

Lincoln Chambers

July 4, 2000 a

<

The Council of the Town of Lincoln met in regular session on Tuesday, July 4, 2000, at 7:00 p.m. in the Lincoln Chambers. All members of Council were present except Ald. A. Danyluck and Ald. W. MacMillan. Staff present: C. Larmour (Senior Planner), B. Radix (Chief Building Official), S. B. Peever (Acting Chief Administrative Officer), and T. McHarg (Director of Corporate Services/Clerk).

Mayor Konkle called the meeting to order.

ADOPTION OF MINUTES

Motion:

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

That the minutes of Council's regular meeting of June 19th, 2000, be adopted as circulated.

CARRIED

PUBLIC MEETING

Mayor Konkle declared the Public Meeting open and the Clerk outlined that the purpose for the Public Meeting was to hear any parties interested in the proposed closing and transfer of a portion of the road allowance between Lots 22 & 23 Concession 2 in the former Township of Clinton.

Mr. Monty Vandeyar indicated that he was representing the abutting landowner to the east. Mr. Vandeyar stated that the Uzelac property is currently used as a fruit orchard and home and that the property has frontage on 30 Mountain Road and Regional Road 81, however, her property is separated from 30 Mountain Road by a ravine. Mr. Vandeyar noted that the deed for the Uzelac property acquired in 1967 included a provision to use the unopened road allowance and that Mrs. Uzelac was relying on this provision in the deed as access to the rear of her property.

Mr. Vandeyar noted for Council that in his opinion the unopened road allowance is an access route for the public and that if the unopened allowance is closed and sold it would create problems such as a land locked parcel owned by Mr. & Mrs. Beal as well as eliminating access to the Uzelac property and other members of the public.

Mr. Vandeyar put forward the opinion that the Town is prohibited from closing and selling this road allowance by Section 298 of the Municipal Act and that the municipality would be breaking the law if the Town passed such a by-law.

Alderman Culp questioned which route an appeal process would take regarding this issue and the Clerk informed that it is Council's decision to stop up, close and sell the unopened road allowance, however, any appeal would probably have to go through the normal court process.

Alderman Davies queried as to why Norman Beal was maintaining the laneway on the road allowance and why Mrs. Uzelac was not maintaining a portion. Mr. Vandeyar noted that there is no requirement for Mrs. Uzelac to share in the maintenance of the laneway on the unopened road allowance. Alderman Davies also questioned as to whether it was possible to have an access off of 30 Mountain Road for the Uzelac property. Mr. Vandeyar responded that due to the ravine it was not feasible to have an access off of 30 Mountain Road. (Council, July 4, 2000) -2- Mayor Konkle questioned as to why the unopened road allowance is required for access to the rear of the Uzelac property. Mr. Vandeyar responded that fruit trees are planted and some would have to be removed in order to access the rear of the Uzelac property off of Regional Road 81. Mr. Vandeyar also noted that currently the 33 feet of the unopened road allowance abutting the Uzelac property cannot be travelled. The portion with the laneway on it is the 33 feet abutting the Beal property.

Mr. Norman Beal, the applicant, attended and read a presentation for Council outlining benefits to the community of the closure and sale of the unopened road allowance. Mr. Beal informed Council that the intersection and Regional Road 81, Greenlane and Durham Road has been a traffic concern of both the Town and Regional planners for many years and that allowing the applicants to purchase their portion of the unopened road allowance will give them the opportunity to improve the access to Regional Road 81 thereby improving safety at the intersection.

Mr. Beal also informed Council that Peninsula Ridge Estates Winery has

allocated over \$100,000 to improving the roadway and entrance off of Regional Road 81 on the unopened road allowance. Mr. Beal informed the Council that Beal Vineyards currently maintains the unopened road allowance by cutting grass, snow plowing, garbage clean-up and filling pot holes, and he noted that since they are maintaining this land they feel it is right to allow them to purchase it. It was noted by Mr. Beal that should the Town proceed with the closing and sale of the unopened road allowance that the responsibility for the road allowance will transfer into private hands and therefore liability issues surrounding its use will no longer be a burden for the Town. Also, that the sale of the unopened road allowance would benefit the revenue stream of the municipality.

Mr. Beal acknowledged that Mrs. Anka Uzelac opposes the closure of the unopened road allowance and also informed Council that he has had his legal counsel prepare a document giving Mrs. Uzelac and her family clear access to the unopened road allowance after its closure and sale as long as she or her family own the property.

The Solicitor for Norman & Sherry Beal, Mr. Rick Hesp, was in attendance in support of the application. In response to Mr. Vandeyar's assertion that the deed to the Uzelac property expressly grants them the right of access provided by the unopened road allowance, Mr. Hesp stated that the deed does not expressly grant any right of access to Mrs. Uzelac's property by the unopened road allowance, it merely states that what ever interest the former owner may have received when he purchased the land was conveyed to Mrs. Uzelac in 1967. He noted that he has reviewed the deeds of land received by the two previous owners of this property prior to Mrs. Uzelac and that neither of those deeds refer to any right of way over the unopened road allowance.

In response to Mr. Vandeyar's assertion that the closure and sale of this unopened road allowance will deny Mrs. Uzelac access to the rear of her property, Mr. Hesp stated that the closing and sale of the unopened road allowance will not deny access to the rear of the Uzelac property as there is approximately 599 feet of frontage along Regional Road 81. He also noted that Mr. & Mrs. Beal would grant Mrs. Uzelac a right of way over the unopened road allowance in perpetuity provided that Mrs. Uzelac withdraw her objection and Mrs. Uzelac waives her right of first refusal and Mrs. Uzelac supports the Beal's application to purchase the entire unopened road allowance. (Council, July 4, 2000) -3- Alderman Culp questioned why Mr. Hesp did not advise his client to open the unopened road allowance and bring it up to municipal standards. Mr. Hesp replied that by opening the unopened road allowance and building a road to municipal standards the costs would be excessive. Alderman Culp also questioned as to whether or not a registered easement was offered to Mrs. Uzelac for the continued use of the unopened road allowance if it were to be closed and sold. Mr. Hesp responded that a registered easement has been offered.

Alderman Bald questioned as to whether access would be given as long as the Uzelac family owns the property or whether it would be in perpetuity. Mr. Beal stated that he will do what it takes to complete the deal.

There being no further parties wishing to speak at the Public Meeting and no further discussion, the Mayor declared the Public Meeting adjourned at 8:01 p.m.

#### DELEGATIONS

**MR. SANDY SINCLAIR AND MR. JOHN BUMA. RE: REQUEST TO WAIVE BUILDING PERMIT FEE.**

Mr. Sinclair and Mr. Buma introduced members that were present of the Albright Manor Board and requested assistance from the Town with their building permit fee of approximately \$148,000.

Discussion arose regarding the possibility of setting a precedent and the impact of the revenue stream if the building permit fees were to be waived.

Motion:

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

That the- own of in coin reduce its 'Building Permit Fee by \$48,000.00 to \$100,000.00 for the new building at Albright Manor.

**CARRIED**

**MS. MARY GARR. NIAGARA NORTH FERERATION OF AGRICULTURE, RE: RESOLUTION REQUESTING MOATORIUM ON LIQUID MANURE FACILITIES.**

@ MS. Garr explained that the Town of Ashfield has problems with large livestock

operations and manure disposal. She also expressed her beliefs there will be increased levels of funding for farms for their manure management. She noted that the Region is in the process of creating a nutrient management by-law that will prevent problems with liquid manure and therefore a moratorium on construction of liquid manure facilities was not warranted.

