noted that the issue is still being followed up, and there has been no resolve with the original contractor. It was suggested that it may be best to simply proceed with moving the fence. Members of Council expressed disappointment in the company hired and their lack of co-operation in correcting their error.

#### CLOSED SESSION

Motion:

Moved by Ald.R.Kelly, Seconded by Ald.A.Danyluck

That Council adjourn to closed session to consider a personnel issue. CARRIED

Upon conclusion of discussions in closed session, Council reconvened in open session.

#### ADJOURNMENT

There being no further business to discuss, the Mayor declared the meeting adjourned. Lincoln Chambers

Monday, June 28, 1999

Memorandum of Public Meetings regarding amendments to the Town's Zoning By-law held in the Council Chambers of the Town of Lincoln Municipal Offices on Monday, June 28, 1999, at 7:00 p.m. Committee members in attendance: \* Ald R. Kelly, (Chairman), Mayor R. Konkle, Ald. A. Danyluck, Ald. B.

Davies, and Ald.W. MacMillan. Staff in attendance: Kathleen Dale (Acting Director of Planning and Development) and Jay Muraca (Planning Technician).

Also in attendance: Ald. G. Barlow and Ald. B. Culp

#### PUBLIC MEETINGS

(A) FILE 10-06/99 - ZONING BY-LAW AMENDMENT

APPLICANT: VALENTINE & ELEANOR CSETS; AGENT: MONTY VANDEYAR  
S/S KING ST (NR E1), PT LTS 15 & 16, CON 4 (VALENCIA PLACE)

The Chairman opened the Public Meeting and outlined the procedures under the Planning Act and the purpose of the application.

In attendance and/or who signed the attendance sheet were: Monty Vandeyar, Wesley Moore, Carol Austin, Stephen Jakyrniw and Joan and Leo Tovanoti.

Joan Tovanoti questioned the differences between the Residential Development (RD), Residential 2 and Residential 3 zones. The Acting Director explained the difference between the three different types of zoning categories as they relate to lot frontage and lot area, and the permitted uses for the R2 and R3 Zones. She further explained that the Residential Development Zone is a "holding" Zone to permit residential development in the future.

Carol Austin indicated that she owns lands immediately east and stated that she is in opposition of the application, because there's no reasonable access to and from her lands. She stated she will appeal the decision if approved due to the landlocking of her parcel and submitted her objections in writing. The Acting Director clarified Mrs. Austin's objection by explaining to the Committee that there is a steep ravine at the northerly portion of the development that would provide access, but the topography restricts access at that location and therefore an access would be more suited further south because the ravine is less steep further to the south.

A Committee member questioned the entire parcel ownership and Mrs. Austin's lands as they relate to the subject lands. The Acting Director explained that Mrs. Austin's land is located immediately east and verified the proposed street, and ravine location.

The Chairman asked if there were any further comments or questions. There being no further comments or questions, the Chairman declared the Public

Meeting closed.

**(B) FILE 9-03/96 - GENERAL AMENDMENT TO THE TOWN'S OFFICIAL PLAN AND ZONING BY-LAW RELATING TO GREENHOUSE PROVISIONS, AGRICULTURAL POLICIES AND SITE PLAN CONTROL POLICIES**

The Chairman opened the Public Meeting and outlined the procedures under the Planning Act and the purpose of the application.

In attendance and/or who signed the attendance sheet was: Carol Austin.

Carol Austin is in opposition of this application and explained that certain policies would be "harassing her". She made reference to the proposal for amending the severance policy within the Town's Official Plan.

A Committee member explained that the Town of Lincoln does not have a non-restricted water supply for east Lincoln, and that he is apprehensive in permitting this policy as there may be a strain to the supply to

residential taxpayers who need the water as a necessity. It was noted that Public Meeting ~inutes (99 06 28) Page 2/2

the proposed change in the clause should recognize that greenhouses have an alternative water supply. Another Committee member indicated that this proposal should be referred to the Public Works Department for further information.

