



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

C08/17
April 18, 2017
7:00 p.m.
COUNCIL CHAMBERS

PRESENT: A. Jeffs, R. Dykstra, T. Gilmore, B. Konc, T. Hessels

STAFF PRESENT: A. Cross, J. Culp, A. Dashwood, K. Foster, M. Kirkham,
R. Nan, M. Smith, S. Smith

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**
Alderman Gilmore declared a conflict of interest on report PSWR-003-2017 Re:
Equipment Rental
4. **Delegations**
 - a. Kevin Gibson - Wainfleet Resident/Marshville Heritage Festival Committee
Member Re: Request for Signage in Wainfleet

Resolution No. C-098-2017

Moved By Richard Dykstra
Seconded By Terry Gilmore

"**THAT** the delegation presented by Kevin Gibson regarding signage in Wainfleet be received and referred to the Manager of Operations;

AND THAT the Manager of Operations consult with the Ministry of Transportation and report back to Council at a subsequent meeting with the findings."

Carried

5. Presentations

- a. Brent Sterling - Program Specialist, Office of the Fire Marshal & Emergency Management Ministry of Community Safety and Correctional Services

Resolution No. C-099-2017

Moved By Richard Dykstra
Seconded By Terry Gilmore

"**THAT** the presentation given by Brent Sterling, Program Specialist - Office of the Fire Marshal & Emergency Management be received."

Carried

6. Public Hearings

- a. Application for a Zoning Bylaw Amendment File No. Z01-2017 (Kitchen)
Mayor Jeffs advised that purpose of the public meeting, held pursuant to Section 34 of the Planning Act, is to provide information respecting an application for rezoning, submitted to the Township by the Estate of Anita Jasmine Kitchen to amend the zoning on a property on the south side of Highway #3, known municipally as 42369 Highway #3.

Ms. Ivins advised that the proposed amendment is needed to comply with Township, Regional and Provincial policy regarding the disposal of surplus farm dwelling applications, where the retained agricultural land needs to be rezoned for "Agricultural Purposes Only" to prohibit the construction of a dwelling. The property is the subject of an Application for Consent to Sever (File B07/2017W) which is scheduled to be heard by the Committee of Adjustment on April 19, 2017.

The application proposes to amend the zoning on the subject lands as follows:

- Part 2 (58.56 Ha) is to be rezoned from "Agricultural – A2" to "Agricultural – A2-1" for "Agricultural Purposes Only".

Ms. Ivins stated that staff have received comments from Niagara Region Planning & Development Services and the Niagara Peninsula Conservation Authority. Both agencies noted no objection to the rezoning application.

Individuals in attendance were informed that the Planning Act includes provision that allow the Ontario Municipal Board to dismiss an appeal of a decision on the file if the appellant has not provided Council with oral submissions at this meeting or written submissions before a bylaw is passed. Ms. Ivins explained that if anyone interested in the file has input, they should provide it at this meeting or before Council makes a decision.

Alderman Dykstra asked if Part 2 was designated "Agricultural Purposes Only". Ms. Ivins responded that the application request is to rezone Part 2 from "Agricultural -A2" to "Agricultural Purposes Only A2-1".

Alderman Dykstra asked if a dwelling was permitted on Part 2 with an A2-1 designation. Ms. Ivins stated that a dwelling is not permitted on land designated as "Agricultural Purposes Only."

Ms. Ivins advised that the Township Planning Department will prepare a report, for a subsequent Township Council meeting, providing a detailed review of the application and recommendation to Council respecting an amending bylaw. At that meeting Council may approved the amending bylaw.

Mayor Jeffs advised that should any individual want to be informed of when the staff report will be presented to Council or, want to be ensured that "notice" of passage of the rezoning will be sent to them, they should inform the Clerk in writing; which can be done following this meeting.

7. Mayor's Announcements & Remarks

The Mayor's announcements are enclosed in the April 18, 2017 Council meeting folder.

8. Adoption of the Minutes

- a. Minutes of the special meeting of Council held on March 8, 2017
- b. Minutes of the regular meeting of Council held on March 28, 2017

Resolution No. C-100-2017

Moved By Richard Dykstra
Seconded By Betty Konc

"**THAT** the minutes of the special meeting of Council held on March 8, 2017 and the minutes of the regular meeting of Council held on March 28, 2017 be adopted as circulated."