#### REPORTS

##### FIRE & PUBLIC SAFETY COMMITTEE

Motion:

That the Fire & Public Safety Committee minutes of June 21st, 2000, be adopted, and the recommendations contained therein be approved and acted upon.

CARRIED

0

##### FINANCE & ADMINISTRATION COMMITTEE

S. Bruce Peever explained that it might be possible to front end a loan to the BIA for King Street improvements and that this issue should be referred back to the Finance & Administration Committee. (Council, July 4, 2000) -4-

Questions arose regarding the source for the additional funds for the Telephone Voting. The Acting Chief Administrative Officer explained that it would come from the previous years surplus. After further discussion regarding telephone voting it was: 111,

Motion:

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

That the Finance & Administration Committee minutes of June 21st, 2000, be adopted, and the recommendations contained therein be approved and acted upon, save and except the recommendation that the Beamsville Improvement Area (BIA) proceed under the Local Improvement Act for financing the streetscaping works, this recommendation to be referred back to the Finance & Administration Committee.

CARRIED

##### PLANNING COMMITTEE

Motion:

Moved by Ald. B. Culp, Seconded by Ald. R. Kelly

That the Planning Committee minutes of June 26th, 2000, be adopted, and the recommendations contained therein be approved and acted upon.

CARRIED 0

##### BY-LAWS

Motion: a ,

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

That leave be given to introduce the following by-laws:

(a) No. 00-55, to authorize electors to use the alternate voting method of telephone voting.

(b) No. 00-56, to authorize the execution of a site plan agreement with Creekside Estate Winery Limited.

(c) No. 00-57, to authorize the execution of a site plan agreement with Court Holdings (Europe) Ltd.

(d) No. 00-58, to exempt certain lands in Registered Plan No. 30M-278 from Part Lot Control pursuant to Section 50 of the Planning Act, R.S.O. 1990.

(e) No. 00-59, to amend By-Law No. 89-2000, regulating traffic and parking on local municipal roads.

(f) No. 00-60, to amend By-Law No. 89-2000, regulating traffic and parking on local municipal roads. a

(g) No. 00-61, to stop up and close part of the unopened road allowance between Lots 22 & 23, Concession 2, in the former Township of Clinton, now

Town of Lincoln, Regional Municipality of Niagara.

(h) No. 00-62, to adopt, confirm and ratify matters dealt with by Council resolution

CARRIED

Motion:

Moved by Ald. B. Davies, Seconded by Ald. R. Kelly

That Ely-iaw Nos. 00-55,00-56,00-57; 00-58,00-59,00-60,00-61 and 00-62, 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. (Council, July 4, 2000) -5-

##### NOTICE OF NEW BUSINESS

##### KING STREET IMPROVEMENTS

Motion:

Moved by Ald. R. Kelly, Seconded by Ald. G. Barlow

That public Works staff be directed to develop a plan to use the North lane

area for off street parking during the reconstruction of King Street;  
Further, that a report be brought to the first Council meeting in August for action.

**CARRIED**

**VINELAND ESTATE WINERY APPLICATION FOR NEW DEVELOPMENT**

Motion:

Moved by Ald. R. Kelly, Seconded by Ald. D. Good

whereas, the cabinet of the province of Ontario has refused to approve the above noted application;

Whereas, this is an important and progressive proposal for the Wine and Grape Industry;

Be It Resolved

That the Town of Lincoln speak to our local MPP and forward a letter to the Premier requesting that the Cabinet consider the importance of the development and give it a second look to possibly approving a part or all of the development.

**LOST -**

**CANADA DAY CELEBRATIONS**

Mayor Konkle expressed his thanks and congratulations to staff and volunteers for their efforts with the events at Charles Daley Park.

a

**CLOSED SESSION**

Motion:

Moved by Ald. R. Kelly, Seconded by Ald. B. Culp

That Council adjourn to closed session in order to address matters pertaining to:

(a) personnel matters about an identifiable individual, including municipal or local employees.

(b) Hydro amalgamation.

**CARRIED**

Motion:

Moved by Ald. R. Kelly, Seconded by Ald. B. Davies

That Council resume in open session. **CARRIED** (Council, July 4, 2000) -6-

**ADJOURNMENT**

There being no further business to discuss, the Mayor declared the meeting adjourned at 10:35 p.m. Council Chambers

July 10, 2000

Minutes of the Public Works Committee of the Town of Lincoln held on Monday, July 10, 2000, at 7:00 p.m., in the Council Chambers.

Present were: Ald. A. Danyluck (Chairman), Ald. G. Barlow (Vice-Chairman), Ald. R. Kelly, Ald. H. Bald and Mayor R. Konkle. Also present was Ald. B. Davies. Staff present: D. Campbell (Operations & Equipment Manager), Lee Ripenburg (Engineering Technician) and Craig Larmour (Planner).

**PUBLIC WORKS ACCOUNTS**

Members of Committee asked questions about accounts to which the Operations & Equipment Manager responded.

Motion:

Moved by Ald. R. Kelly, Seconded by Ald. B. Davies

THAT Department payments in the amount of \$406,315.04 incurred in accordance with Council Policy A-94-218, having now been audited by Committee be ratified by Council.

**CARRIED**

**RECREATION ACCOUNTS**

Motion :

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

THAT Department payments in the amount of \$1,934.05 incurred in accordance with Council Policy A-94-218, having now been audited by Committee be ratified by Council.

**CARRIED**

**DELEGATIONS**

I. Mark O'Connor - Parking on 19th Street, Jordan

Mr. O'Connor stated that he lives on 19th Street next to the hedge along side the entrance to Jordan Yard and is concerned with the

number of vehicles parking on the weekends inside Jordan Yard as well as along the entrance. He provided photographs of vehicles parked at these areas.

Mr. O'Connor indicated that tour buses have been parking at the area outside the Jordan Yard gate and along the wall of the Jordan Fire Hall, which could be a potential parking problem for volunteer fire fighters if arriving for a fire call.

He indicated that the traffic is getting heavier all the time and he is irritated his privacy has been lost to the tourist traffic parking on each shoulder, as well as "On the Twenty" employees parking in the Jordan Yard until 1:00 am.

Mr. O'Connor indicated Mr. Pennachetti had advised him that he had Town permission to have his employee's park in the Jordan Yard from 7:00 am to 1:00 am on the weekends from May to October. He inquired if there was an agreement stating that.

Doug Campbell indicated that he believed there was a verbal agreement made between Mr. Pennachetti and the former Director of Public Works to allow the employees to park in the Jordan Yard during weekends from May to October from 7:00 am to 1:00 am to relieve some parking for patrons, as long as there was no cost or inconvenience to the Town.

Doug Campbell indicated that the Town has ordered 10 "No Parking - Fire Use Only" signs to be posted at the Fire Hall. Public Works Committee Minutes of July 10, 2000 Page 2 of 6

Mr. O'Connor indicated that the buses had been told by the "On the Twenty" staff to park outside the Jordan Yard.

Mayor R. Konkle indicated that he required a letter from a citizen to Council requesting no parking from King Street to Fourth Avenue. The following resolution was made:

Motion :

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

THAT staff investigate and recommend ways in which the parking of cars on these joint properties be eliminated or corrected to the satisfaction of those adjoining property owners.

THAT the report with options be brought back to the next Public Works Committee meeting.