A Committee member and explained that greenhouses will possibly put a higher stress onto the existing waters system in east Lincoln. A Committee member questioned who will become the commenting agency that determines viability of a farm unit. The Acting Director explained that the Ministry of Agriculture of Food has downloaded the commenting function on viability to the Region and therefore the Regional Planning Department determine viability.

A Committee member explained that applications for the greenhouse developments are for larger and larger operations, and referred to the Niagara Under Glass as an example. He indicated that Council should seriously consider looking at these types of applications for greenhouse development and suggested that they be subject to Site Plan Control.

Another committee member agreed that the newer greenhouse proposals should be subject to Site Plan Control because of the increased size of these operations, and because their subsequent impact on surrounding land uses have become greater.

The Chairman .asked if there were any further comments or questions. There being no further comments or questions, the Chairman declared the Public Meeting closed.

**SECRETARY CHAIRMAN Lincoln Chambers**

Monday, June 28, 1999

Minutes of the Planning and Development Committee held in the Council Chambers of the Town of Lincoln Municipal Offices on Monday, June 28, 1999, at approximately 7:45 p.m. Committee members in attendance: Ald. B.

Kelly (Chairman), Ald. W. MacMillan (for part of the meeting), Ald. G. Barlow (sitting in for Ald. W. MacMillan for part of the meeting), Mayor R.

Konkle, Ald. A. Danyluck, and Ald. B. Davies. Staff in attendance:

Kathleen Dale (Acting Director of Planning and Development) and Jay Muraca (Planning Technician). Also in attendance: Ald. B. Culp.

**ACCOUNTS**

Motion

Moved by Mayor R. Konkle, Seconded by Ald. A. Danyluck

THAT, Department payments in the amount of \$2,237.16 incurred in accordance with Council Policy A-94-218, having now been audited by Committee be ratified by Council.

**CARRIED**

**SCHEDULED DELEGATIONS**

1. FILE 10-11/98 - ROLL 2622-040-017-08600-0000

**ZONING BY-LAW AMENDMENT APPLICATION - HENRY & SIENA BREUKELMAN 0**

**APPLICANT: ROCKWAY CANADIAN REFORMED CHURCH**

**PT LT 6, CON 9(C), N/S SPRINGCREEK ROAD**

Barbara Wiens of Hynde Paul, was in attendance regarding the Rockway Canadian Reformed Church.

Ms. Wiens explained that soils and land use impact studies have been completed. She further stated that the lot has been reconfigured and the

location of the church site has been relocated to satisfy a number of concerns resulting from previous public meetings. She stated that the changes also reflect the impact on neighbours and that the application is in agreement with the Provincial Policy Statement. Ms. Wiens stated that she supports the staff's recommendation for approval of the application, and that her clients would be agreeable to a site plan agreement and the limited uses imposed on the site.

A Committee member inquired as to how many of the families live within a 10 km radius and questions whether or not the church is beneficial to the residents of Tintern, and how may it benefit the agricultural community. The member also inquired as to the possibility of the site being expanded to include a school or manse in the near future. Ms. Wiens indicated that there are approximately 65 families that will be attending and that a vast majority of the families live within the boundary of the Town of Lincoln. She also stated that the church will serve the residents of Tintern and the surrounding area and it would provide a community function on a wider scope that encompasses a large area. Ms. Wiens also stated that the church did investigate seven or eight other different sites, before choosing Tintern as the best suitable site.

A Committee member made reference that the St. John's Church in Beamsville, was in the same situation as the Rockway Church over a 100 years ago. The land was donated, and the donation of the land should not be an issue. The "catchment area" should also not be an issue because all of the members are drawn from all over the area.

A Committee member then inquired to the delegate, the possible avenues the church would have if the application is approved or denied. Ms. Wiens indicated that the application is in conformity with a number of planning policies, and because the church has expended time and money it will likely appeal the decision if denied. She further added that this church is a branch of the church in Beamsville, and it does have a "catchment area" in the rural area and the location is best suited due to its central location.

