



**THE CORPORATION OF THE TOWNSHIP OF WAINFLEET
REGULAR MEETING OF COUNCIL MINUTES**

C14/2017
July 18, 2017
7:00 p.m.
COUNCIL CHAMBERS

PRESENT: A. Jeffs
 R. Dykstra
 T. Gilmore
 T. Hessels
 B. Konc
STAFF PRESENT A. Cross
 M. Ciuffetelli
 A. Dashwood
 L. Gudgeon
 K. Foster
 R. Nan
 S. Ivins

1. **Call to Order**
 Mayor Jeffs called the meeting to order at 7:00 p.m.
2. **National Anthem**
3. **Disclosure of Pecuniary Interest and the General Nature Thereof**
 No disclosures were noted by members of Council.
4. **Delegations**
 - a. Andrew Watts Re: Lakewood Development

A copy of Mr. Watt's presentation can be found in the July 18, 2017 Council meeting folder.

Resolution No. C193-2017

Moved By Ted Hessels
Seconded By Terry Gilmore

"**THAT** the presentation from Andrew Watts be received for information"

Carried

- b. Cheryl Selig Re: Lakewood Recommendation Report PSR-008-2017

Resolution No. C194-2017

Moved By Richard Dykstra
Seconded By Terry Gilmore

"**THAT** the presentation by Cheryl Selig be received for information"

Carried

5. Mayor's Announcements & Remarks

A copy of the Mayors announcements can be found in the July 18, 2017 Council meeting folder.

6. Adoption of the Minutes

- a. Minutes of the Regular meeting of Council held June 20, 2017
b. Minutes of the special meeting of Council held July 5, 2017

Resolution No. C195-2017

Moved By Terry Gilmore
Seconded By Richard Dykstra

"**THAT** the minutes of the regular meeting of Council held on June 20, 2017 and the minutes of the special meeting of Council held July 5, 2017 be adopted as circulated."

Carried

7. Staff Reports and Recommendations

- a. Administrative Staff Reports
None submitted.

- b. Building Staff Reports

1. BSR-007-2017_Re: Building Permit Report - June 2017

RECOMMENDATION(S):

THAT this report be received.

Resolution No. C196-2017

Moved By Terry Gilmore
Seconded By Ted Hessels

"**THAT** Building Staff Report BSR-007-2017 Re: Building Permit Report June 2017 and the recommendations contained therein be adopted as circulated."

Carried

- c. Bylaw Enforcement Staff Reports
 - 1. BESR-005-2017 Re: Monthly Statistical Report - June 2017

RECOMMENDATION(S):

THAT this report be received.

Resolution No. C197-2017

Moved By Betty Konc
Seconded By Richard Dykstra

"**THAT** Bylaw Enforcement Staff Report BESR-005-2017 Re: Monthly Statistical Report - June 2017 and the recommendations contained therein be adopted as circulated."

Carried

- d. Drainage Staff Reports
None submitted.
- e. Fire Staff Reports
 - 1. FSR-006-2017 Re: Fire Station RFP Update

RECOMMENDATION(S):

THAT this report be received for information;

THAT the project delivery model transition from a Request for Proposal for a design/build facility to a Request for Tender based on design/bid/build facility;

AND THAT the architect currently engaged as part of the project management team be requested to provide a cost estimate for the retention of services to complete the design, specifications and contract administration for a Request for Tender document.

Resolution No. C198-2017

Moved By Richard Dykstra
Seconded By Betty Konc

"**THAT** Fire Staff Report FSR-006-2017 Re: Fire Station RFP Update and the recommendations contained therein be adopted as circulated."

Carried

2. FSR-007-2017 Re: Fire Master Plan Implementation Committee - Terms of Reference

RECOMMENDATION(S):

THAT this report be received;

AND THAT Council approve the revised Terms of Reference (TOR) attached as Appendix "A".

Resolution No. C199-2017

Moved By Richard Dykstra
Seconded By Betty Konc

"**THAT** Fire Staff Report FSR-007-2017 Re: Revised Terms of Reference for the Fire Master Plan Implementation Committee and the recommendations contained therein be adopted as circulated."

Amendment:

Resolution No. C200-2017

Moved By Ted Hessels
Seconded By Betty Konc

"**THAT** Fire Staff Report FSR-007-2017 Re: Fire Master Plan Implementation Committee, Terms of Reference and the recommendations contained therein be adopted as circulated;

AND THAT the FMPIC Committee Chair bring any recommendations forward to Council for consideration."

Carried

- f. Planning Staff Reports
 1. PSR-008-2017 Re: Applications for Zoning Bylaw Amendment & Draft Plan of Condominium - Lakewood Beach Properties Ltd.

RECOMMENDATION(S):

THAT PSR-008/2017 be received;

THAT Zoning By-law Amendment (File No. Z08-2014) be approved, with the Hold (H) maintained on the subject lands;

AND THAT Draft Plan of Condominium Application (File No. P01-2014) be approved subject to the conditions of draft approval provided in Appendix "C".