FURTHER THAT this report contain options and means of putting "No Parking" signs on King Street from Regional Road 81 to Fourth Avenue.

CARRIED

## 2. Bayview Greenhouses - Site Plan Agreement

Clarence Van Staaldin, owner of Bayview Greenhouses made a visual presentation to review the site plan application for the extension of the present business site.

Mr. Van Staaldin indicated that he had had two meetings with the concerned residents of Haynes Street and has attempted to resolve problems concerning setbacks, berming, water management, and traffic.

Mr. Van Staaldin responded to questions from members of Committee regarding water management, plantings on the berms, maintenance of the bermed area, and the traffic study. He indicated that he would like to commence Phase I of the project shortly, but the total time period for the anticipated completion of the other phases is now unknown.

Alderman R. Kelly questioned where the large trucks with refrigerator units would be parking. He indicated that the Town has had problems associated with running units and felt it important to designate where the parking will be on the site plan to save a lot of aggravation later. Mr. Van Staaldin assured members of Committee adequate area has been allowed for parking on the site plan and Max Morrison, P.Eng. of MC Engineering stated that area could so designated on the plan.

Mayor Konkle asked if they had considered electrical reefer units rather than having the noisy diesel units running and disturbing the neighbourhood. In regards to lighting, he asked if alternate aiming

of the lights, reducing the brightness or perhaps some on motion sensors had been considered. The Mayor also suggested aiming the lights from the berms onto the building.

Mr. Van Staalduijn indicated he would consider all concerns mentioned.

The Chairman asked if there were any questions from the floor. A Nancy Cino of 3772 Haynes Street questioned if the traffic study had shown an increased number of vehicles on Haynes Street. Mr. Van Staalduijn indicated that the expansion would not have a large impact, as most truck traffic would certainly use Jordan Road and Fourth Avenue.

Nancy Cino indicated that she had made her own videotapes of traffic on Haynes Street and would like to pass them on to the Public Works Public Works Committee Minutes of July 10, 2000 Page 3 of 6

department. The traffic shown on Haynes Street is not only transport trucks, but also cars and tour buses.

Alderman Kelly asked that copies of the traffic report and copies of the site plan be made available to both the concerned residents and Council 1.

Lee Ripenburg indicated that John Kukalis, Acting Director Public Works is working on his comments for the traffic report and should have it completed shortly.

Peter Ip, of Integrated Planning indicated that Haynes Street is a scenic road and there is no reason to use it for truck traffic.

Max Morrison indicated that when the site plan is complete, it would show that Haynes Street was protected and the traffic on Haynes Street is a separate issue.

Chris Jakobschak of 3754 Haynes Street questioned the absence of berming on the south side of the property. Mr. Van Staalduijn indicated that he could consider screening by plantings rather than berms, but it would limit internal traffic around the facility.

Mr. Ian Nelson of 3808 Haynes Street stated that he appreciated Mr. Van Staalduijn being open and honest with the residents and wondered if the berm would extend to the south corner. Max Morrison indicated that it would so extend.

..

Craig Larmour indicated that if it was acceptable to Public Works Committee, they will present the by-law to Council at next week's meeting.

Mayor R. Konkle stated that there has been some suggestions noted tonight for some changes, such as lighting issues and wondered how would they be noted on the site plan.

Craig stated that there is not enough time to get the changes back from the engineering firm and for him to write a report by Council next Monday.

After more discussion, it was agreed that the changes would be presented to the Planning department and the neighbours before the weekend and the appropriate by-law would be presented to Council at the next meeting.

#### REPORTS

A. Rittenhouse Estates Phase 11, Subdivision Agreement, PW 00-168

Doug Campbell indicated that this subdivision agreement is in the new format of the Town's subdivision agreement.

Mayor R. Konkle indicated that Kees Van Leeuwen has not yet repaired the fencing that was damaged at the Women's Institute and that residents of the west side of Rittenhouse Estates have called him with concerns about the lots not being attended to (weed control etc.). Doug Campbell stated he would contact him. Public Works Committee Minutes of July 10, 2000 Page 4 of 6

Motion :

Moved by Ald. G. Barlow, Seconded by Mayor R. Konkle  
THAT the Public Works Committee recommend to Council that to authorize the execution of a subdivision agreement for Rittenhouse Estates Phase II with Grinnsby Classic Homes (1988 Ltd.) subject to a final review of the document by the Town solicitor and relevant

agencies and Town departments.

CARRIED

B. Municipal Design Standards- Update, PW 00-166

Members of Committee expressed interest in looking at the entire Design Standards document and making further changes than those indicated.

Alderman R. Kelly suggested that Committee look at the entire document by the next Public Works meeting, August 14, 2000 and be prepared to make the appropriate changes at that time.

Motion :

Moved by Ald H. Bald, Seconded by Ald. R. Kelly . THAT Public Works Committee recommend to Council that Municipal Design Standards be tabled to the August 14, 2000 meeting.

CARRIED the a

Alderman H. Bald excused herself from the meeting at this time and Ald B. Davies filled in for Ald. Rald.

C. Capital Road Repairs, PW 00-165

Doug Campbell indicated that based on road break ups this spring, a tender was issued in two categories:

1. Hot Mix for Lincoln Avenue, Quarry Road, Cherry Avenue and Yonge Street.
2. Surface Treatment for Martin Road, Tintern Road, Tufford Road and 21st Street.

Doug Campbell stated that after the tender closed an alternate method of surface treatment was recommended, but it was found that the expanded asphalt recommended would have to be done in an entire area, not on transitional failures. He stated that this section of the report should be deferred until more information is gathered on conventional repair costs. Doug Campbell indicated that it would be advisable to split the report and award the hot mix repairs now, a then bring a report to the next Public Works Committee meeting for the other surface treatment repairs, which could still be done by September 1, 2000.

Mayor Konkle indicated that the Region was asked to make restitution for damage to Quarry Road.

Doug Campbell stated he was not aware of the progress with that recovery.

Motion :

Moved by Mayor R. Konkle, Seconded by Alderman G. Barlow THAT Public Works Committee recommend to Council that the Hot Mix Resurfacing component of the project be awarded to Stephens Rankin Ltd. as per the tender submitted.

FURTHER THAT the Mayor and Clerk be authorized to sign and seal the contract documents on behalf of the municipality. CARRIED

OTHER REPORTS Public Works Committee Minutes of July 10, 2000 Page 5 of 6

MEMORANDUMS

a) Royal Orchards Phase I, Letter of Credit Reduction

Motion :

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

THAT Council reduce the letter of credit for Royal Orchards

Estates Phase I to \$19,997.00

CARRIED

b) Capital Projects Contact List

Doug Campbell indicated that in addition, he had recently learned that CN Rail is beginning to improve all crossings with rubber, in conjunction with track removal in the Town of Lincoln commencing September 15, 2000, in Jordan and working west. They expect the works to be completed by year-end.

CORRESPONDENCE

a) Troy McHarg - Process for Renaming a Regional Road

Members of Committee discussed the absolute necessity to establish adequate lead-time for both businesses and residents of Ontario Street to be made aware of the change in name.

Members of Committee indicated that the Public would be made aware of the process from the beginning and Council would accept viable

comments and suggestions concerning changing the name of Ontario Street.

Motion :

Moved by Alderman R. Kelly, Seconded by Alderman B. Davies

WHEREAS the number of Ontario Streets off the Q.E.W. is confusing, BE IT RESOLVED THAT the Clerk be directed to begin the process of renaming Ontario Street by directing the Region to prepare a report for their Committee and Council.