Carried

9. Staff Reports and Recommendations

a. Administrative Staff Reports

1. ASR-018-2017 Re: Wainfleet Volunteer Firefighters Association Agreement

RECOMMENDATION(S):

THAT this report be received;

THAT Township agrees to recognize the Association as the bargaining agent for all Wainfleet Volunteer Firefighters as defined by subsection 1(1) of the Fire Protection and Prevention Act, 1997;

AND THAT Council authorize the Mayor and Clerk to sign the attached minutes of settlement attached to this report as Appendix "A"

Resolution No. C-101-2017

Moved By Betty Konc
Seconded By Richard Dykstra

"**THAT** Administrative staff Report ASR-018-2017 Re: Wainfleet Volunteer Firefighters Association Agreement and the recommendations contained therein be adopted as circulated."

Carried

b. Building Staff Reports

1. BSR-003-2017 Re: Permit Report for January & February, 2017

RECOMMENDATION(S):

THAT this report be received.

Resolution No. C-102-2017

Moved By Terry Gilmore
Seconded By Betty Konc

"**THAT** Building Staff Report BSR-003-2017 Re: Permit Report for January & February, 2017 and the recommendations contained therein be adopted as circulated."

Carried

- c. Bylaw Enforcement Staff Reports
None submitted.

- d. Drainage Staff Reports

1. DSR-004-2017 Re: Drainage Program Update

RECOMMENDATION(S):

THAT this report be received for information.

Resolution No. C-103-2017

Moved By Betty Konc

Seconded By Ted Hessels

"**THAT** Drainage Staff Report DSR-004-2017 Re: Drainage Program Update and the recommendations contained therein be adopted as circulated."

Carried

- e. Fire Staff Reports

1. FSR-003-2017 Re: Fire Association Meeting - April 8, 2017

RECOMMENDATION(S):

THAT this report be received for information.

Resolution No. C-104-2017

Moved By Richard Dykstra

Seconded By Terry Gilmore

"**THAT** Fire Staff Report FSR-003-2017 Re: Fire Association Meeting - April 8, 2017 and the recommendations contained therein be adopted as circulated."

Carried

- f. Planning Staff Reports

1. PSR-003-2017 Re: Request to Waive Site Plan Control - St. Elizabeth's Church

RECOMMENDATION(S):

THAT Planning Staff Report PSR-003/2017 be received;

AND THAT Council provide direction regarding the request made by St. Elizabeth's Church to waive site plan control for the church addition.

Resolution No. C-105-2017

Moved By Richard Dykstra
Seconded By Ted Hessels

"**THAT** Planning Staff Report PSR-003-2017 Re: Request to Waive Site Plan Control - St. Elizabeth's Church and the recommendations contained therein be adopted as circulated."

Carried As Amended (See below)

Resolution No. C-106-2017

Moved By Betty Konc
Seconded By Ted Hessels

"**THAT** the request to waive Site Plan Control fees from St. Elizabeth's Church be denied as per option 3 in PSR-003-2017."

Carried

g. Public Works Staff Reports

Alderman Gilmore removed himself from the dais at 8:13 p.m.

1. PWSR-003-2017 Re: Equipment Rental

RECOMMENDATION(S):

THAT this report be received;

THAT the contractors that submitted tenders be forwarded a copy of the tender summary and that equipment will be selected only when the proper documentation has been received;

AND THAT the supervisor in charge be authorized to select equipment best suited for a particular job from the tenders received taking into account rates, reliability, availability, past service and the submission of required information, as noted. Equipment will be used from contractors who did not tender only when the required piece is not available from the qualified tenders received or is not suitable based on costs or capabilities.

Resolution No. C-107-2017

Moved By Richard Dykstra
Seconded By Betty Konc

"**THAT** Public Works Staff Report PWSR-003-2017 Re: Equipment Rental and the recommendations contained therein be adopted as circulated."

Carried

Alderman Gilmore returned to the dais at 8:14 p.m.

- h. Septic Department Staff Reports
None submitted.

10. Review of Correspondence

Resolution No. C-108-2017

Moved By Betty Konc
Seconded By Ted Hessels

"**THAT** the report of the correspondence to Council dated April 18, 2017 and the recommendations contained therein be adopted as circulated."