Resolution No. C201-2017

Moved By Terry Gilmore
Seconded By Richard Dykstra

"**THAT** Planning Staff Report PSR-008-2017 RE: Applications for Zoning Bylaw Amendment & Draft Plan of Condominium - Lakewood Beach Properties Ltd and the recommendations contained therein be adopted as circulated."

Resolution No. C202-2017

Moved By Ted Hessels
Seconded By Terry Gilmore

"**THAT** Planning Staff Report PSR-008-2017 Re: Applications for Zoning Bylaw Amendment & Draft Plan of Condominium Appendix "C" - condition No. 31 be amended to read:

That prior to the issuance of a building permit, the Owner shall remove the existing inoperable sub-sewage system in accordance with Section 53 of the Ontario Water Resources Act (OWRA S.53) and to the satisfaction of the Township's Manager of Operations. The Owner shall agree in the Condominium/Development Agreement to notify purchasers of a former sub-sewage system on the property."

Carried

Resolution No. C203-2017

Moved By Ted Hessels
Seconded By Terry Gilmore

"**THAT** the following be included as a condition of approval:

That the following warning clause be included in the Condominium/Development Agreement and inserted in all Agreements of Purchase and Sale or Lease for ~~dwelling units #34-36~~ all units: "The lands in the plan of condominium may be exposed to noise, odour, dust, light, vibration, smoke and flies ~~reduced air quality and/or odour~~ from nearby agricultural operations that may interfere with some activities of the Owners/Tenants who occupy these lands".

Carried

Resolution No. C204-2017

Moved By Ted Hessels
Seconded By Terry Gilmore

"**THAT** the following be included as a condition of approval;

That vegetation removal associated with clearing, site access, and staging shall occur outside March 15 and August 31, the key breeding bird period identified by Environment Canada for migratory birds to ensure compliance with the Migratory Birds Convention Act (MBCA), 1994 and Migratory Bird Regulations (MBR). Furthermore, for any proposed clearing of vegetation within this period, a nest survey shall be completed by a qualified avian biologist prior to commencement of works to identify and locate active nests of species covered by the MBCA."

Carried

Resolution No. C205-2017

Moved By Betty Konc
Seconded By Richard Dykstra

"**THAT** Planning Staff Report PSR-008-2017 Re: Applications for Zoning By-law Amendment & Draft Plan of Condominium Lakewood Beach Properties Ltd. be deferred pending legal advice."

Recorded vote requested by Mayor Jeffs

Recorded	For	Against
April Jeffs		X
Betty Konc	X	
Richard Dykstra	X	
Terry Gilmore		X
Ted Hessels		X
Results	2	3

Defeated

Resolution No. C206-2017

Moved By Ted Hessels
Seconded By Betty Konc

"**THAT** the following provision be included in the Zoning Bylaw Amendment;

7. Notwithstanding Section 4.14 – the lots in the RLS-36 zone shall not be used in the calculation of Minimum Distance Separation (MDS) formulae for expanding farm operations”

Carried

Resolution No. C207-2017

Moved By Ted Hessels
Seconded By Terry Gilmore

"**THAT** Council now recess at 9:25 p.m."

Carried

Council resumed in session at 9:35 p.m.

Resolution No. C208-2017

Moved By Betty Konc
Seconded By Ted Hessels

"**THAT** Planning Staff Report PSR-008-2017 Re: Applications for Zoning Bylaw Amendment & Draft Plan of Condominium Appendix “C” condition No. 7 be amended to read:

That prior to final approval, the Owner agrees to implement the proposed landscape and streetscape features in accordance with the submitted Tree Preservation and Landscape Plans dated November 1, 2016, and provide any securities as may be required by the Township of Wainfleet. The Owner shall consult with the adjacent landowners to ensure landscaping is appropriately provided."

Carried

2. PSR-009-2017 Re: Application for Rezoning - Lambert

RECOMMENDATION(S):

THAT this report be received;

THAT Council approve the Zoning Bylaw Amendment attached as Appendix “B”;

THAT pursuant to the provisions of Section 34 of the Planning Act, Council determines that no further notice of the proposed bylaw is required;

AND THAT the Clerk notify the owner (Timothy, Rosemary & Elaine Lambert), the Region of Niagara, the Niagara Peninsula Conservation Authority and the Secretary-Treasurer of the Committee of Adjustment.

Resolution No. C209-2017

Moved By Ted Hessels
Seconded By Betty Konc

"**THAT** Planning Staff Report PSR-009-2017 Re: Application for Zoning Bylaw Amendment (Z02-2017) Lambert and the recommendations contained therein be adopted as circulated."

Carried

- g. Public Works Staff Reports
None submitted.
- h. Septic Department Staff Reports
None submitted.