FURTHER THAT an ad be placed asking for resident suggestions on possible names for the street (names to be submitted by the 1st meeting in September) for Council review and action.

CARRIED

b) Residential Water Problems, King Street, Vineland

Doug Campbell indicated that four letters had been received from residents who are concerned about the water quality in this area.

He indicated that there is no schedule for repairs or replacement and have been waiting to hear of the Region's decision to join the East Lincoln system to the Beamsville system.

Mayor R. Konkle asked Doug Campbell if it would be prudent to consider relining the watermain.

Doug Campbell indicated that it is not recommended to reline a main that has experienced many breaks.

Members of Committee directed staff to write to all affected residents to assure them costs are being calculated to repair or replace the watermain and place that item in the 2001 budget. 9 C) AM0 - Municipal Action Plan for Water Item was received and filed.

NEW BUSINESS

1. Doug Campbell indicated that signs have been ordered for playground equipment at each park and will be up in the next Public Works Committee Minutes of July 10, 2000  
Page 6 of 6

couple of weeks. He indicated that the equipment at Charles Daley Park was updated before the Millennium Party and that the other parks will be started soon.

2. Mayor R. Konkle indicated that Mr. Doug Bousfield of Second Avenue, had contacted him regarding the relining of the watermain on Second Avenue who suggested it should be looked at to extend the main another 57 feet and have the bleed off at the hydrant.

3. Mayor R. Konkle advised that the Region is having difficulty with the Regional main on Fourth Avenue and until it is corrected, a moratorium will remain on any connections. He will attend a meeting with St. Catharines, monitored by the Region, concerning the Fourth Avenue main and those connections previously applied for.

4. Alderman B. Davies indicated that 36 trucks of Friesen Construction had been counted over 1% weeks on Aberdeen Road, carrying large boulders. She indicated residents were concerned about the weight and having difficulty getting out of their driveways.

5. Doug Campbell indicated that there was no further news on the Niagara Under Glass project and that he and Engineering Technician, Michelle Van der Wal had a meeting with John Albers Tuesday July 11, 2000 to discuss the issues.

UNSCHEDULED DELEGATIONS

None.

ADJOURNMENT

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

CHAIRMAN SECRETARY Lincoln Chambers

July 11, 2000

The Council of the Town of Lincoln met in a special session on Tuesday, July 11.

2000, at 6:15 p.m. Council members present: Ald. G. Barlow, Ald. 6. Culp, Ald. W. MacMillan, Ald. A. Danyluck, Ald. R. Kelly and Mayor R. Konkle. Staff

present: B. Radix (Chief Building Official), C. Larmour (Senior Planner), S.B.

Peever (Acting Chief Administrative Officer) and T. McHarg (Director of Corporate Services) Clerk)

Mayor Konkle called the meeting to order and stated that the purpose for this special meeting was to hear representatives from Court Holdings Limited regarding their proposed development.

Douglas Major and Michael Mashford were in attendance representing Court Holdings Ltd.

Mr. Major presented a brief history of the company. Mr. Major outlined current problems holding up the development. The first issue noted is that there is a concrete cap protecting the sanitary sewer line near the corner of Bartlett Road that is impeding the drainage of the property. The second issue noted is that access of water to this property is not readily available as the water main terminates at the corner of Hinan Drive and Bartlett Road. He noted that it is approximately 90 metres from the desired point of access to their property. The third issue noted by Mr. Major was the need for a conditional construction permit to allow them the opportunity to continue construction as soon as possible. He noted that the project is currently on hold due to the fact the site plan agreement has not been registered and that time is of the essence.

After discussion by Council the following resolution was passed:

Motion:

Moved by Ald. B. Culp, Seconded by Ald. G. Barlow

Re: Niagara Piston request letter of J. Douglas Major, dated July 7, 2000

THAT the Town of Lincoln agrees to extend the water line to the property edge of Niagara Piston;

THAT the Council agree to a conditional construction permit subject to @ written agreement that the property be returned to original state if final permits are not approved;

THAT the drainage of the property be corrected to senior Town staff approval.

CARRIED

ADJOURNMENT

There being no further business to discuss, the Mayor declared the meeting adjourned at 7:12 p.m.

II

MAYOR: RAY A. KONKLE

CLERK: TROY J. McHARG Heritage House

July 12, 2000

Minutes of a meeting of the Museum Committee held in the Beamsville Room on Wednesday, July 12, 2000, 6:30 p.m.

Present were: Ald. B. Davies (Chair), Ald. G. Barlow, Ald. W. MacMillan, Ald. R. Kelly, Peter Millar and Dick Catterall.

Staff Present: Helen Booth, Diane Gallinger.

Others present: Pierre Paquette, Michael Lundholm and Ana Policzer.

Regrets: Rob Wismer and Len Pennachetti.

Staff were thanked for the tour of the Fry House and congratulated on work to date.

ACCOUNTS

Discussion was held regarding topsoil and TODS Signage

Motion:

Moved by Peter Miller, Seconded by Ald. W. MacMillan.

THAT department accounts in the amount of \$12,529.06 incurred in accordance with Council Policy A-94-218, having now been audited by Committee, be approved by Council.

CARRIED

DELEGATIONS

MASTER SITE PLAN FINAL DRAFT, CM-00-170

The consultants outlined options for development, including potential acquisition of additional properties.

It was decided to forward any further comments to the Museum Director to be received no later than July 28th, and to be then forwarded to the consultants by the end of July.

Motion:

Moved by Ald. W. MacMillan, Seconded by D. Catterall

THAT the Final Draft of the Site Master Plan for the Jordan

Historical Museum be accepted as a basis for development of the Museum Site. Any or all further commentary to be received by the consultants by the end of July.

**CARRIED**  
**REPORTS**

**PENNSYLVANIA STUDY TOUR REPORT, CM-00-169**

Discussion was held regarding the positive value of the trip and the future need for additional research tours.

Moved by Peter Miller, Seconded by Ald. W. MacMillan.

THAT the information presented be accepted for information.

**CARRIED**

**MUSEUM ACTIVITIES, CM-00-171**

The Museum Director stated that attendance for June was in excess of the entire 1999 summer season, and that is attributed to the Fry House programme and staff. A question was asked regarding the date for Pioneer Day. It was stated that October 14<sup>th</sup> has been selected, the week after Thanksgiving due to Leap Year.

Motion:

Moved by D. Catterall. Seconded by Ald. G. Barlow.

THAT the Museum Activities report be received for information.

**CARRIED**

**HERITAGE HOUSE RENOVATION, CM-00-176**

Questions were asked regarding the disparity of quotes relating to one company and the reason for deferral of wages by another.

Motion:

Moved by Ald. G. Barlow, Seconded by Ald. W. MacMillan.

THAT the renovation work on the Heritage House be awarded to Lincoln Construction in the amount of \$29,273 and that the Museum Director be authorized to commence the renovation project.

**CARRIED**

**MEMORANDUMS**

School House Bookings: Bookings are being taken for the 2000/2001 school year, with October and December already being full, and June very close to capacity. It is fully expected that the programme will be fully booked, with a waiting list.

**CORRESPONDENCE**

- a) Conrad Grebe1 College
- b) Canadian Museum's Association
- c) Ministry of Citizenship, Culture and Recreation
- d) Steven Athenasis Co-op
- e) St. Michael High School, Niagara Falls Co-op Placement

**NEW BUSINESS**

It was announced that the Lincoln History Club has approved the donation of \$5,000.00 toward the establishment of the archives and research facilities in the Heritage House.

