

THE CORPORATION OF THE TOWN OF LINCOLN

COUNCIL

A G E N D A

October 1, 2012

7:00 pm

Page

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **DECLARATIONS OF INTEREST**

4. **ADOPTION OF PREVIOUS COUNCIL MINUTES**

3-6 (a) Minutes of Council's regular meeting of September 17.

5. **BUSINESS ARISING FROM THE MINUTES**

6. **MAYOR'S REPORT**

7. **REGIONAL COUNCILLOR'S REPORT**

8. **DELEGATIONS**

9. **CORRESPONDENCE**

10. **REPORTS**

7-9 (a) Corporate Priorities Committee, minutes of September 24.

11. **CONFIRMATION OF COMPLIANCE WITH S.34 OF THE PLANNING ACT**

12. **BY-LAWS**

13. **NOTICE OF NEW BUSINESS**

14. ANNOUNCEMENTS

15. CLOSED SESSION

- (a) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board (a matter pertaining to the acquisition of land).

16. BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL

- (a) No. 2012-65, To adopt, confirm and ratify matters dealt with by Council resolution.

17. ADJOURNMENT

The Council of the Town of Lincoln met in regular session on September 17, 2012, at 7:00 p.m. in the Lincoln Chambers.

Members Present:	B. Hodgson	Mayor
	G. Barlow	Councillor
	R. Condotta	Councillor
	R. Foster	Councillor
	W. MacMillan	Councillor
	J. D. Pachereva	Councillor
	D. Rintjema	Councillor
	D. Thompson	Councillor
Regrets:	J. Kralt	Councillor
Also Present:	A. L. Heron	Chief Administrative Officer
	G. Dal Bianco	Deputy Clerk
	K. Dale	Director of Planning and Development
	D. Graham	Director of Public Works
	L. Laird	Community Services Coordinator
	W. Kolasa	Director of Corporate Services/Clerk

Mayor Hodgson called the meeting to order at 7:00 p.m. Councillor Condotta declared an interest with regard to Zoning By-law Amendment Application No. 2012-04 detailed in the minutes of the September 10, 2012 meeting of the Planning and Development Committee as his spouse was the applicant. Councillor Condotta did not participate in the deliberations or vote on the subsequent motion regarding the relevant minutes or by-law. Councillor Pachereva reiterated an interest declared and detailed in the September 5, 2012 meeting of the Community Services Committee. There were no other declarations of interest.

ADOPTION OF PREVIOUS COUNCIL MINUTES

REGULAR COUNCIL, MINUTES OF SEPTEMBER 4, 2012

Motion No. RC-2012-156

Moved by Councillor D. Thompson, Seconded by Councillor G. Barlow

THAT the minutes of the September 4, 2012, Regular Meeting of Council, be adopted as circulated.

CARRIED

BUSINESS ARISING FROM THE MINUTES

NOTICE OF MOTION, RE: WEB-STREAMING OF COUNCIL AND COMMITTEE MEETINGS

Further to a notice of motion provided by Councillor Rintjema at the September 4, 2012 meeting of Council, Members considered the following motion.

Motion No. RC-2012-157

Moved by Councillor D. Rintjema, Seconded by Councillor R. Foster

THAT staff investigate and report the financial costs for having Lincoln Council Meetings broadcast live via online video-feeds and for archived copies of the videos to be available on the Town of Lincoln website.

AND THAT the report should reflect the cost of having all public meetings of Council and Councils Committees broadcast vs. Council meetings only.

CARRIED

MAYOR'S REPORT

Mayor Hodgson advised of a number of items of municipal interest including his attendance at the United Way Kick-Off Breakfast and the Enbridge Project Assist Program which helps Ontario fire departments with volunteer firefighters purchase firefighting training education programs. Mayor Hodgson also advised that he attending the opening ceremonies for the

new Hotel Dieu Shaver Health and Rehabilitation Centre, the Cairns Family Health and Bioscience Research Complex and the Grimsby 62 Phantom Squadron Royal Canadian Air Cadets Headquarters.