8. Review of Correspondence

Resolution No. C210-2017

Moved By Betty Konc
Seconded By Terry Gilmore

"**THAT** correspondence item No. C162-2017 received from the City of Niagara Falls Re: Ontario Lottery & Gaming Corporation's OLG Modernization Framework be received for information."

Carried

Resolution No. C211-2017

Moved By Betty Konc
Seconded By Terry Gilmore

"**THAT** correspondence item No. 164-2017 received from the City of Port Colborne Re: Opposition to Proposed Regional Development Charges By-law be supported."

Carried

Resolution No. C212-2017

Moved By Ted Hessels
Seconded By Betty Konc

"**THAT** correspondence item No. C168-2017 received from the Office of the Regional Clerk Re: Inter-Municipal Transit-Phase 2 Update: Triple Majority and Next Steps be received;

AND THAT Manage of Operations, Richard Nan, be selected to represent Wainfleet as a member of the Inter-Municipal Transit Working Group."

Carried

Resolution No. C213-2017

Moved By Richard Dykstra
Seconded By Terry Gilmore

"**THAT** correspondence item No. C170-2017 received from Jamie West, Highway Clearing Re: Request for Sponsorship be received;

AND THAT Council approve the request for sponsorship of the 3rd Annual Cowboy Classic in support of Help a Child Smile by way of donating a silent auction prize with a value of \$100."

Carried

Resolution No. C214-2017

Moved By Betty Konc
Seconded By Terry Gilmore

"**THAT** correspondence item No. C171-2017 received by Kevin Powers, Director, Public Affairs, OPG Nuclear Re: Municipal Support for Deep Geological Repository be received for information."

Carried

9. Bylaws

Resolution No. C215-2017

Moved By Terry Gilmore
Seconded By Ted Hessels

"**THAT** the following bylaws be read a first, second and third time and finally passed this 18th day of July, 2017:

- a. Bylaw No. 032-2017 being a bylaw to amend Bylaw No. 013-2015 being a bylaw to appoint members to the Fire Master Plan Implementation Committee
- b. Bylaw No. 033-2017 being a bylaw to establish a policy for ice allocation of the Township of Wainfleet Arena Facility

- c. Bylaw No. 034-2017 being a bylaw pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning Bylaw No. 034-2014 of the Corporation of the Township of Wainfleet with respect to those lands forming Part of Lot 28/29, Concession 5 in the Township of Wainfleet, known municipally as 53057 Perry Road.
- d. Bylaw No. 035-2017 being a bylaw to authorize the Corporation of the Township of Wainfleet to execute a Mutual Release and Settlement Agreement between the Corporation of the Township of Wainfleet and EXP Services Inc.

Carried

Resolution No. C216-2017

Moved By Ted Hessels
Seconded By Richard Dykstra

"**THAT** Bylaw No. 036-2017 be read a first and second time this 18th day of July, 2017 and finally read a third time at the next regular meeting of Council August 1, 2017."

Carried

Resolution No. C217-2017

Moved By Ted Hessels
Seconded By Richard Dykstra

"**THAT** the following bylaw be now read a first and second time this 18th day of July, 2017;

- a. Bylaw No. 036-2017 being a bylaw pursuant to the provisions of Section 34 and 36 of the Planning Act, R.S.O 1990 to amend Bylaw No. 034-2014 of the Corporation of the Township of Wainfleet, as amended, entitled a by-law to regulate the use of land and character, location and use of buildings and structures thereon, with respect to lands known municipally as 11705 Lakeshore Road.

Recorded vote requested by Mayor Jeffs

Recorded	For	Against
April Jeffs	X	
Betty Konc		X
Richard Dykstra		X
Terry Gilmore	X	
Ted Hessels	X	
Results	3	2

Carried

10. Notices of Motion

Alderman Konc stated that she would be bringing a notice of motion forward at the August 1, 2017 Council meeting regarding a proposed amendment to the Township of Wainfleet's Official Plan.

11. Proclamations

None.

12. Other Business

Alderman Konc inquires as to whether there would be another Special Meeting scheduled as follow up from previous special meeting held. Mayor Jeffs responded that yes we would be holding another meeting at a later date.

13. Bylaw to Confirm the Proceeding of Council

Resolution No. C218-2017

Moved By Terry Gilmore
Seconded By Ted Hessels

"**THAT** Bylaw No. 037-2017 being a bylaw to adopt, ratify and confirm the actions of the Council at its regular meeting held on the 18th day of July 2017 be read a first second and third time and finally passed this 18th day of July, 2017."

Carried

14. Adjournment of Meeting

Resolution No. C219-2017

Moved By Terry Gilmore
Seconded By Ted Hessels

"**THAT** Council for the Township of Wainfleet do now adjourn."

Carried

Council adjourned at 10:04 p.m.

A. Jeffs, MAYOR

M. Ciuffetelli, DEPUTY CLERK

Approved by Council August 1, 2017