The Museum Committee meeting will be cancelled for August

**ADJOURNMENT**

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

**CHAIRMAN SECRETARY Heritage House**

July 12, 2000

Minutes of the Community Services Committee of the Town of Lincoln held on Wednesday July 12, 2000, at 7:30 p.m., at the Heritage House.

Present were: Ald. W. MacMillan (Chairman), Ald. B. Davies, Ald. G. Barlow and Ald. R. Kelly.

Staff present: M. Hiltbrand (Community Development Officer)

**ACCOUNTS**

Committee reviewed the accounts submitted and passed the following motion:

Motion:

Moved by Ald. B. Davies, Seconded by Ald. R. Kelly

THAT Department payments in the amount of \$7,327.47 incurred in accordance with Council Policy A-94-218, having now

been audited by Committee, be ratified by Council.

**CARRIED**

**DELEGATION**

**MR. DICK CATTERALL**

On behalf of the Jordan Lions Club, Mr. Catterall expressed his concern that the Jordan Lions Pool Instructional Swim Lessons will be forced to discontinue if an indoor pool is part of the proposed Community Recreation Centre. Mr. Catterall also expressed a concern that the Jordan Lions Club was not properly consulted before the Feasibility Report was released.

**REPORT**

None

**NEW BUSINESS**

Committee members agreed that the Wise Guys Charity Fund may use the Town tent under the name of Community Care of West Niagara for a Wine Tasting, Cuvee and fundraising Auction to be held at Eastdell Estates Winery on Saturday, October 15th, 2000, since all monies raised will be donated to Community Care.

**ADJOURNMENT**

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

**CHAIRMAN SECRETARY Lincoln Chambers**

July 17, 2000

The Council of the Town of Lincoln met in regular session on Monday, July 17, 2000, at 7:30 p.m. in the Lincoln Chambers. All members of Council were present except Ald. H. Bald. Staff present: C. Larmour (Senior Planner), J. Kukalis (Acting Director of Public Works), S.B. Peever (Acting Chief Administrative Officer/Director of Finance), T. McHarg (Director of Corporate Services/Clerk).

Mayor Konkle called the meeting to order.

**ADOPTION OF MINUTES**

Motion:

Moved by Ald. R. Kelly, Seconded by Ald. A. Danyluck  
That the minutes of Council's regular meeting of July 4th, 2000, be adopted as circulated.

**CARRIED**

Motion:

Moved by Ald. W. MacMillan, Seconded by Ald. A. Danyluck  
That the minutes of Council's special meeting of July 11th, 2000, be adopted as circulated.

**CARRIED**

**BUSINESS ARISING FROM THE MINUTES**

Ald. Kelly requested that telephone voting for the 2000 Municipal and School Board Elections be brought back for reconsideration at this meeting.

**PUBLIC MEETING**

Mayor Konkle declared the Public Meeting open and the Clerk outlined that the purpose for this meeting was to hear any parties interested in the proposed transfer of the unopened road allowance between Lots 2 & 3, Concession 7, former Township of Clinton and the Clerk outlined the history of this application. There were no parties present wishing to speak on this matter.

There being no further discussion, the Mayor declared the Public Meeting adjourned.

**DELEGATIONS**

**DUNCAN MacFARLANE RE: TEMPORARY USE BY-LAW. 4589 GREENLANE ROAD.**

Mr. D. MacFarlane was present on behalf of Pierina DiPaolo and explained that there was a temporary use by-law passed by Council in late 1996/early 1997 to permit Mrs. DiPaolo occupancy in the farmhouse on the property. This by-law expired in late January 2000. An extension to the by-law was requested from the Planning Committee in February 2000, which was denied. A new application has been submitted and Mr. MacFarlane asked Council not to take any action until this new application is heard.

Mr. MacFarlane informed Council that the tenant currently residing in the farmhouse has been given notice to vacate and will be moved by the end of

August to allow Mrs. DiPaolo to move in. (Council, July 17,2000) -2-

#### REPORTS

##### PUBLIC WORKS COMMITTEE

There was discussion regarding the renaming of Ontario Street and the disruption to the residents. It was questioned whether Council could request reports from Police, Fire & Ambulance. The Clerk suggested he could request this from the Region and have a Public Meeting notice mailed to Ontario Street residents.

Motion:

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

That the public works Committee minutes of July 10th, 2000, be adopted, and the recommendations contained therein be approved and acted upon.

CARRIED

##### MUSEUM COMMITTEE

Motion:

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

That the museum committee minutes of July 12th, 2000, be adopted, and the recommendations contained therein be approved and acted upon. . . CARRIED

##### COMMUNITY SERVICES COMMITTEE

Motion:

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

That the Community Services Committee minutes of July 12th, 2000, be adopted, and the recommendations contained therein be approved and acted upon.

##### CRF REPORT TO PROVINCE, AD 00-1 72

CARRIED

Motion:

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

WHEREAS, the Province of Ontario is providing the Town of Lincoln a Community Reinvestment Fund (CRF) allocation; and

WHEREAS, the intended use of the 'CRF' allocation is to mitigate increases in property taxes; and,

WHEREAS, the Ministers of Finance and Municipal Affairs and Housing have requested that each municipality:

prepare a report on the planned use of the 2000 CRF allocation;

submit an electronic copy of a forecast of the Year 2000 Analysis of Capital Operations schedule (FIR Schedule 5); and

submit an electronic copy of a forecast of the Year 2000 Continuity of Reserves and Reserve Funds schedule (FIR Schedule 10); and

WHEREAS, THE province has requested that this information be provided by July 31,2000;

NOW THEREFORE, be it resolved,

THAT the Town of Lincoln, Community Reinvestment Fund (CRF) Analysis Report, dated June 28, 2000 and prepared by C.N.Watson and Associates Ltd. be approved;

THAT the Town of Lincoln intended to use the 2000 Analysis of Capital Operations, FIR Schedule 5 (Forecast) form part of this resolution; and

THAT the Town of Lincoln has complied with the Minister's request and Appendix B of the attached Town of Lincoln, Community Reinvestment Fund (CRF) Analysis Report and an electronic copy of a forecast of the Year 2000 Continuity of Reserves and Reserve Funds, FIR Schedule 10 (Forecast) form part of this resolution.

CARRIED (Council, July 17,2000) -3-

##### QUESTIONS ON BALLOT. MUNICIPAL ELECTION 2000. CS 00-177

Motion:

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

That this report be received for information. CARRIED

##### BEAMSVILLE LIONS PARK - VERBAL REPORT

C. Larmour informed Council that there was a meeting with the property owners the week of July 10th, 2000 with no clear resolution. All parties involved agreed to a meeting with the Regional Planning Department within the next two weeks.

##### BAYVIEW GREENHOUSES - VERBAL REPORT

C. Larmour explained that Consultants resolved all parking issues. There is now a separate parking area for trucks without refrigeration units and large truck

movement around the greenhouse has been stopped as there has been a maintenance road provided instead. An extension to the berm has been added @ as well. Regarding lighting of the operation, the applicant has informed that all concerns will be considered.

#### 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. 00-63, to authorize execution of a site plan agreement with Bayview Greenhouses (Jordan Station) Inc.