REGIONAL COUNCILLOR'S REPORT

None.

DELEGATIONS

PRESENTATION, COMMUNITIES IN BLOOM 2012 GARDEN CONTEST WINNERS

Council recognized winners of the Town's 5th Annual Communities In Bloom Garden Contest including:

Residential Division – Ian Vermeer;
Churches Division – Trinity Unity Church;
Schools Division – Senator Gibson Elementary School;
Businesses Division – Good Earth Food and Wine Company; and
Wineries Division – Stoney Ridge Winery.

Council also extended congratulations to all honourable mention winners and thanks to all participants.

CORRESPONDENCE

None.

REPORTS

COMMUNITY SERVICES COMMITTEE, MINUTES OF SEPTEMBER 5

Motion No. RC-2012-158

Moved by Councillor W. MacMillan, Seconded by Councillor D. Rintjema

THAT the minutes of the Community Services Committee of September 5, 2012, be adopted, and the recommendations contained therein be approved and acted upon.

CARRIED

PUBLIC MEETING, MINUTES OF SEPTEMBER 10

Motion No. 2012-159

Moved by Councillor R. Foster, Seconded by Councillor J. D. Pachereva

THAT the minutes of the Public Meeting of September 10, 2012 regarding:

A) 1578878 Ontario Inc., Zoning By-law Amendment,

be received.

CARRIED

PLANNING AND DEVELOPMENT COMMITTEE, MINUTES OF SEPTEMBER 10

Motion No. RC-2012-160

Moved by Councillor R. Foster, Seconded by Councillor J. D. Pachereva

THAT the minutes of the Planning and Development Committee meeting of September 10, 2012, be adopted and the recommendations contained therein be approved and acted upon, with the exception of Motion PD 2012-42.

CARRIED

Motion No. RC-2012-161

Moved by Councillor R. Foster, Seconded by Councillor J. D. Pachereva

THAT Section 6.6 recommending prohibiting drive-thru facilities in the Neighbourhood Commercial Zones not be approved.

CARRIED

INFRASTRUCTURE COMMITTEE, MINUTES OF SEPTEMBER 12

Motion No. RC-2012-162

Moved by Councillor J. D. Pachereva , Seconded by Councillor R. Foster

THAT the minutes of the Corporate Priorities Committee meeting of September 12, 2012, be adopted and the recommendations contained therein be approved and acted upon.

CARRIED

CONFIRMATION OF COMPLIANCE

Motion No. RC-2012-163

Moved by Councillor D. Rintjema, Seconded by Councillor W. MacMillan

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-Z1:

- (a) No. 2012-61-Z440, To amend Zoning By-law No. 93-14-Z1, as amended, of the Town of Lincoln (Barbara Honsberger Condotta).
- (b) No. 2012-62-Z441, To amend Zoning By-law No. 93-14-Z1, as amended, of the Town of Lincoln (General Amendment).
- (c) No. 2012-63-Z442, To amend Zoning By-law No. 93-14-Z1, as amended, of the Town of Lincoln (General Amendment).

CARRIED

BY-LAWS

Motion No. RC-2012-164

Moved by Councillor D. Rintjema, Seconded by Councillor W. MacMillan

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

- (a) No. 2012-61-Z440, To amend Zoning By-law No. 93-14-Z1, as amended, of the Town of Lincoln (Barbara Honsberger Condotta).
- (b) No. 2012-62-Z441, To amend Zoning By-law No. 93-14-Z1, as amended, of the Town of Lincoln (General Amendment).
- (c) No. 2012-63-Z442, To amend Zoning By-law No. 93-14-Z1, as amended, of the Town of Lincoln (General Amendment).

CARRIED

Motion No. RC-2012-165

Moved by Councillor W. MacMillan, Seconded by Councillor D. Rintjema

THAT By-law Nos. 2012-61-Z440, 2012-62-Z441 and 2012-63-Z442 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

None.