In response to Ms. Wiens statement, a Committee member inquired if the owners of the donated parcel had a parcel closer to Campden, and if it be suitable for a church. Ms. Wiens explained that a site was investigated in Campden and was deemed not appropriate because of servicing issues.

#### REPORTS

(A) PL 99-144- FILE 10-11/98 - ZONING BY-LAW AMENDMENT APPLICATION  
HENRY & SIENA BREUKELMAN APPLICANT: ROCKWAY CANADIAN REFORMED CHURCH  
PT LT 6, CON 9 (C), N/S SPRING CREEK RD

The Committee members discussed the Official Plan polices and Provincial policies that would permit the church to locate in the Hamlet. They weighed the pros and cons to such a development as it relates to Tintern. It was noted by some of the committee members that if approved it will have an impact on the residents.

After considering PL 99-144, the Committee adopted the following recommendation:

#### Motion

Moved by Ald. A. Danyluck, Seconded by Mayor R. Konkle

Re: File 10-11/98, Henry & Siena Breukelman

Applicant: Rockway Canadian Reformed Church

PT LT 6, CON 9, N/S Spring Creek Road

"THAT, for the reasons outlined in PL 99-144, it is hereby recommended that Zoning By-law Amendment Application 10-11/98, in the name of Henry and Siena Breukelman, BE APPROVED."

YEAS: Ald. A. Danyluck, Mayor R. Konkle

NAYS: Ald. B. Davies, Ald. W. MacMj-Ilan & Ald. R. Kelly

LOST -

#### Motion

Moved by Ald. W. MacMillan, Seconded by Ald. B. Davies

Re: File 10-11/98

It is hereby recommended that Zoning By-law Amendment 10-11/98, in the name of Henry and Siena Breukelman, BE DENIED.

YEAS: Ald. B. Davies, Ald. W. MacMillan, Ald. R. Kelly

NAYS: Ald. A. Danyluck, Mayor R. Konkle

**CARRIED**

Ald. W. MacMillan left the meeting and Ald. G. Barlow took his place for the balance of the meeting.

**(B) PL 99-140 - FILE 10-06/99 - ZONING BY-LAW AMENDMENT  
APPLICANT: VALENTINE & ELEANOR CSETS; AGENT: MONTY VANDEYAR  
S/S KING ST (NR 811, PT LOTS 15 & 16, CON 4 (VALENCIA PLACE)**

Committee members discussed the proposal and the difficulty of a road access to and from the adjacent lands and the location of the Urban Boundary. Subsequently, the discussion moved toward the cost and procedures for an Urban Expansion. Committee members also discussed that the present subdivision before them is before the OMB and the Board would like the zoning issue considered prior to making its decision on the subdivision so that both matters can be considered at the same time. After considering PL 99-140 the Committee adopted the following recommendation:

Motion

Moved by Ald. A. Danyluck, Seconded by Mayor R. Konkle

Re: File 10-06/99, Zoning By-law Amendment

Valentine & Eleanor Csets (Valencia Place)

"That for the reasons outlined in PL 99-140, it is hereby recommended that the Zoning By-law Amendment Application 10-06/99 in the name of Valentine and Eleanor Csets, BE APPROVED as amended by this report."

CARRIED Planning/Devel Comm (99 06 28) Page 3/4

**(C) PL 99-150 - FILE 9-03/96 - GENERAL AMENDMENT TO THE TOWN'S  
OFFICIAL PLAN AND ZONING BY-LAW RELATING TO GREENHOUSE  
PROVISIONS, AGRICULTURAL POLICIES AND SITE PLAN CONTROL POLICIES**

The Acting Director suggested to the Committee that the members should review and comment on the proposed changes. She also explained to the Committee that the downloading of the consent function to the municipality is scheduled for January 15', 2000 and it is therefore necessary to amend the Agricultural Policies so that they conform with the Regional Policy Plan.

