



THE CORPORATION OF
HALDIMAND COUNTY
COUNCIL MINUTES

DATE: May 20, 2014

TIME: 6:01 p.m.

PLACE: Cayuga Municipal Administration Building, Council Chambers

PRESENT:

Council	K. Hewitt	Mayor
	L. Bartlett	Councillor
	F. Morison	Councillor
	C. Grice	Councillor
	T. Dalimonte	Councillor
	R. Shirton	Councillor
	L. Boyko	Councillor
SMT	D. Boyle	Chief Administrative Officer
	K. General	General Manager, Corporate Services
	T. Haedrich	Director, Engineering Services & Roads Operations
	H. Hanly	General Manager, Community Services
Clerk	E. Eichenbaum	Clerk

CALL TO ORDER

Mayor Hewitt called the Council meeting to order.

MOMENT OF SILENCE

Mayor Hewitt opened the meeting with a moment of silence.

ROLL CALL

The Mayor and all Members of Council were in attendance.

DISCLOSURES OF PECUNIARY INTEREST

None.

APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

Resolution 79-14

Moved By: Councillor Morison
Seconded By: Councillor Bartlett

THAT the minutes of the April 28, 2014 Council meeting be adopted as circulated.

CARRIED (Unanimously 7-0)

PRESENTATIONS OF RECOGNITION

None.

DELEGATIONS

1. Marie Trainer RE: Cayuga Motor Speedway Applications for Temporary Use By-law and Public Entertainment Event Licensing RE: Lachie Music & Art Festival

Ms. Trainer advised that the chain link fence to be built on the property will be eight feet in height and have barbed wire on the top. She also questioned whether there are any height restrictions on the berm. Ms. Trainer also noted that the surrounding property owners are willing to work with the Cayuga Motor Speedway group.

Resolution 80-14

Moved By: Councillor Boyko
Seconded By: Councillor Shirton

THAT, in accordance with Section 8.3.5 of the Procedural By-law, Frank Marchionda be permitted to appear as a delegation.

CARRIED (Unanimously 7-0)

Mr. Marchionda clarified the details regarding the chain link fence to be built, and spoke to day three (3) of the event, noting that it was an oversight on their part in not including the Friday concert as part of the application.

Resolution 81-14

Moved By: Councillor Boyko
Seconded By: Councillor Shirton

THAT Memorandum PED-PD-M02-2014, listed under Unfinished Business, be considered immediately after the delegations Re: Cayuga Motor Speedway Applications for Temporary Use By-law and Public Entertainment Event Licensing Re: Lachie Music & Art Festival are heard;

AND THAT Recommendation # 1 of the Council in Committee minutes dated May 13, 2014 be withdrawn to be voted on separately, following Memorandum PED-PD-M02-2014;

AND THAT Report CS-CL-04-2014 and Memorandum CS-CL-M02-2014 Re: Cayuga Motor Speedway Public Entertainment Event Licence Application, listed under Unfinished Business, be considered immediately following the related PED report and memorandum.

CARRIED (Unanimously 7-0)

Resolution 82-14

Moved By: Councillor Shirton

Seconded By: Councillor Boyko

THAT Memorandum PED-PD-M02-2014 Re: Lachie Music & Art Festival - Date Clarification dated May 16, 2014 be received as information.

CARRIED (Unanimously 7-0)

Resolution 83-14

Moved By: Councillor Boyko

Seconded By: Councillor Bartlett

THAT Recommendation # 1, of the Council in Committee minutes dated May 13, 2014 be adopted.

Resolution 84-14 (amendment)

Moved By: Councillor Bartlett

Seconded By: Councillor Grice

THAT Recommendation #1 of the Council in Committee minutes dated May 13, 2014 be amended by deleting paragraph 4 and replacing it with the following:

4. AND THAT the Temporary Use By-law attached to Memorandum PED-PD-M02-2014, dated May 16, 2014, BE PASSED.

CARRIED (5-2)

Resolution 83-14 was subsequently adopted as amended.