(b) No. 00-64, to amend By-law 89-75, to extend the maximum authorized term of years for the repayment of debt in respect of the acquisition of land and a building for municipal building administration purposes.

(c) No. 00-65, to convey the unopened road allowance between Lots 2 and 3, Concession 7 in the former Township of Clinton, now Town of Lincoln, Regional Municipality of Niagara.

(d) No.-00-66, 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. 00-63, 00-64, 00-65 and 00-66, 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

#### NOTICE OF NEW BUSINESS

Motion:

Re: PL 00-43- DiPaolo

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

Whereas there is a new application for a temporary use by-law relative to the DiPaolo property;

Be It Resolved that this matter be referred to Planning Committee and no action be taken on Council's resolution of March 6, 2000 to have \* the building removed until the matter is discussed at Planning Committee and recommendation comes forward.

CARRIED (Council, July 17,2000) -4-

Motion:

Re: Escarpment Crossing - Road allowance closures

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

Until such time as a truck route is established for an escarpment crossing be it resolved that Council reaffirm that no North-South unopened road allowance closures be permitted that could be considered as a possible truck route.

LOST -

Motion:

Re: Telephone Vote Election System

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

Whereas the costs to conduct a phone vote election system is double the cost of a regular election process;

Whereas it has been demonstrated that the phone vote system does not increase voter turnout;

Whereas concerns have been expressed by the Association of Municipalities of Ontario with the confidentiality of phone vote;

Whereas a malfunction of the system could negate the total election and force the municipality to hold a second election;

Be It Resolved

That the Town of Lincoln save \$30,000 by holding a standard ballot election;

That the Town of Lincoln not conduct the Year 2000 Election utilizing a phone vote system and that the Clerk be instructed to proceed on the basis of a standard election format for the Year 2000 Election.

CARRIED

Ald. MacMillan announced that the Public meetings for the Fire Services Review have been established for August 15th, 2000 at 7:00 p.m. at the Jordan Arena and August 22nd, 2000 at 7:00 p.m. at Town Hall.

CLOSED SESSION

Motion:

Moved by Ald. 6. Culp, Seconded by Ald. D. Good  
That Council adjourn to closed session in order to address matters  
pertaining to:

(a) Personnel matters about an identifiable individual, including municipal or local  
employees. CARRIED

Motion:

Moved by Ald. D. Good, Seconded by Ald. G. Barlow  
That Council resume in open session. CARRIED (Council, July 17, 2000) -5-

Motion:

Moved by Ald. R. Kelly, Seconded by Ald. W. MacMillan  
That Council of the Town of Lincoln appoint Mr. John Kukalis as Director  
of Public Works; and

Further, that park development responsibilities be assigned to the Public  
Works Department; and

Further, that the Director of Public Works be authorized to recruit a new  
manager of Technical Services; and

Further, that the remaining recommendations in the July 4th, 2000 report  
be referred back to the Acting Chief Administrative Officer for clarification and a  
further report.

NAYS: MAYOR R. KONKLE CARRIED

ADJOURNMENT

There being no further business to discuss, the Mayor declared the meeting  
adjourned at 9:55 p.m.

CLERK: TROY J. MCHAR~ Economic Development

Advisory Committee

Beamsville Room

July 19, 2000

Minutes of the Economic Development Advisory Committee Meeting held on July \* 19, 2000.

Present were: Robert Kelly, Chairman, Members, Jill Hildreth, Len Pennachetti,  
Tim Voronoff, Alderman Geoff Barlow, Staff present were John Kukalis, Director  
of Public Works and Bram Radix, Chief Building Official.

Bram Radix presented a verbal report on the Town of Lincoln website. It was  
noted that in the last 7 days the web site received 3,062 successful requests at  
an average of 437 per day and that 65 pages of information were downloaded  
per day.

Moved by: Len Pennachetti, Seconded: by Jill Hildreth

"THAT, the verbal report presented by Mr. Radix on the Town of  
Lincoln Website be accepted as presented.

APPROVED

As requested Bram Radix then presented changes and enhancements made on  
the new Town of Lincoln map and noted that a number of complimentary maps  
and tourism brochures will be mailed to the wineries and Bed and Breakfasts  
establishments in the Town. Depending on the amount of additional maps  
requested, they will be available at 25 cents per copy to recover part of the  
printing costs.

Moved by Len Pennachetti, Seconded by Jill Hildreth

"THAT, the verbal report presented by Bram Radix on the Town of  
Lincoln Map be accepted as presented."

APPROVED

Bram Radix then presented the map of the industrial park and surrounding  
industrial sites. It was identified that five sites are slated for development this  
year, two sites for development within the next two years. Although not identified  
because of confidentiality, negotiations to purchase are under way for two more  
sites. Members expressed that the industrial land bank is dwindling and that  
additional land should be identified in the near future.

Moved by Jill Hildreth, Seconded by Len Pennachetti

"THAT, the verbal report presented by Bram Radix on the Town of  
Lincoln industrial Development be accepted as presented."

APPROVED

John Kukalis then presented a report on the progress made on the reconstruction  
of Ontario Street. He noted that the project is proceeding ahead of schedule.  
Concrete curbs are being poured at this stage with a completion schedule of the

project by early September. At present sidewalks are not in the contract due to the Adhoc Committee review of the treatment of the sidewalk, to possibly complement the design used for the King Street reconstruction.

Moved by Tim Voronoff, Seconded by Jill Hildreth

"THAT, the verbal report presented by John Kukalis on the Ontario Street Improvements be accepted as presented."

APPROVED Mr. Kukalis then presented in detail with the aid of construction drawings the improvement works slated for King Street between Ontario Street and Bartlett Road.

With the exception of one property, Lincoln Hydro has secured the right to move the overhead wires from the front to the back of the properties in the downtown core. A sample of the proposed light fixtures was shown which was well received by the Committee Members. Mr. Kukalis noted that staff had recommended more benches and green granite light standards and fixtures; the merchants had opted for fewer benches and black standards and fixtures.

Members enquired if provisions had been made for a bike lane along King Street and traffic lights at the King Street and Cherry Heights intersection. It was noted that the conduit for a future traffic light was in the contract and that enquiries will be made about a possible bike lane. Considerable discussion took place about the Aberdeen, Bartlett and King Street intersection and the possible redesign of a traffic island at the intersection. Mr. and Mrs. Austin were in attendance at the presentation and made note of the present conditions of some of the driveway approaches.

Moved by Tim Voronoff, Seconded by Jill Hildreth

"THAT, the verbal report presented by John Kukalis on the King Street Improvements be accepted as presented."

APPROVED

NEW BUSINESS:

Alderman Kelly introduced the proposal to undertake a study, which would identify the strengths and weaknesses in the ability to improve tourist traffic into the Town.

It would be the intention to develop a plan of action from the study, which the stakeholders would support in volunteer time and monetary commitment.

Moved by Jill Hildreth, Seconded by Tim Voronoff

"THAT, the Town of Lincoln include in the Economic Development Budget for 2001 funds in the amount of \$15,000 to fund a Town of Lincoln Tourism Promotion Plan."

APPROVED

The meeting adjourned at 5:30 p.m. Next meeting is scheduled for August 16, 2000 at 3:00 p.m. in the Beamsville Room. Lincoln Chambers

Monday, July 24, 2000

Minutes of a meeting of the Planning and Development Committee held in the Council Chambers of the Town of Lincoln Municipal Offices on Monday, July 24, 2000, at 7:00 pm. Committee Members in attendance: Ald. R. Kelly (Chairman), Ald. W. MacMillan, Ald. B. Davies, Ald. G. Barlow (sitting in for Ald. A. Danyluck) and Mayor R. Konkle. Staff in attendance: Kathleen Dale (Director of Planning and Development) and Craig Larmour (Senior Planner) .