After considering PL 99-150, the Committee adopted the following recommendation:

Motion

Moved by Mayor R. Konkle, Seconded by Ald. A. Danyluck

Re: File 9-03/96, General Amendment to the Town's Official Plan & Zoning By-law relating to Greenhouse Provisions, Agricultural Policies and Site Plan Policies

THAT, for the reasons outlined in PL 99-150, it is recommended that this report be received for information and that a further report and recommendation be prepared once all comments are received and other - - planning matters have been addressed.

**CARRIED**

**(D) PL 99- 143 - File 38-89(2)  
REQUEST FOR AN EXTENSION TO DRAFT PLAN APPROVAL  
COUNTRYVIEW ESTATES**

After considering PL 99-143, the Committee adopted the following recommendation.

Motion

Moved by Mayor R. Konkle, Seconded by Ald. B. Davies

Re: File 38-89 (2) , Countryview Estates

"That, for reasons outlined in PL 99-143, the Town recommends to the Region that draft plan approval for Countryview Estates (Regional File 26T-90013), BE EXTENDED for a period of one year subject to the following:

1. That Condition 12 be deleted and replaced with the following:

12. That all required servicing, lot grading, drainage, roadway plans and supporting design calculations be submitted by the owner to the Town of Lincoln for review and approval.

2. That Condition 23 be deleted and replaced with the following:

23. That the owner convey Block 2, as shown on the revised draft plan, to the Town and that the Town negotiate the purchase price to be paid to the owner for the lands to be conveyed. That the Owner agrees in the agreement to pay cash-in-lieu of land for park

purposes for each lot prior to the issuance of a building permit pursuant to Section 42 of the Planning Act, R.S.O. 1990.

#### CARRIED

#### CORRESPONDENCE

There was none.

#### NOTICE OF NEW BUSINESS

@ There was none.

There was none.

#### UNSCHEDULED DELEGATIONS

ADJOURNMENT ~lanning/Devel Comrn (99 06 28) Page 4/4

There being no further business to discuss, the Chairman adjourned the meeting until Tuesday June 29, 1999.

SECRETARY CHAIRMAN Lincoln Chambers

Tuesday, June 29, 1999

Memorandum of Public Meetings regarding amendments to the Town's Official Plan and Zoning By-law held in the Council Chambers of the Town of Lincoln Municipal Offices on Tuesday, June 29, 1999, at 7:00 p.m. Committee @ members in attendance: Ald. R. Kelly, (Chairman), Mayor R. Konkle, Ald. G.

Barlow (sitting in for Ald. A. Danyluck) , Ald. B. Davies and Ald. W.

MacMillan. Staff in attendance: Kathleen Dale (Acting Director of Planning and Development) and Jay Muraca (Planning Technician). Also in attendance: Ald. B. Culp and Ald. D. Good.

#### PUBLIC MEETINGS

(A) FILE 10-07/99 - ZONING BY-LAW AMENDMENT

OWNER: CUESTA ESTATES AND WINERY CORPORATION

APPLICANT: JOHN BELANGER

N/S NR 81, PT LTS 21 & 22, CON 4 (LOUTH)

The Chairman opened the meeting and explained the procedures under the Planning Act and the purpose of the application.

Mr. Belanger, owner of Cuesta Wines, Tom Smart, Mr. Belanger's agent, and Mr. Belanger's architect were present to make presentation to the Planning and Development Committee for the proposal. Also in attendance and/or who signed the attendance sheet were: Christina Kremer, Sthel Dueck, Abe Dueck, Helene & Jacob Dick, D. Beard, Mary Mikolich, Dennis & Marion Ballanger, Kevin Adams, Rita Adams and Vern Adams, Andrea Kriluck and Marv Kriluck, Rudy Thiessen, Dan and Joan Rinker, Peter Rempel and Ron Giesbrecht..

Mr. Smart began by explaining the application and where the lands are situated in the Town of Lincoln. He further stated that the site was a secondary choice because the first site (lands directly south of the proposal) was in the NEC jurisdiction and that the application had been deferred.

Mr. Smart continued to give a brief history regarding the amount of acreage Cuesta has in land holdings (243 acres) in the Town of Lincoln, with 21 grape growers under contract and has a yearly yield of approximately 25,000 cases of wine.