RECORDED VOTE (5-2)

COUNCIL	YES	NO
Councillor Bartlett	✓	
Councillor Morison		✓
Councillor Grice	✓	
Councillor Dalimonte		✓
Councillor Shirton	✓	
Councillor Boyko	✓	
Mayor Hewitt	✓	
RESULT TOTALS	5	2

Resolution 85-14

Moved By: Councillor Bartlett
 Seconded By: Councillor Grice

THAT Memorandum CS-CL-M02-2014 Re: Additional Information Re: Cayuga Motor Speedway Public Entertainment Event Licence Application dated May 15, 2014 be received as information.

CARRIED (Unanimously 7-0)

Resolution 86-14

Moved By: Councillor Bartlett
 Seconded By: Councillor Grice

1. THAT Report CS-CL-04-2014 Re: Cayuga Motor Speedway Public Entertainment Event Licence Application dated May 8, 2014 be received;
2. AND THAT a Public Entertainment Event Licence be issued to Cayuga Motor Speedway (1815341 Ontario Inc.) for the Lachie Music and Art Festival to be held from June 27 to June 29, 2014, subject to the following conditions:

Definitions:

1. Use: where used below, the term 'use' shall mean the entirety of the temporary land use which occurs over a 5 day period of June 26 to June 30, 2014, inclusive.
2. Event: where used below, the term 'event' shall mean the two (2) days of musical performances which occur on June 28 and June 29, 2014.

Conditions:

1. That the Temporary Use By-law presented to Council in Memorandum PED-PD-M02-2014 be in full force and effect prior to the use.
2. That a Noise By-law Exemption be approved by Council and all mitigation measures which are approved by Council therein be adhered to for the duration of the event.
3. That the security plan proposed by Expert Security Services be adhered to for the duration of the use.

4. That the Ontario Provincial Police (OPP) provide final sign-off confirming that the required number of paid-duty officers has been secured for the event and the applicant has met all other obligations of the OPP. All requirements of the OPP shall be adhered to for the duration of the use.
5. That the Health Unit provide final sign off regarding the suitability of the proposed food services, waste collection program and sanitation prior to the use. All requirements of the Health Unit shall be adhered to for the duration of the use.
6. That the Manager of Emergency Services (ES) provide final sign-off confirming that the required number of County fire and medical/ambulance personnel and associated equipment and vehicles has been secured for the event and that the applicant has met all other obligations of ES including, but not limited to, the completion of satisfactory fire safety inspections prior to the event. The applicant is required to cover all municipal costs for the above described provisions.
7. That the applicant shall make all necessary repairs to and/or replace the property line boundary fencing prior to the use commencing. Planning staff shall confirm that the site works have been completed prior to the use.
8. That the applicant shall make all necessary extensions to the privacy berm at the north end of the site near Townline Road prior to the use commencing. Planning staff shall confirm that the site works have been completed prior to the use.
9. That the applicant shall provide, for the duration of the use, a minimum of one (1) security guard to be stationed at / near each of the surrounding private residential dwellings to monitor for and discourage trespass.
10. That the Manager of Building and By-law Enforcement provide final sign-off confirming that the required Municipal Law Enforcement Officer has been secured to monitor compliance with all municipal bylaws and the conditions of this licence for the event. The applicant is required to cover all municipal costs associated with providing a Municipal Law Enforcement Officer on-site during the event.
11. That the waste management plan proposed by the applicant and described in staff report PED-PD-12-2014 be implemented and adhered to for the duration of the use.
12. That no music be permitted after 11:00 p.m.
13. That no fireworks be permitted after 11:15 p.m.
14. That the applicant provide a valid certificate of insurance, satisfactory to the municipality, confirming the maintenance of a Commercial General Liability Insurance Policy in an amount not less than \$5,000,000.00 per occurrence. The policy must name Haldimand County as an additional insured and shall contain a cross liability/severability of interest clause. The policy must be from an insurer licensed to conduct business in the Province of Ontario and the applicant must provide thirty (30) days notice of cancellation or alteration of the coverage required pursuant to this application.
15. That the applicant provide written statements setting out: 1) the maximum number of persons that, at any one time, the applicant will allow to attend the Public Entertainment Event; and 2) the times during which the Public Entertainment Event will be performed and during which persons attending the Public Entertainment Event will be allowed on the premises.