ANNOUNCEMENTS

Councillor Thompson and Councillor Condotta invited members of the public to a Ward 3 Open Forum to be held at the Jordan Fire Hall on September 19, 2012 to discuss municipal issues and initiatives in Ward 3. Councillor Rintjema invited members of the public who may be interested in volunteering with the running of next year's Berries and Blooms Festival to attend the meeting on October 2, 2012 at the Vineland Research and Innovation Centre.

CLOSED SESSION

Motion No. RC-2012-166

Moved by Councillor W. MacMillan, Seconded by Councillor D. Rintjema

THAT Council adjourn to closed session in order to address litigation or potential litigation, including matters before administrative tribunals (a matter pertaining to an OMB appeal and a matter pertaining to a pending trial).

CARRIED

Motion No. RC-2012-168

Moved by Councillor G. Barlow, Seconded by Councillor D. Thompson

THAT Council resume in open session.

CARRIED

Consideration of the subject matter in closed session concluded with the taking of a vote in closed session for the purpose of providing direction to the Mayor, staff and the Town Solicitor regarding the OMB matter and without recommendation or report regarding the trial matter.

BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL

Motion No. RC-2012-169

Moved by Councillor G. Barlow, Seconded by Councillor D. Thompson

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

- (a) No. 2012-64, To Adopt, Confirm and Ratify matters dealt with by Council resolution.

CARRIED

Motion No. RC-2012-170

Moved by Councillor R. Foster, Seconded by Councillor D. Thompson

THAT By-law No. 2012-64, 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-law.

CARRIED

ADJOURNMENT

There being no further business to discuss, the Mayor declared the meeting adjourned at 9:15 p.m.

MAYOR: BILL HODGSON

CLERK: WILLIAM J. KOLASA

Lincoln Chambers
September 24, 2012

The Corporate Priorities Committee of the Town of Lincoln met in regular session on September 24, 2012, at 7:00 p.m. in the Lincoln Chambers.

Members Present:	J. Kralt	Councillor (Chair)
	G. Barlow	Councillor
	R. Condotta	Councillor (arrived at 7:10 pm)
	R. Foster	Councillor
	B. Hodgson	Mayor
	W. MacMillan	Councillor
	J.D. Pachereva	Councillor
	D. Rintjema	Councillor (arrived at 7:35 pm)
	D. Thompson	Councillor

Also Present:	A. L. Heron	Chief Administrative Officer
	M. Dent	Tax Clerk (departed at 8:05 pm)
	R. Potter	Manager of Revenue
	R. Spadoni	Director of Finance
	W. Kolasa	Director of Corporate Services/Clerk

Chair Kralt called the meeting to order at 7:00 p.m. There were no declarations of interest.

DELEGATIONS

METIS TRANSIT, RE: COMMUNITY BASED PUBLIC TRANSIT INITIATIVE

Mr. Darren Parberry of Metis Transit addressed Committee to propose an innovative way of providing community-based public transit to the municipality at no cost to the taxpayers of the Town of Lincoln. Mr. Parberry provided information regarding the proposed service, the manner in which the service could be implemented within the municipality and the legislative limitations that exist with respect to intermunicipal routes. Members of Committee considered the information presented by the delegation and concluded consideration without direction.

MUNICIPAL PROPERTY ASSESSMENT CORPORATION (MPAC), RE: UPDATE, REASSESSMENT OF PROPERTY VALUES

Ms. Lynne Cunningham and Mr. Lou Castellani, Municipal Relations Representatives with MPAC, addressed Committee to provide information regarding the roles and responsibilities of MPAC, the current value property assessment system in Ontario and the province-wide reassessment that is underway and scheduled to be phased in commencing with the 2013 property taxation year. Members considered the information presented by the delegation and the overall magnitude of reassessment impacts for properties in the Town of Lincoln and across the Province. Members also expressed concern about the possibility for the assessments of large farm properties to be skewed by the sale of smaller, estate-sized agricultural lands that were not necessarily being acquired for farming purposes. Members of the delegation advised that they would investigate concerns raised by Council and concluded their presentation by noting the pending mailing of reassessment notices to Lincoln property owners.