Mr. Smart indicated that the proposal is for a winery not an estate winery and explained the difference. He suggested the site proposed will be for @ wine tasting, special events and production, all under a 37,000 square foot

building that would be subject to site plan control. Mr. Smart explained the basic layout and site location with the focal point being the tower, which primarily would be used for the vistas of the vineyards. He concluded his presentation stating that his client's winery is not a large nor a small winery operation, but a mid-size operation in comparison to other wineries in the Region. He further added that traffic studies and the concerns of surrounding neighbours will have to be addressed.

Joan Rinker spoke in opposition listing her concerns and reasons that were submitted previously.

Diane Beard was in opposition to the proposal citing that Mr. Belanger has begun works without permits, and his development is impacting on the flora and fauna of the area. She is very concerned with the increased amount of traffic that is causing many accidents. She was also concerned with the amount of patrons leaving the facility which are inebriated due to the wine tasting. -

Christine Kremer is a Niagara tourist guide and explained that the site is too small and is a poor location for potential tours, and also for the neighbouring residents. She is opposing the application because of the road in front of the proposal is too narrow and the size of the development Public Meeting Minutes (99 06 29) Page 2/55

would increase the noise, pollution, and traffic that would ultimately increase the number of possible accidents on Regional Road 81.

Kevin Adams spoke in opposition to the proposal on behalf of his parents who reside adjacent to the site. Mr. Adams voiced his concerns regarding phone interruption, excessive noise, excessive dust and trespassing by workers. He also made mention that Mr. Belanger promised at a previous meeting that he would fence his equipment, not hold concerts, plant trees along the property line, and remove a large billboard, which he has not done to date. Mr. Adams parents acquired the service of a lawyer to send a letter which indicated to Mr. Belanger he should open a line of communication, but the letter had been ignored.

Mr. Adams concluded his opposition recounting his concerns and that the proposal is not an agricultural use but a commercial venture that will and has created serious impacts on the adjacent neighbours and the traffic flows. He strongly urged that a new plan be created that will be in harmony with the land and the adjacent landowners.

Ron Giesbrecht is the adjacent landowner to the east and is opposition to the size of the development and supplied his concerns in writing in a letter within the agenda.

Ron Giesbrecht Jr. spoke in opposition to the proposal. He is employed by Henry of Pelham as a winemaker, and is at the meeting in support of his father's opposition, and is willing to answer any technical questions anyone might have. After a Committee member questioned the potential size and the possible yield, Mr. Giesbrecht Jr. indicated that the proposal could yield approximately 100,000 cases per year or more.

Jacob Dick raised numerous objections to the application citing excessive noise and music being played every Saturday and Sunday in July and August. He also noted that this large operation was to be temporary and the intent of the tents was to keep the winery patrons out of the rain, now it is no longer temporary, but permanent with an industrial connotation.

Rudy Thiessen is opposing this application because it does not adhere to the Town's Zoning By-law and the building and tower are of a commercial venture, not an agricultural use. He is concerned with the vehicle traffic, noise, dust and increased probability of accidents on Regional Road 81 (Highway 8).

Mary Mikolich is opposed to the development of a winery and not an estate winery. She indicated that the winery is too large and has witnessed accidents in front of the proposed site.

Marv and Andreas Krilick spoke in opposition to the development indicating the major concerns as being increased traffic flows and the poor site lines that are present on Regional Road 81 (Highway 8). They recognize the other concerns that the public had stated and suggest that the majority of the concerns raised earlier can be addressed at site plan level.

A Committee member questioned if all the growers that are under contract are aware they are on a list submitted to the report. He questioned whether the applicant is taking the agricultural rezoning through the back door to get a commercial zoning.

Mr. Smart indicated that all growers shown on the list provided are known to be on the list. He reiterated the Town's Official Plan policies and Zoning By-law provisions and indicated that this is an agricultural use that is encouraged by the Province, Region and Town. Mr. Smart defended the proposal citing the preservation of a large acreage of farmland through the site specific amendment.