Carried

COUNCIL CORRESPONDENCE SUMMARY

2017 04 18

072. Received from Sylvia Jones, MPP Re: Progressive Conservative Critic for Infrastructure. **REC.** – Receive for Information
073. Received from OneFoundation for Niagara Health System Re: Final pledge installment for Digital Mammography Unit at the Welland site. **REC** – Receive for Information
074. Received from the Ontario Association of Fire Chiefs Re: O AFC 2017 Municipal Officials Seminar: The Essentials of Firefighting and Firefighting 101. **REC** – Receive for Information
075. Received from the Office of the Regional Clerk Re: Niagara Region's Transit Service Delivery and Governance Strategy Minute Item 6.1, CL 4-2017, March 23, 2017. **REC** – Refer to Council **item deferred to May 9, 2017 Council Meeting (see resolution below)**

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076. Received from Fire Master Plan Implementation Committee Re: Resignation of Committee member. **REC** – Receive for Information
 077. Received from the City of Welland Re: Motion to receive for information the NRH 2016 4th Quarter Report. **REC** – Receive for Information
 078. Received from the City of Welland Re: Motion to receive for information correspondence from the Region of Niagara regarding the Foreign Trade Zone – Minute Item 10.2.3, CL 03-2017, March 2, 2017. **REC** – Receive for Information
 079. Received from the City of Welland Re: Motion to receive for information correspondence from the Region of Niagara regarding Report PDS 11-2017: Coordinated Policy Review – Response to Greenbelt Plan – Environmental Bill of Rights Posting. **REC** – Receive for Information
 080. Received from the City of Welland Re: Motion to receive for information and support correspondence from the Town of Lincoln regarding Region-Wide Strategic Plan for Agricultural Irrigation. **REC** – Receive for Information
 081. Received from the Town of Pelham Re: Invitation to register for Celebrating Age-Friendly Niagara – A one-day forum. **REC** – Receive for Information
 082. Received from Janet Hodgkins Re: Thank you for waiving the customary rental fee for the annual Heart and Stroke Volunteer Appreciation Night. **REC** – Receive for Information
 083. Received from Ministry of Agriculture, Food and Rural Affairs Re: Applications for the 2017 Premier’s Award for Agri-Food Innovation Excellence program. **REC** – Receive for Information
 084. Received from the Regional Municipality of Niagara Police Services Board Re: Confirmation of an Ontario Provincial Police (OPP) investigation into areas of concern identified by the Deloitte Burgoyne Bridge Replacement Project Forensic Audit and related release of or requests for information. **REC** – Receive for Information
 085. Received from the City of St. Catharines Re: Support of Motion – Niagara Peninsula Conservation Authority Governance. **REC** – Receive for Information
 086. Received from Winger Church of Christ (Disciples) Re: Annual Memorial Service for Zion Cemetery on Zion Road. **REC** – Refer to Council
 087. Received from the Office of the Regional Clerk Re: 2016 Year End Development Planning Applications Monitoring Report PDS 13-2017. **REC** – Receive for Information

088. Received from the Office of the Regional Clerk Re: Trees and Climate Change: A Municipal Initiative. **REC** – Receive for Information
089. Received from the Office of the Regional Clerk Re: Niagara Region 2016 Growth Report PDS 9-2017. **REC** – Receive for Information
090. Received from the Town of Fort Erie Re: Great Lakes and St. Lawrence Cities Initiative. **REC** – Receive for Information
091. Received from Niagara South Federation of Agriculture Re: Latest Draft Wainfleet Exotic Animal Bylaw, Fourth Letter. **REC** – Receive for Information
092. Received from the City of Port Colborne Re: Resolution of Support – Request to Amend Process for Appointments to Niagara Peninsula Conservation Authority Board of Directors. **REC** – Receive for Information
093. Received from the Ministry of Citizenship and Immigration Re: Order of Ontario 30th Anniversary - **REC** – Receive for Information
094. Received from the Municipality of East Ferris Re: Resolution that the Ministry of Municipal Affairs and Housing not move forward with proposed Building Code Change B-08-09-03. **REC** – Receive for Information
095. Received from the Regional Municipality of Peel Re: Resolution 20174-185: Community water fluoridation in Peel. **REC** – Receive for Information
096. Received from the Town of Pelham Re: Resolution of Support and Endorsement – Fonthill Lions “Message in a Bottle” program. **REC** – Receive for Information
097. Received from the City of St. Catharines Re: Motion of Council – Provincial Auditor General’s Offer to NPCA – Third Party Audit. **REC** – Receive for Information
098. Received from the City of Welland Re: Application to Amend Zoning By-law 2667 (File No. 2017-07) Thomas John Vittie, 971 Forks Road - **REC** – Receive for Information

Resolution No. C-109-2017

Moved By Ted Hessels
Seconded By Betty Konc

"**THAT** Correspondence item C075-2017 Re: Niagara Region's Transit Service Delivery and Governance Strategy be deferred to the next regular meeting of Council May 9, 2017."