UNITED WAY, RE: 2012 CAMPAIGN GOALS AND INITIATIVES

Ms. Lauryn Carrik and Mr. Ron Kielstra of the St. Catharines and District United Way addressed Committee to provide an update regarding the various programs and activities of the United Way, the status of the charity's annual campaign, and a review of some of the local initiatives supported by the organization.

CORRESPONDENCE

CS 12-32, SUMMARY OF CORRESPONDENCE REPORT

Members reviewed Report CS 12-21, being a summary of correspondence report, and noted that Cogeco Cable would be establishing a new Niagara Community Channel for the broadcast of all area municipality Council Meetings region wide, with Lincoln Council Meetings being scheduled for broadcast on Tuesdays at 2:00 p.m. Members directed staff to contact Cogeco to explore the possibility of Lincoln Council Meetings being broadcast in a more favourable prime time slot. The following motion resulted.

Motion No. CP-2012-110

Moved by Councillor W. MacMillan, Seconded by Mayor B. Hodgson

THAT Report CS 12-32, the summary of correspondence report, be adopted and the recommendations contained therein be approved acted upon.

CARRIED

REPORTS

AD 12-13, EVERGREEN REPORT

Motion No. CP-2012-111

Moved by Mayor B. Hodgson, Seconded by Councillor W. MacMillan

THAT Report AD 12-13, Evergreen Report – July to September, be received for information.

CARRIED

AD 12-14 PROLIFERATION OF FILES

Motion No. CP-2012-112

Moved by Councillor R. Foster, Seconded by Mayor B. Hodgson

THAT Report AD 12-14, regarding a proliferation of files be received as information;

AND THAT staff be directed to continue working with the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) to give effect to Motion CP-2012-99.

CARRIED

VERBAL REPORT FROM CAO, RE: COMMUNITY COMPLEX STEERING COMMITTEE SCHEDULE OF MEETINGS

The Chief Administrative Officer provided Members of Council with a verbal update regarding the Town of Lincoln Community Complex request for proposals process, the deadline for the receipt of proposals by the Town, and reviewed a proposed fall meeting schedule to provide for the Community Complex Steering Committee's review and consideration of submitted proposals. Members considered information provided by the C.A.O. and provided direction that proponent presentations to the Steering Committee be scheduled for November 9, 2012, during the day. Members also made inquiries regarding the request for proposals process that, given the nature of the inquiries, warranted consideration in closed session to ensure the security of the municipality interests.

TR 12-27, FINANCIAL REPORT – AUGUST, 2012

Motion No. CP-2012-113

Moved by Councillor J. D. Pachereva, Seconded by Councillor R. Foster

THAT Report TR 12-27, the Financial Report as at August 31, 2012, be received as information.

CARRIED

BRIEFING NOTE FROM DIRECTOR OF FINANCE, RE: AGGREGATE RESOURCES ACT FUNDING

Motion No. CP-2012-114

Moved by Councillor R. Foster, Seconded by Councillor J. D. Pachereva

THAT the Briefing Note from the Director of Finance, dated September 24, 2012, regarding Aggregate Resources Act Funding, be received as information.

CARRIED

CS 12-33, MUNICIPAL CONFLICT OF INTEREST COMMISSIONER

Motion No. CP-2012-115

Moved by Councillor J. D. Pachereva, Seconded by Mayor B. Hodgson

THAT Report CS 12-33, regarding a Municipal Conflict of Interest Commissioner be received as information.

CARRIED

BEAMSVILLE BIA, MINUTES OF MAY 10 AND JUNE 14, 2012

Motion No. CP-2012-116

Moved by Councillor J. D. Pachereva, Seconded by Councillor D. Thompson

THAT the Beamsville BIA minutes of May 10 and June 14, 2012, be received.