A Committee member defended the Town's Official Plan policies stating agricultural is for agricultural use, not for a commercial venture seven times the allowable size within the Zoning By-law. Public Meeting Minutes (99 06 29) Page 3/5

Another Committee member inquired about the status of the application for development on lands south and in the NEC jurisdiction, and why that application is inactive. He further questioned why was there never a line

of communication open between the applicant and neighbours.

Mr. Smart commented that the application was inactive because the NEC has been studying the effects of the wineries for the past two years and came up with a background report only, and the proposed lands were not in full vineyard production. Mr. Smart indicated to the Committee member that the three immediate neighbours were contacted and a traffic study will be conducted in order to relieve any of the concerns adjacent neighbours may have.

A Committee member inquired to the division of the 37,000 square building and how much of the building would be of a food function, of a wine tasting function, and production. He also inquired for the need of a tower to be used as a focal point, or will it be used strictly for viewing.

Mr. Belanger's architect explained that the tower will be used as a focal point and viewing purposes. In conjunction it will help slow the traffic in that stretch of roadway. He indicated the building itself is designed to be esthetically pleasing and architecturally in tune with the surrounding landscape. The building itself will be designed in such a way that each function will be enclosed and separate but designed as a whole unit.

A Committee member questioned the similarities for wineries in the Niagara-on-the-Lake's zoning by-law and the wineries in the Town of Lincoln's zoning by-law. Mr. Smart explained that Niagara-on-the-Lake's zoning by-law describes a farm winery as a winery that would be similar to the Town's estate winery.

A Committee member questioned the frontage of the site and how that would relate to the egress and ingress of the property and the subsequent impact on adjacent neighbours. Mr. Smart indicated that the site had 99 metres of frontage and the location of egress and ingress and the landscaping will be provided to address any concerns.

A Committee member inquired as to the possibility of locating to another site that would accommodate this type of development. Mr. Belanger responded to the inquiry by indicating that Highway 8 is the "wine route" and that people will search out these wineries due to their international @ success and it would be common sense to locate on a highly publicized "wine route". Mr. Belanger also indicated that he is in the process of acquiring further lands to the west for a vineyard.

A Committee member inquired as to the location of the parking lot on the proposal and the applicant's intent on the lands in the NEC. Mr. Belanger explained the location of the parking lot and indicated that the intent was to develop the in the NEC. However, the application to develop was held up at the NEC and an alternative site was chosen. The site and these buildings will stay and indicated that the entire production facility will be enclosed to be aesthetically pleasing to the surrounding area.

A Committee member reiterated the buildings will stay, and the traffic concerns are still a hurdle. A Committee member indicated that many residents and some members of the Planning and Development Committee are confused as to the size of the proposed structure.

A Committee member voiced the concerns of the Regional planners, indicating that there will be significant impact on adjacent lands. The Committee is @ in a quandary as to the size of the operation when it was to be interim only.

Mrs. Adams stated that the development is extremely aggressive and she feels bullied. She again made reference to the number of concerns stated Public Meeting Minutes (99 06 29) Page 415

earlier and suggested that Mr. Belanger should erect a privacy fence for the benefit of adjacent neighbours.

Dennis Bellanger is in opposition to the application and indicated that he had not received any info by Cuesta regarding the development. He too has concerns as previously raised regarding traffic and increased flows onto Brookside Drive and Highway 8.

A member of the public indicated that the site is not fully serviced for sanitary sewer disposal, nor increased traffic, nor for the possibility of firefighting needs. He is opposed to such a development.

A Committee member explained that many concerns by the residents will be

addressed at site plan level.

The Chairman asked if there were any further comments or questions. There being no further comments or questions, the Chairman declared the Public Meeting closed.

(B) FILES 9-01/99 & 10-08/99 - OFFICIAL PLAN AMENDMENT & ZONING BY-LAW AMENDMENT - FERMO HOLDINGS LIMITED E/S MAIN ST & W/S NINETEENTH ST, JORDAN

The Chairman opened the meeting and explained the procedures under the Planning Act and the purpose of the application.