16. That, two weeks prior to the event, the applicant provide a deposit of \$30,000, in the form of a certified cheque, to cover the County's estimated cost of staffing, vehicles, and equipment required for the additional By-law Enforcement and Fire and Ambulance services. Final reconciliation of actual costs will occur after the event has taken place, with any difference owing to/from the applicant.
17. That the applicant provide a financial performance guarantee of \$10,000 in the form of a certified cheque. The deposit is to be returned within two weeks following the event upon verification that all licensing conditions have been implemented adequately prior to, during and after the use.
18. That the maximum number of attendees shall not exceed 10,000 per day, including passes purchased as single-day or weekend passes, through online purchase, or at the gate.
19. That the number of campers per site be limited to a maximum of 6 (six) people.

CARRIED (5-2)

APPROVAL OF COMMITTEE MINUTES

Resolution 87-14

Moved By: Councillor Grice
Seconded By: Councillor Bartlett

THAT the minutes of the May 13, 2014 Council in Committee meeting be adopted with the exception of the following recommendation:

Recommendation #1 Re: Temporary Use By-law to Permit an Additional
Use – North Cayuga (1815341 Ontario Inc.)

CARRIED (Unanimously 7-0)

Resolution 88-14

Moved By: Councillor Shirton
Seconded By: Councillor Dalimonte

THAT the minutes of the Closed Session of the May 13, 2014 Council in Committee meeting be adopted as circulated and remain confidential.

CARRIED (Unanimously 7-0)

UNFINISHED BUSINESS

CORPORATE SERVICES DEPARTMENT 2013 ANNUAL REPORT

Resolution 89-14

Moved By: Councillor Boyko

Seconded By: Councillor Morison

THAT the Corporate Services Department 2013 Annual Report presentation be received.

CARRIED (Unanimously 7-0)

CS-HR-M01-2014 RE: EMPLOYEE BENEFIT PLAN RENEWALS – SUPPLEMENTARY INFORMATION TO REPORT CS-HR-05-2014

Resolution 90-14

Moved By: Councillor Bartlett

Seconded By: Councillor Grice

THAT Memorandum CS-HR-M01-2014 Re: Employee Benefit Plan Renewals – Supplementary Information to Report CS-HR-05-2014 dated May 16, 2014 be received as information.

CARRIED (Unanimously 7-0)

NEW BUSINESS

CS-CL-06-2014 RE: REQUEST FOR SUPPORT FOR TEMPORARY EXTENSIONS TO LIQUOR SALES LICENCE – WIGGIES PIZZA, WINGS & MORE

Resolution 91-14

Moved By: Councillor Grice

Seconded By: Councillor Bartlett

1. THAT Report CS-CL-06-2014 Re: Request for Support for Temporary Extensions to Liquor Sales Licence - Wiggies Pizza, Wings & More dated May 12, 2014 be received;
2. AND THAT the Corporation of Haldimand County support the application submitted by 1246373 Ontario Inc. o/a Wiggies Pizza, Wings & More, 43 Argyle Street North, Caledonia, ON N3W 1B8 requesting Temporary Extensions to their Liquor Sales Licence, for the periods of: June 7, 2014 to June 20, 2014; June 28, 2014 to July 11, 2014; July 12, 2014 to July 25, 2014; and August 2, 2014 to August 15, 2014; during the hours of 11 a.m. to 10 p.m., subject to compliance with any requirements of applicable County Divisions, agencies and Alcohol and Gaming Commission of Ontario (AGCO) regulations;
3. AND THAT the Clerk be authorized to advise the subject applicant that the municipality has “no objection” to the proposed extended licensed area.