CARRIED

MUNICIPAL HERITAGE COMMITTEE, MINUTES OF MAY 10, JUNE 14 AND JULY 12, 2012

Motion No. CP-2012-117

Moved by Councillor W. MacMillan, Seconded by Mayor B. Hodgson

THAT the Town of Lincoln Municipal Heritage Committee minutes of May 10, June 14 and July 12, 2012, be received.

CARRIED

NOTICE OF NEW BUSINESS

None.

ANNOUNCEMENTS

Members announced a number of matters of municipal interest including a Public Open House at Fire Station #1 on Saturday September 22, 2012, a successful Ward 3 Open Forum at Fire Station # 3 on September 19, 2012 and an upcoming Beamsville Lions Food Drive on Saturday September 29, 2012.

CLOSED SESSION

At this point in the meeting, the following motions were introduced.

Motion No. CP-2012-118

Moved by Councillor D. Thompson, Seconded by Councillor R. Foster

THAT Committee adjourn to closed session in order to address:

- (a) The security of the property of the municipality or local board (a matter pertaining to the Niagara Escarpment Commission and a matter pertaining to the Community Complex project).
- (b) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board (update regarding active litigation matters).

CARRIED

Motion No. CP-2012-119

Moved by Mayor B. Hodgson, Seconded by Councillor W. MacMillan

THAT Committee resume in open session.

CARRIED

Consideration of the subject matter in closed session concluded without recommendations or report.

ADJOURNMENT

There being no further business to discuss, the Chair declared the meeting adjourned at 10:05 p.m.

CHAIR: COUNCILLOR JOHN KRALT

CLERK: WILLIAM J. KOLASA

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 2012-65

A BY-LAW TO ADOPT, CONFIRM AND RATIFY
MATTERS DEALT WITH BY COUNCIL RESOLUTION

WHEREAS:

1. Section 5.(1) of the Municipal Act, S.O. 2001, c.25, as amended, provides that the powers of a municipality shall be exercised by its Council.
2. Section 11.(2) of the said Act provides that a lower tier municipality may pass by-laws respecting matters within the spheres of jurisdiction as set out in the said Act.
3. Section 8 of the said Municipal Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act.
4. Section 5.(3) of the said Act provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise.
5. In many cases action which is taken or authorized to be taken by Council does not lend itself to the passage of an individual by-law.

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

1. That the minutes of the regular meeting of the Municipal Council of the Corporation of the Town of Lincoln, held September 17, 2012, be and the same are hereby adopted, ratified and confirmed.
2. That the actions of the Council at its meeting of October 1, 2012, in respect of which recommendations contained in the reports of the committees considered at each meeting and in respect of each motion, resolution and other action taken by the Council at its meeting are, except where the prior approval of the Ontario Municipal Board or other authority is required by law, hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this By-law.
3. That where no individual by-law has been or is passed with respect to the taking of any action authorized in or by the above mentioned minutes or with respect to the exercise of any powers by the Council in the above mentioned minutes, then this By-law shall be deemed for all purposes to be the By-law required for approving and authorizing and taking of any action authorized therein and thereby or required for the exercise of any powers therein by the Council.
4. That the Mayor and the proper officers of the Corporation of the Town of Lincoln are hereby authorized and directed to do all things necessary to give effect to the said action of the Council or to obtain approvals where required and except otherwise provided, the Mayor, the Clerk and the Treasurer are hereby directed to execute all documents necessary on behalf of the Corporation of the Town of Lincoln and affix thereto the Corporate Seal of the Corporation of the Town of Lincoln.

BY-LAW read a FIRST time this 1st day of October, 2012.
BY-LAW read a SECOND time this 1st day of October, 2012.
BY-LAW read a THIRD time and FINALLY PASSED this 1st day of October, 2012.

MAYOR: BILL HODGSON

CLERK: WILLIAM J. KOLASA