

Lincoln Chambers
May 20th, 2003

The Council of the Town of Lincoln met in regular session on Tuesday, May 20th, 2003, at 7:00 pm, in the Lincoln Chambers. All members of Council were present except Ald. P. Randall and the meeting was chaired by Mayor R. A. Konkle. Staff present: S. Bruce Peever (Chief Administrative Officer), K. Dale (Director of Planning), J. Pease (Director of Community Services), D. Kerr (Manager of Roads & Utilities) and W. Kolasa (Director of Corporate Services/Clerk).

Mayor Konkle called the meeting to order at 7:00 p.m.

ADOPTION OF MINUTES

Motion:

Moved by Ald. D. Warren, Seconded by Ald. R. Foster

That the minutes of the May 5th, 2003 regular Meeting of Council be adopted as circulated.

CARRIED

DELEGATIONS

PRESENTATION TO BOSMA LANDSCAPING MIDGET TRAVEL TEAM 2003 – OMHA “BB” CHAMPIONS.

Presentations were made by Mayor Konkle, on behalf of the Town of Lincoln, Regional Councillor Jill Hildreth, on behalf of the Regional Municipality of Niagara, Scott Southward, on behalf of M.P. Tim Hudak and the Province of Ontario, and John Maloney, on behalf of the Government of Canada, to the members of the Bosma Landscaping Midget Travel Team in recognition of their successful effort in attaining the title of Ontario Minor Hockey Association “BB” Champions.

MARCY LACKEY, RE: KATIMAVIK.

Ms. Marcy Lackey addressed Council to provide information originally presented at the May 14, 2003 meeting of the Community Services Committee regarding a student experience program entitled Katimavik. Members considered the nature of the program, the potential role that could be played by Town of Lincoln in the program, and information that a recommendation regarding the program was contained in the minutes of the Community Services Committee.

TOM RICHARDSON, MARTIN HEIKOOP, RE: CLASSIC VILLAGE III SUBDIVISION.

Mr. Tom Richardson and Mr. Martin Heikoop, agents for Grimsby Classic Homes (1988) Limited, addressed Council to provide information regarding their proposed Classic Village III subdivision as considered by the Planning and Development Committee at its May 8, 2003 meeting. Mssrs. Richardson and Heikoop reviewed the original staff recommendations regarding the application, the deliberations of the Planning and Development Committee, and an amended proposal detailed in a staff report scheduled to be considered later in the Council Meeting. Members concluded consideration of the information presented by the delegation by noting that the matter would be concluded with the consideration of Report PL 03-96.

REGIONAL COUNCILLOR JILL HILDRETH.

Regional Councillor Jill Hildreth addressed Council to provide information regarding a number of issues including the status of the Region's efforts in dealing with the West Nile Virus, the status of efforts to establish a regional Land Ambulance Dispatch Centre and a variety of Provincial initiatives including Smart Growth and proposals to require municipalities to conduct referenda prior to municipal adoption of increases in taxation rates.

Members of Council considered the information provided by the Regional Councillor and also raised a number of concerns regarding local issues. Members particularly noted serious concerns regarding the renewed urgency of the Region's Ontario Street reconstruction project arising from the recent opening of a new Sobey's grocery store at the intersection of Ontario Street and Greenlane and resulting traffic flow problems. Members also reviewed direction given to the staff to coordinate with the Region's Public Health Department to ensure that the citizens of the Town of Lincoln received adequate information regarding the West Nile Virus situation.

REPORTS

COMMUNITY SERVICES COMMITTEE, MINUTES OF MAY 14TH.

Members of Council reviewed Committee deliberations regarding a number of items of business including a proposed "Carriage on the Vineyards" horse and carriage proposal. Members also considered a motion that would be presented during the new business portion of the Council agenda regarding the disposition of municipal parkettes. The following motion resulted.

Motion:

Moved by Ald. W. MacMillan, Seconded by Ald. R. Foster

That the Community Services Committee minutes of May 14th, 2003, be adopted, and the recommendations contained therein be approved and acted upon.

CARRIED

LINCOLN PUBLIC LIBRARY BOARD, MINUTES OF MARCH 25TH, AND RELATED MATERIAL.

Motion:

Moved by Ald. J. Bald, Seconded by Ald. D. Foster

THAT the Lincoln Public Library Board minutes of March 25th and related material, be received.