CARRIED (Unanimously 7-0)

REPORTS FROM COUNCIL APPOINTEES TO BOARDS AND COMMISSIONS

1. Update RE: Accommodation Review Committee – Council was advised that the recommendation previously distributed at the May 13, 2014 Council in Committee meeting was finalized on May 15, 2014. No changes were made from the draft recommendation. The Director of Education will report to the Board on June 9, 2014.

MOTIONS

None.

BY-LAWS

1. By-law 858-HC-14 to authorize a temporary use of certain lands, buildings and structures for uses prohibited by Zoning By-law 1-H 86, as amended, in the name of 1815341 Ontario Inc.
2. By-law 1440/14 to authorize the transfer of a one foot reserve described as Part of Lot 14, Concession 12 in the Geographic Township of Walpole, now Haldimand County, identified as Parts 1, 2 and 3 on Reference Plan 18R-7165
3. By-law 1444/14 to authorize the Mayor and the Clerk to prepare and enter into a Preservicing Agreement and a Subdivision Agreement for the Walpole Square Subdivision - Phase 8, Hagersville
4. By-law 1442/14 to establish and lay out as part of a highway, lands acquired for the purposes of a municipal highway in Haldimand County
5. By-law 1441/14 to establish Development Charges on Lands within The Corporation of Haldimand County
6. By-law 1443/14 to regulate the discharge of water, wastes and other matter into the sanitary sewer, storm sewers and natural environment within Haldimand County

Resolution 92-14

Moved By: Councillor Shirton
Seconded By: Councillor Dalimonte

THAT By-laws 2 to 6, as listed on the agenda, and By-law 1, as amended through Memorandum PED-PD-M02-2014, be hereby introduced and given a first and second reading.

CARRIED (Unanimously 7-0)

Resolution 93-14

Moved By: Councillor Boyko
Seconded By: Councillor Shirton

THAT By-laws 2 to 6, as listed on the agenda, and By-law 1, as amended through Memorandum PED-PD-M02-2014, be hereby introduced and given a third and final reading, be signed by the Mayor and the Clerk, the corporate seal affixed thereto and numbered.

CARRIED (Unanimously 7-0)

NOTICES OF MOTION

None.

ANNOUNCEMENTS

1. The distribution of the 2014 Spring/Summer Community Guide was noted.

CLOSED SESSION

Resolution 94-14

Moved By: Councillor Boyko
Seconded By: Councillor Shirton

THAT pursuant to Section 239 of the *Municipal Act*, as amended, Council convene in a meeting at 8:41 p.m. closed to the public, to discuss:

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board
 1. Update from County Solicitor Re: White Oaks Litigation

CARRIED (Unanimously 7-0)

Resolution 95-14

Moved By: Councillor Morison
Seconded By: Councillor Bartlett

THAT this closed meeting now adjourn at 9:22 p.m. and reconvene in open session.

CARRIED (Unanimously 7-0)

CONFIRMING BY-LAW

Resolution 96-14

Moved By: Councillor Grice
Seconded By: Councillor Bartlett

THAT the Confirming By-law be hereby introduced and given a first and second reading.

CARRIED (Unanimously 7-0)

Resolution 97-14

Moved By: Councillor Shirton
Seconded By: Councillor Dalimonte

THAT the Confirming By-law be hereby introduced and given a third and final reading, be signed by the Mayor and the Clerk, the corporate seal affixed thereto and numbered.

CARRIED (Unanimously 7-0)

ADJOURNMENT

Resolution 98-14

Moved By: Councillor Bartlett
Seconded By: Councillor Grice

THAT this meeting is now adjourned at 9:23 p.m.

CARRIED (Unanimously 7-0)

MAYOR

CLERK