Helen Young was in attendance in support of this application. Also in attendance and/or who signed the attendance sheet were: Rick Harrison, Mike McLawly, Carol Taylor, J & H. Dick, Pam Mason and Ken Corbett.

Helen Young stated that the Vintner's Inn is planning to redevelop a cottage into a 2-room guest suite with an additional parking lot to accommodate increased traffic. She further explained that the development is above the number of parking stalls required and that the development falls within the Town's Zoning By-law. Ms. Young also mentioned that the Vintner's Inn has expended time and money to beautify the area, and in order to maintain that standard, the building, parking and landscaping will be addressed accordingly.

Mr. Harrison opposed the redevelopment application citing noise, traffic and the devaluation of his property as his concerns. He further stated that there are too many entrances to and from Nineteenth Street and questioned that the previous parking lots are graveled and not paved and he was informed three years ago that they would be paved. He stated that this site should not be developed in this type of fashion.

The Acting Director explained that a site plan agreement is in place, and that storm drainage works are being completed on Main Street. After completion of these works, the three year allowable time frame begins.

Ken Corbett explained the development has too many access points onto Nineteenth Street, and virtually no landscape to buffer adjacent neighbours. He is opposed to this development and has stated his disapproval of the amount of time permitted before any paving is complete.

Ms. Young stated that the first and second parking lots are for patrons and employees of the Vintner's Inn and the third and proposed fourth are strictly for patrons of Vintner's Inn. She reiterated the Vintner's Inn is subject to a site plan agreement and explained that landscaping and paving will be completed.

Christine Taylor adamantly opposed the application because of the numerous concerns with noise, dust, fumes, increased traffic flows and the "unsightly" disrepair of one of Vintner's Inn buildings. She also mentioned that the proposal will eliminate a number of fruit trees and questioned the minimal landscaping presently completed is not satisfactory

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and does not create a proper buffer between her property and the Vintner's Inn.

The Acting Director explained that the application is dealing with an existing building that cannot meet the present day by-law due to its location. Therefore, there are a number of deficiencies. She further explained the procedure for the application on the proposed site, and

stressed that the proposal is subject to site plan control.

A Committee member inquired to the status of the cottage as a single detached dwelling and could it be used for a bed and breakfast. Ms. Young indicated that a bed and breakfast can only be used if the owner is living on-site and the intent of Vintner's Inn is for a 2-room addition, not a bed and breakfast.

A Committee member explained a brief history of the site and why and how it came about to the present. He insured the public that the application is to relieve the Main Street and Nineteenth Street on-site street parking to the proposed parking lot.

A Committee member summarized the issues concerned, one being an entrance to Nineteenth Street and second, the landscaping of the proposal. These issues can be reviewed at site plan level and asked Ms. Young if the issues could possibly be resolved at that level. Ms. Young agreed that it would

be best to resolve the adjacent residents' concerns.

The Chairman asked if there were any further comments or questions from the public. There being no further comments or questions from the public the Chairman declared the Public Meeting closed.

SECRETARY CHAIRMAN Lincoln Chambers

Tuesday, June 29, 1999

Minutes of the Planning and Development Committee held in the Council Chambers of the Town of Lincoln Municipal Offices on Tuesday, June 29, 1999, at approximately 10:15 p.m. Committee members in attendance: Ald.

B. Kelly (Chairman), Mayor R. Konkle, Ald. G. Barlow (sitting in for Ald. @ A. Danyluck) , Ald. B. Davies and Ald. W. MacMillan. Staff in attendance:

Kathleen Dale (Acting Director of Planning and Development) and Jay Muraca (Planning Technician).

#### SCHEDULED DELEGATIONS

1. Peter Neudorf Sr., and Peter Neudorf Jr. were in attendance and made a presentation to Committee members. They explained why they would like to make application for consent and would like the Committee to be aware of their intent.

The Acting Director explained in detail the procedure of severance and the difficulty in dealing with the Neudorf's land as it sits in the NEC jurisdiction. She suggested that the delegation contact the NEC and the Niagara Regional Land Division for further information because the municipality is a commenting agency, as severances are granted at the Regional level.