CARRIED

LACAC, MINUTEES OF APRIL 17TH.

Motion:

Moved by Ald. B. Culp, Seconded by Ald. D. Good
RE: LACAC Meeting

THAT the minutes of the LACAC meeting of April 17, 2003 be adopted, and the recommendations contained therein be approved and acted upon.

CARRIED

PUBLIC MEETING, MINUTES OF MAY 8TH.

Motion:

Moved by Ald. R. Foster, Seconded by Ald. W. MacMillan
THAT the minutes of the Public Meeting of May 8th, 2003,

- (a) CN: 3-5-02-02 APPLICATION: 2003-01, JOINT PUBLIC MEETING WITH THE REGION REGARDNG OFFICIAL PLAN AMENDMENT APPLICATION – GRACE AND TRUTH RETIREMENT HOMES OF CANADA.
- (b) CN: 3-5-02-02 APPLICATION: 2003-06 – ZONING BYLAW AMENDMENT APPLICATION – GRIMSBY CLASSIC HOMES (RITTENHOUSE ESTATES PHASE 3).

(c) CN 3-5-2003 – ZONING BYLAW AMENDMENT – PETER J. THIESSEN

be received.

CARRIED

PLANNING & DEVELOPMENT COMMITTEE, MINUTES OF MAY 8TH.

Motion:

Moved by Ald. R. Foster, Seconded by Ald. W. MacMillan

That the Planning and Development Committee minutes of May 8th, 2003 be adopted and the recommendations contained therein be approved and acted upon.

CARRIED

PUBLIC WORKS COMMITTEE, MINUTES OF MAY 12TH.

Members of Council reviewed a number of recommendations of the Town's Public Works Committee including motions regarding capital expenditures pertaining to an asphalt roller and structural repairs to the Town's Administration Building. Members considered the rationale associated with each of those recommendations and concluded deliberations as follows.

Motion:

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

THAT the Public Works Committee minutes of May 12th, 2003, be adopted, and the recommendations contained therein be approved and acted upon.

CARRIED

MUSEUM COMMITTEE, MINTES OF MAY 14TH.

Members noted the recent celebration marking the 50th anniversary of Jordan Museum of the Twenty. Consideration of the Museum Committee recommendations concluded with the introduction of the following motion.

Motion:

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

THAT the Museum Committee minutes of May 14th, 2003, be adopted, and the recommendations contained therein be approved and acted upon.

CARRIED

PL 03-96, CLASSIC VILLAGE III REVISED PLAN.

Members reviewed information presented by a staff report regarding the proposed plan of subdivision, a delegation earlier in the meeting and considered a motion introduced at Town's Planning and Development Committee meeting which concluded with a tied vote, resulting in a motion lost. Members considered potential traffic volumes associated with the development and also noted the sizes of various lots in the proposed subdivision. Consideration of the matter concluded as follows.

Motion:

Moved by Ald. R. Foster, Seconded by Ald. W. MacMillan

THAT for the reasons outlined in PL 03-96, it is hereby recommended:

1. The Draft Plan of Subdivision, Classic Village III (revised), Town of Lincoln, be approved in accordance with the provisions of the Planning Act, and regulations thereunder, subject to the conditions (*as modified to reflect the revised plan*) outlined in Attachment No. 4 to PL 03-96.
2. That all parties be advised of Council's decision on the Draft Plan of Subdivision application in accordance with Provincial Regulations. (*Note: Appeal period is twenty days from notice of decision*).

3. The Director of Planning and Development or the Town Clerk be authorized to endorse the Draft Plan as 'approved' twenty days after notice of Council's decision has been given, provided that no appeals against the decision have been lodged.
4. The applicant be advised that the Town's draft approval of this plan will lapse three years from the date of draft approval unless an extension of the approval period is granted by Town Council. If an extension is requested, an updated review and revisions to the conditions of draft approval may be necessary at that time.
5. The Zoning By-law Amendment Application 2003-04 in the name of 816024 Ontario Limited, BE APPROVED (*as modified to reflect the revised draft plan*), but the by-law not be passed by Council until such time as the related subdivision receives draft plan approval and the appeal period for the draft plan approval has expired.

CARRIED

MEMORANDUM FROM CLERK, NOTICE FROM AMO, RE: WEST NILE VIRUS.