Carried

Resolution No. C-110-2017

Moved By Richard Dykstra
Seconded By Terry Gilmore

"**THAT** Correspondence item C086-2017 Re: Invitation to Annual Memorial Service for Zion Cemetery be received and Mayor Jeffs to attend on behalf of the Township."

Carried

11. Bylaws

Resolution No. C-111-2017

Moved By Terry Gilmore
Seconded By Betty Konc

"**THAT** Bylaw No. 016-2017 being a bylaw to amend Bylaw No. 013-2015 being a bylaw to appoint members to the Fire Master Plan Implementation Committee be now read a first, second and third time and finally passed this 18th day of April, 2017."

Carried

12. Notices of Motion

- a. Niagara Peninsula Conservation Authority Governance - Alderman Konc

Resolution No. C-112-2017

Moved By Betty Konc
Seconded By Terry Gilmore

"**WHEREAS** the Niagara Peninsula Conservation Authority (NPCA) is a provincial agency operating in the Region of Niagara, Haldimand County and the City of Hamilton, funded largely by the Region of Niagara; and

WHEREAS the Township of Wainfleet is a contributor of public funds to the Region of Niagara and therefore an indirect contributor to NPCA funding; and

WHEREAS the Township of Wainfleet, along with Welland, St. Catharines, Pelham, Niagara on the Lake, Port Colborne, Thorold, Niagara Falls, the City of Hamilton plus all the local members of parliament have called for an independent third party operational audit of the NPCA from 2011- 2016; and

WHEREAS the Town of Pelham and the City of Welland have both passed motions about the future governance of the board of the NPCA, not to mention the NPCAs own Community Advisory Committee suggesting that the 12 municipalities along with the City of Hamilton and Haldimand County withdraw their appointed board members;

NOW THEREFORE BE IT RESOLVED that the Township of Wainfleet urge the NPCA to accept the offer from the Auditor General's office and not proceed with any other third party investigation; and

THAT the Township of Wainfleet council direct staff to consult with neighbouring municipalities and prepare a report for May 30, 2017 outlining Wainfleet's ability to appoint and submit a preferred candidate to the NPCA board.

AND FINALLY that this motion be circulated to all the Regional Municipalities, the City of Hamilton and the County of Haldimand for endorsement and support."

Carried

- b. Procedural Bylaw - Voting Requirement - Alderman Hessels

Resolution No. C-113-2017

Moved By Ted Hessels

Seconded By Richard Dykstra

"**WHEREAS** Council passed Bylaw No. 067-2016 being a bylaw to repeal and replace Bylaw No. 021-2010 being a bylaw to govern the proceedings of the Township of Wainfleet Council, the conduct of its Members and the calling of meetings;

AND WHEREAS two sections of Councils procedural bylaw were amended such that certain matters were required to be voted on and passed by two-thirds of the whole of Council;

AND WHEREAS a simple majority is sufficient to clearly establish the will of Council;

NOW THEREFORE BE IT RESOLVED that Council for the Township of Wainfleet direct staff to amend Bylaw No. 067-2016 to eliminate the requirement for a two-thirds vote and return to a simple majority."

Carried

13. Proclamations

None.

14. Other Business

None.

15. Closed Session

Resolution No. C-114-2017

Moved By Terry Gilmore

Seconded By Ted Hessels

"**THAT** Council now move into closed session to discuss:

- a) Item under Section 239 (2) (e) (f) of the *Municipal Act, 2001*, litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board; and advice subject to solicitor-client-privilege – Road Use Agreement with FWRN"

Carried

16. Rise & Report

Council rose from closed session at 8:37 p.m.

Mayor Jeffs advised that Council went into closed session and gave staff direction in regards to a legal matter involving the municipality.

17. Bylaw to Confirm the Proceeding of Council

Resolution No. C-115-2017

Moved By Terry Gilmore

Seconded By Ted Hessels

"**THAT** Bylaw No. 017-2017 being a bylaw to adopt, ratify and confirm the actions of the Council at its regular meeting held on the 18th day of April, 2017 be read a first, second and third time and finally passed this 18th day of April, 2017."

Carried

18. **Adjournment of Meeting**

Resolution No. C-116-2017

Moved By Ted Hessels

Seconded By Terry Gilmore

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

Carried

Council adjourned at 8:45 p.m.

A. Jeffs, MAYOR

M. Kirkham, DEPUTY CLERK

Approved by Council May 9, 2017