SCHEDULED DELEGATIONS

There were none.

ACCOUNTS

Motion

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

"THAT, Department payments in the amount of \$1,955.28 incurred in accordance with Council Policy A-94-218, having now been audited by Committee be ratified by Council."

CARRIED

RE PORTS

(A) PL 00-182 - FILE 12-05/00

SITE PLAN APPLICATION BY 758319 ONTARIO LIMITED (LAKESHORE INC.)

Tom Smart attended the meeting acting as agent for Lakeshore. Mr. Smart provided a brief description of the history regarding the Lakeshore application and provided a detailed description of the Site Plan which had been revised from the proposal put forward in the Zoning By-law Amendment



That, for reasons outlined in PL 00-181, it is hereby recommended that Regional Council be advised that the Town of Lincoln does not object to proposed Regional Policy Plan Amendment No. 150 for the extension of the sanitary sewer line in this location.

(C) PL 00-173 - FILE 5-7

**REGIONAL POLICY PLAN AMENDMENT 148**

**GREATER NIAGARA CIRCLE ROUTE AND RELATED TRAILS**

After considering report PL 00-173, the Committee adopted the following recommendation:

Motion

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

Re: PL 00-173 Regional Policy Plan Amendment 148, Greater Niagara Circle Route and Related Trails

That, for reasons outlined in PL 00-173, it is hereby recommended that Regional Council proceed with an amendment to the Regional Policy Plan to provide the implementation of appropriate policy supporting the Greater Niagara Circle Route and related trails.

**CARRIED**

(D) PL 00-174 - FILE 5-7

**REGIONAL POLICY PLAN AMENDMENT 149, BICYCLING POLICY**

After considering report PL 00-174, the Committee adopted the following recommendation:

Motion

Moved by Mayor R. Konkle, Seconded by Ald. B. Davies Planning/Devel Minutes (00 07 24) Page 3 of 4

Re: PL 00-174 - Regional Policy Plan Amendment 149, Bicycling Policy

That, for reasons outlined in PL 00-174, it is hereby recommended:

1. That Regional Council proceed with an amendment to the Regional Policy Plan to provide the implementation of appropriate policy for the identification of bicycling as a legitimate form of transportation. **CARRIED**

(E) PL 00-175 - FILE 5-3 - NUTRIENT MANAGEMENT PLANNING

After considering report PL 00-175, the Committee adopted the following recommendation:

Motion

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

Re: PL 00-175 - Nutrient Management Planning

That, for the reasons outlined in PL 00-175, it is hereby recommended that:

1. Regional Council be advised that the Town of Lincoln supports their initiative regarding Nutrient Management Planning; and
2. Regional Council be advised that the Town of Lincoln will adopt the model Nutrient Management Plan By-law, when finalized.

**CARRIED**

(F) PL 00-178 - FILE 1-21

**STATUS OF ALL ACTIVE CONSENT AND MINOR VARIANCE APPLICATIONS**

After considering report PL 00-178, the Committee adopted the following recommendation:

Motion

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

Re: PL 00-178 - Status Of All Active Consent And Minor Variance Applications

"THAT, PL 00-178, being the Status of Active Consent and Minor Variance Applications, up to and including July 15, 2000, BE RECEIVED as information."

**CARRIED**

**(G) PL 00-179 - FILE 1-21 - STATUS OF ACTIVE OFFICIAL PLAN AMENDMENTS, ZONING BY-LAW AMENDMENTS, SITE PLAN APPROVAL, PLAN OF SUBDIVISION AND 2LAN ox'rp**

After considering report PL 00-179, the Committee adopted the following recommendations :

Motion

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

Re: James & Helene Culp - 10/04/99

That the site plan be submitted to the Planning Department if it is not received by September 30/00 staff is advised to close file and the By-law Department take action for non-compliance.

**CARRIED**

Motion

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

Re: PL 00-179 - Status Of All Active Development Applications

"THAT, PL 00-179, Status Sheets relating to All Active Official Plan Amendment Applications, Zoning By-law Amendment Applications, Site Plan Approval Applications, Plan of Subdivision and Plan of Condominium Applications in the Town of Lincoln, up to and including July 17, 2000, BE RECEIVED as information."

**CARRIED**

**CORRESPONDENCE**

I. DPD-89-2000 - Regional Procedural Guidelines for sharj.ng of costs of OMB Hearing within all municipalities. RhF - Planning/Devel Minutes (00 07 24)

**NOTICE OF NEW BUSINESS**

There was none.

**UNSCHEDULED DELEGATIONS**

There were none.

**ADJOURNMENT**

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

**SECRETARY CHAIRMAN Lincoln Chambers**

Monday, July 31, 2000

Minutes of a meeting of the Planning and Development Committee held in the Council Chambers of the Town of Lincoln Municipal Offices on Monday, July 31, 2000, at 7:00 pm. Committee Members in attendance: Ald. R. Kelly (Chairman), Ald. W. MacMillan, Ald. G. Barlow (sitting in for Ald. A. Danyluck) and Mayor R. Konkle. Staff in attendance: Kathleen Dale (Director of Planning and Development) and Craig Larmour (Senior Planner).

**SCHEDULED DELEGATIONS**

There were none.

**ACCOUNTS**

Motion

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

"THAT, Department payments in the amount of \$32.20 incurred in accordance with Council Policy A-94-218, having now been audited by Committee be ratified by Council."

**CARRIED**

**RE PORTS**

(A) PL 00-184 - FILES 9-02/00 & 10-05/00

**AMENDMENTS TO THE NIAGARA ESCARPMENT PLAN,  
THE REGIONAL POLICY PLAN, AND  
THE TOWN'S OFFICIAL PLAN AND ZONING BY-LAW  
NEW SECONDARY PLAN FOR CAMPDEN**

A Committee member questioned the importance of the receipt of the Niagara Escarpment Commission comments in relation to the processing of this application. The Committee member further questioned the impact if their comments are not received in a timely manner. Ms. Dale responded by indicating that the receipt of the comments from the Niagara Escarpment Commission are of great importance and that the planning process will be limited in how far it can proceed without the comments of the Niagara Escarpment Commission. Ms. Dale further explained that it is of utmost importance to determine the total area to be included in the new boundaries for Campden in order to finalize a servicing plan and determine the final costs.

A Committee member questioned if there is sufficient capacity in the Vineland system and if it is necessary to impose a restriction on the design and the number of lots of the Campden expansion. The Mayor indicated that the pumping station to be installed in order to service the Campden area was the Region's suggestion and that it would seem reasonable that they would not have suggested such measures if capacity in the system was not available. A Committee member requested that the Regional Public Works Department provide comments in writing regarding the capacity of the system to accommodate this development for the next meeting with the public which is September 19th, 2000.

A Committee member questioned the configuration as outlined in the Options of the report and the size of lots illustrated in those options. Ms. Dale responded that the options illustrate concepts only and that they are fairly close in terms of measurement.

A Committee member expressed concern regarding the management of the storm water in consideration of the limitations of Penner Creek and Stoney Creek to convey more storm water than they do at this time. Ms. Dale indicated that these matters will need to be addressed in the studies required by subsequent plans for development.