Members considered a memorandum from the Director of Corporate Services/Clerk advising of a request from the Regional Public Health Department to enter onto Town of Lincoln lands to facilitate a mosquito larviciding program. Members of Council directed staff to ensure that the Region notified the Town of locations where larviciding would take place and also directed staff to request the Regional Public Health Department to re-attend a future Council meeting to provide additional information and to respond to questions regarding the West Nile Virus situation in Niagara Region.

Motion:

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

THAT the memorandum prepared by the Director of Corporate Services/Clerk regarding the West Nile Virus, be received as information.

AND FURTHER THAT the Town of Lincoln grant authorization to the regional Niagara Public Health Department and it's Licenced Pest Control Operator, to permit the use of larvicide on all municipally owned property for the treatment of mosquitoes that are potential vectors of the West Nile Virus.

CARRIED

CONFIRMATION OF COMPLIANCE

Motion:

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

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 amendment to Zoning By-law No.93-14-Z1:

- (a) No. 03-48-Z271, to amend Zoning By-law No. 93-14-Z1, as amended, of the Town of Lincoln (Rittenhouse Estates Phase 3).

CARRIED

BY-LAWS

Motion:

Moved by Ald. W. MacMillan, Seconded by Ald. R. Kelly

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

- (a) No. 03-46, to adopt, confirm and ratify matters dealt with by Council resolution.
- (b) No. 03-47, to amend By-law 89-2000, being a by-law regulating traffic and parking on local municipal roads.
- (c) No. 03-48 Z71, to amend Zoning By-law No. 93-14-Z1, as amended of the Town of Lincoln (Rittenhouse Estates Phase 3).
- (d) No. 03-49, to authorize execution of an agreement with Waterfront Regeneration Trust with respect to the Town's Waterfront Trail projects.

CARRIED

Members noted the introduction of By-law No. 03-49 and reviewed information that the Waterfront Regeneration Trust agreement amounted to some \$159,700 (including GST-net after rebate) and the Town is to receive \$63,800 based on 40% funding.

Motion:

Moved by Ald. R. Foster, Seconded by Ald. W. MacMillan

THAT By-law Nos. 03-46, 03-47, 03-48 Z71 and 03-49 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

DISPOSITION OF MUNICIPAL PARKETTES

Members of Council considered the results of a public meetings regarding the disposition of municipal parkettes detailed in the minutes of the May 14th Community Services Committee meeting, the pros and cons of disposing of municipal parkettes, the public opinion garnered at the public meetings and concluded consideration of the matter with the introduction of the following motion.

Motion:

Moved by Ald. W. MacMillan, Seconded by Ald. R. Kelly

As a result of the public meeting and the receipt of written submissions, the public is of one mind – that is to preserve the parkettes.

Therefore be it resolved that the Town of Lincoln not undertake the closure and/or sale of any parkettes within the Town.

CARRIED

CLOSED SESSION

Motion:

Moved by Ald. D. Warren, Seconded by Ald. R. Foster

RE: Closed Session

THAT Council adjourn to closed session in order to address security of municipal property and personal matters regarding identifiable individuals.

CARRIED

Motion:

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

RE: Closed Session

THAT Council resume in open session.

CARRIED

Consideration, in closed session, of the subject matter pertaining to the security of municipal property with the attendance of Mssrs. William Amadio and Larry Reich, concluded as follows.

Motion:

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

1. THAT the Town of Lincoln defer any action with regard to a St. Edwards School Site Plan Agreement.
2. AND THAT the security relating to the existing site plan be held by the Town pending approval of a new site plan application and the completion of any new works;
3. AND THAT the status of the situation be reviewed in 18 months.

CARRIED

Motion:

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

RE: Closed Session

THAT Council adjourn to closed session in order to address security of municipal property and personal matters regarding identifiable individuals.

CARRIED

Motion:

Moved by Ald. R. Kelly, Seconded by Ald. R. Foster

RE: Closed Session

THAT Council resume in open session.

CARRIED

Motion:

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

THAT the Chief Administrative Officer act in accordance with the direction given in closed session

CARRIED

ADJOURNMENT

There being no further business to discuss, the Mayor declared the meeting adjourned at 10:15 p.m.



MAYOR: RAY A. KONKLE



CLERK: WILLIAM J. KOLASA