#### REPORTS

OWNER: CUESTA ESTATES AND WINERY CORPORATION

APPLICANT: JOHN BELANGER, N/S NR 81, PT LTS 21 & 22, CON 4 (LOUTH)

After considering PL 99-141, the Committee adopted the following recommendation:

Motion

Moved by Ald. W. MacMillan, Seconded by Ald. B. Davies,

Re: File 10-07/99 - Zoning By-law Amendment Application

Cuesta Estates and Winery Corporation, Applicant: John Belanger

N/S NR 81, PT LTS 21 & 22, CON 4 (Louth)

"THAT, for the reasons outlined in PL 99-141, it is recommended that this report be received for information and that a further report and recommendation be prepared once all comments are received and other planning matters have been addressed."

CARRIED

(B) PL 99-149 - 901/99 d 10-08/99, OFFICIAL PLAN AMENDMENT & ZONING BY-LAW AMENDMENT, FERMO HOLDINGS LIMITED

PT LT 19, RP 3, E/S MAIN ST & w/S NINETEENTH ST.. JORDAN

The Acting Director indicated that staff did mention in the report that the access to Nineteenth Street should be removed and joined with the two other parking lots. The Committee members agreed that it may be in the best interest of the Vintner's Inn to hold a meeting to address residents' concerns and possibly resolve any problems prior to the site plan approval stage.

After considering PL 99-149 the Committee adopted the following recommendation:

Motion

Moved by Mayor R. Konkle, Seconded by Ald. G. Barlow

Re: Files 9-01/99 & 10-08/99

Official Plan Amendment & Zoning By-law Amendment

Fermo Holdings Limited, PT LT 19, Registered Plan 3

E/S Main St & W/S Nineteenth St, Jordan

That for the reasons outlined in PL 99-149, it is hereby recommended that: Planning/Devel Comm (99 06 29) Page 2/3

1. The Official Plan Amendment Application 9-01/99 and the Zoning by-law Amendment Application 10-08/99, in the name of Fermo Holdings Limited, BE APPROVED as amended by this report; and

2. That the Site Plan Agreement that is currently in place for Part 3 be amended to include Part 1, and that site plan approval be obtained for Part 2.

3. That no access be allowed from Part 1 to 19th Street.

CARRIED

CORRESPONDENCE

1. Letter dated May 12, 1999 from Regional Planning and Development Dept. re Regional Report on Highlights of Ontario Tender Fruit Producers' Marketing Board Study on Production and Market Opportunities in Ontario's \$30 Million Tender Fruit Industry.

R&F -

2. Memorandum from Gary Dal Bianco, Planner - re Land Division Committee Application B296/99 & B297/99

R&F -

NOTICE OF NEW BUSINESS

There was none.

UNSCHEDULED DELEGATIONS

There was none.

CLOSED SESSION

Motion

Moved by Mayor R. Konkle, Seconded by Ald. W. MacMillan

That the Committee adjourn to closed session.

CARRIED

Upon conclusion of discussions in closed session, Committee reconvened in open meeting.

Motion

Moved by Mayor R. Konkle, Seconded by Ald. G. Barlow

Re: Planning Services with West Lincoln &

Delegation of Consent Applications

That for the reasons outlined in this report, it is hereby recommended that:

1. A part time Secretary be hired effective August 1, 1999;
2. A Senior Planner be hired effective December 1, 1999;
3. The Planning Services arrangement with West Lincoln be renegotiated based on the following:

The Acting Director of Planning & Development providing 1 to 1.5 days service per week;

The Planning Technician providing 2.5 days service per week; and

The Town discontinuing the use of West Lincoln's Planner once the Town has hired a Senior Planner;

FURTHER, THAT a report be prepared showing staff disbursement under this scenario as discussed in closed session.

CARRIED

ADJOURNMENT

There being no further business to discuss, the Chairman adjourned the meeting.

SECRETARY