A brief discussion ensued regarding the financial commitments and the manner in which the servicing for Campden would be paid for. It was agreed that this matter will need to be further addressed once the final boundaries and servicing commitments are real-ized.

Ms. Dale indicated that there may be a number of existing uses located in the hamlet that may not be appropriate to continue in consideration of the Planning/Devel Minutes (00 07 31) Page 2 of 4

urban type development and that there may be a possibility of "down" designating and zoning those uses.

After considering report PL 00-184, the Committee adopted the following recommendation:

Motion

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

Re: Amendments to the Niagara Escarpment Plan, the Regional Policy Plan and the Town's Official Plan and Zoning By-law New Secondary Plan for Campden

For the reasons outlined in PL 00-184 it is hereby recommended:

1. That Options 1, 2 and 3 and a draft Secondary plan to reflect Option 2 be circulated to relevant government agencies and Town Departments for comments;
2. That a joint public meeting be held with the Region on Tuesday September 19, 2000 in order to obtain public comments relating to the Options;
3. That the Region be requested to circulate the amendment to the Regional Policy Plan based on Option 2; and
4. That the Niagara Escarpment Commission be requested to circulate the amendment to the Niagara Escarpment Commission based on Option 2.

(B) PL 00-189 - FILES 9-02/00 & 10-05/00

#### REGIONAL PLANNING AND DEVELOPMENT DEPARTMENT REVIEW OF TOWN OF LINCOLN OFFICIAL PLAN AMENDMENT NO. 22 - (WINERIES)

Tom Smart attended the meeting and informed that he basically has no objection to the Regional modifications in consideration of the fact that they are merely wording changes, however, Mr. Smart does have some concern with subsections 2.1.5.2 (e) and 2.1.5.2 (h) .

Mr. Smart explained that the wording proposed in 2.1.5.2 (e) is repetitive in that the phrase "so as not to detract from the principle agricultural use nor adversely affect surrounding land uses" is expressed in the new 2.1.5.2(1). For this reason, Mr. Smart recommended that subsection (e) be revised by the deleting those words.

Regarding 2.1.5.2(h), Mr. Smart is concerned that the addition of the words "the retail sale of wine" greatly alters Council's original intention and his own understanding of what was to be accomplished in the amendment to the Official Plan policies. Mr. Smart drew attention to the fact that farm wineries are permitted to have 200 square metres of retail and hospitality room space arid that estate wineries are restricted to 235 square metres, even though a restaurant and banquet facilities are permitted uses in addition to the retail and hospitality room uses. Mr. Smart indicated that a in accepting the modification, Council is only allowing 35 square metres extra for an estate winery. It is Mr. Smart's opinion that an estate winery will always need a greater area than 235 square metres for commercial space and consequently all estate wineries that come forward will be applying for Official Plan and Regional Policy Plan amendments in addition to the required Zoning By-law amendment.

Mr. Smart informed that it is his opinion that the Town of Lincoln is being overly restrictive and that they are not realizing that retail is an

integral part of a winery and consequently should not be considered as part of the 235 square metres of commercial floor area. It is Mr. Smart's recommendation that the phrase "the retail sale of wine" be deleted from subsection 2.1.5.2 (h) .

Mr. Smart indicated that the Town has suitable measures for control in that all applications for estate wineries must proceed by way of Zoning By-law amendment. In this manner, Council always has the final decision of whether a winery will or will not proceed. •

Mr. Smart concluded by requesting that the definition of estate winery be amended in order to include the use of accommodation facilities and banquet facilities. Planning/Devel Minutes (00 07 31) Page 3 of 4

A Committee member questioned staff's intention regarding the proposed modifications and the policy as originally presented. Ms. Dale indicated that it has always been staff's opinion that the 235 square metre

restriction applied to all commercial uses including the retail sale of wine. With respect to subsection 2.1.5.2(e), Ms. Dale indicated that staff had no objection to the removal of the last phrase as it is repeated in the new subsection 2.1.5.2 (1) . Regarding the definition of estate winery, Ms. Dale indicated that staff consider banquet facilities and accommodation facilities to be uses required to proceed by way of Official Plan amendment as they are not generally considered to be agriculturally related.

A Committee member stated that 235 square metres appears to be overly restrictive and questioned what staff's intent was in imposing this floor area restriction. Ms. Dale indicated that the primary use of lands is to be for the winery and associated retail, and that other uses do not necessarily need to be in the agricultural area nor on the winery property.

Mr. Smart agreed that not all uses are appropriate in the agricultural area, however, Mr. Smart also indicated that 235 square metres can quite rapidly be consumed in an estate winery when hallways and foyer space are counted towards the total restriction on floor area. Mr. Smart reiterated his opinion that the Town can retain control over the amount of floor area for each site through the Zoning By-law amendment process. Mr. Smart indicated that the Town of Niagara-on-the-Lake is much more flexible in terms of the amount of floor area permitted with each winery. Mr. Smart informed that the Town of Niagara-on-the-Lake permits a total commercial floor area of 400 square metres. Mr. Smart concluded by stating that the Town of Niagara-on-the-Lake may be considered to be an advantageous location over the Town of Lincoln because of the overly restrictive policy. A Committee member stated that the Town of Lincoln is vastly different from the Town of Niagara-on-the-Lake and if the winery wants scenery and good grapes, they need to be in the Town of Lincoln. The Committee member continued by stating that the Town definitely wants to retain control because there is a concern that extra uses will be perpetuated if the winery fails. For this reason, the commercial floor area has been restricted in order to keep the accessory uses to a scale that would not make them viable uses on their own. Mr. Smart informed that in his opinion an accessory use measuring 235 square metres would not allow for development to take place to such a degree that it would overtake the winery as a primary use. Mr. Smart indicated that he would prefer that the total commercial floor area excluding the retail sale of wine be increased to 400 square metres, however, Mr. Smart agreed that the Town of Lincoln is different from Niagara-on-the-Lake and that 235 square metres may be suitable.

A lengthy discussion ensued regarding staff's intention and Committee and Council's understanding of the proposed policies

After considering report PL 00-189, the Committee adopted the following recommendation:

Motion

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

Re: Regional Planning and Development Department Review of Town of Lincoln Official Plan Amendment No. 22

That, for the reasons outlined in PL 00-189, it is hereby recommended that the Region be advised that the Town of Lincoln accept the modifications as

outlined in Regional Planning and Development Report No. DPD 94-2000; except for 4(h) which shall delete the words "the retail sale of wine"; and 4(e) "so as not ..... and uses" be deleted as it is implicit in Policy L from the definition.

**CARRIED**

There was none.

**CORRESPONDENCE** Planning/Devel Minutes (00 07 31)

**NOTICE OF NEW BUSINESS**

**Motion**

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

Re: Robert S.K. Welch Memorial Fund

WHEREAS we have all been saddened by the untimely passing of the Honourable Robert S.K. Welch;

WHEREAS Bob Welch served the residents of this municipality and all Ontarians with distinction for many, many years;

AND WHEREAS it was his and his families wish that a donation be made to a charity of our choice in lieu of flowers;

THEREFORE BE IT RESOLVED THAT a donation of \$250.00 be made by the Town of Lincoln to the "Good Better Brock" campaign;

FURTHER, THAT this donation in his name be made on behalf of all the citizens of Lincoln.

**CARRIED**

**UNSCHEDULED DELEGATIONS**

There were none.

**ADJOURNMENT**

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

**SECRETARY CHAIRMAN**