



**TOWNSHIP OF WILMOT
COUNCIL MINUTES
September 14, 2009**

**REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
7:00 P.M.**

Members Present: Mayor W. Roth, Councillors E. Fung, P. Roe, T. Broda, L. Armstrong

Staff Present: Chief Administrative Officer G. Whittington, Clerk B. McLeod, Deputy Clerk D. Mittelholtz, Director of Public Works G. Charbonneau, Director of Development Services H. O'Krafka, Director of Facilities & Recreation Services S. Nancekivell, Director of Finance R. Tse, Curator/Director of Castle Kilbride T. Loch, Planner/EDO A. Martin, Senior Municipal Law Enforcement Officer D. Wallace

1. **MOTION TO GO INTO CLOSED SESSION (if necessary)**
2. **MOTION TO RECONVENE IN OPEN SESSION (if necessary)**
3. **MOMENT OF SILENCE**
4. **ADDITIONS TO THE AGENDA**

Resolution No.2009-179

Moved by: L. Armstrong

Seconded by: E. Fung

That the following item be added to the agenda:

**9.2.3 REPORT NO. CL2009-25
Award of Tender
By-law Enforcement New Model Cargo Van**

CARRIED.

5. **DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT**

6. MINUTES OF PREVIOUS MEETINGS**6.1 Council Meeting August 10, 2009****Resolution No.2009-180****Moved by: P. Roe****Seconded by: L. Armstrong****That the minutes of the following meeting be adopted as presented:****Council Meeting August 10, 2009****CARRIED.****7. PUBLIC MEETINGS****7.1 REPORT NO. PB 2009-25
Proposed Fence By-law****Resolution No.2009-181****Moved by: T. Broda****Seconded by: L. Armstrong****That Council amend Comprehensive Zoning By-law 83-38 to modify Section 6.5, which deals with obstructions on corners, to reduce the dimension used to establish a corner visibility triangle, from 15.0m to 7.5m.****That Council pass a By-law under Section 11 of the Municipal Act to regulate fencing within the Township of Wilmot subject to the approval of the set fine schedule by the Attorney General.****CARRIED.**

Mayor W. Roth declared the public meeting open and stated that Council would hear all interested parties who wished to speak. He indicated that if the decision of Council is appealed to the Ontario Municipal Board, the Board has the power to dismiss an appeal if individuals do not speak at the public meeting or make written submissions before the by-law is passed.

Mayor W. Roth stated that persons attending as delegations at this meeting are required to leave their names and addresses which will become part of the public record and advised that this information may be posted on the Township's official website.

The Planner/EDO highlighted the report.

Mayor W. Roth asked if there were questions of a technical nature from Council; there were none.

Mayor W. Roth asked if anyone else wished to address Council.

Mr. Neil Hoffstetter, 289 Maurice Street, New Hamburg

Mr. Hoffstetter commented on the placement and content of the notice for this public meeting. He also inquired into some parking and traffic concerns in relation to this by-law. The Planner/EDO addressed his concerns citing the 7.5 meter daylight triangle but noted that this by-law does not affect parking in any other way.

Mr. Hoffstetter's concerns for parking and traffic were addressed by the Director of Development Services. The Director highlighted parking and traffic improvements that the Township has undertaken over the years and stressed that continued improvements are being made.

Mayor W. Roth suggested that Mr. Hoffstetter send his concerns regarding parking and traffic to the Director of Public Works.

Mayor W. Roth asked twice if anyone else wished to address Council, and in the absence of any further comments, declared the public meeting to be closed.

Mayor W. Roth asked Council if they had any questions relative to the proposed fence by-law. There were none.

Councillor T. Broda expressed concern over the parking in subdivisions for future developments and asked if there was something the current Council could do to ensure adequate parking.

Mayor W. Roth responded that Council has the opportunity to make requests for developments as they are approved but that developments are not all the same and one set of standards may not be viable.

The Director of Development Services added that certain requirements could be written into the Zoning By-law.

Mayor W. Roth cautioned that changes would need to be examined to avoid potential pitfalls.

**7.2 REPORT NO. PB 2009-23
Amendment to Comprehensive Zoning By-law 83-38
Definition of Adult Entertainment
Prohibition in all Zones**

Resolution No.2009-182

Moved by: L. Armstrong

Seconded by: E. Fung

That Council amend Comprehensive Zoning By-law 83-38 to add the following definition and to prohibit the same in all zones.

“Adult Entertainment Parlour shall mean any premises or part thereof, used in pursuance of any trade, calling, business or occupation, for the purpose of a live performance, exhibition or activity designed to appeal to erotic or sexual appetites or inclinations, of which a principal feature or characteristic is the nudity or partial nudity of any person, and in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “erotic”, or “sexy”, or any other word, picture, symbol or representation having like meaning or implication may be used on any sign, advertisement, or advertisement device, and without limiting the generality of the foregoing includes any performance, exhibition, or activity involving striptease dancers, exotic dancers, wet clothing contests, or best body part contests.”

CARRIED.

Mayor W. Roth declared the public meeting open and stated that Council would hear all interested parties who wished to speak. He indicated that if the decision of Council is appealed to the Ontario Municipal Board, the Board has the power to dismiss an appeal if individuals do not speak at the public meeting or make written submissions before the by-law is passed.

Mayor W. Roth stated that persons attending as delegations at this meeting are required to leave their names and addresses which will become part of the public record and advised that this information may be posted on the Township's official website.

The Director of Development Services highlighted the report.

Mayor W. Roth asked if there were questions of a technical nature from Council; there were none.

Mayor W. Roth asked twice if anyone else wished to address Council, and in the absence of any further comments, declared the public meeting to be closed.

Mayor W. Roth asked Council if they had any questions. There were none.

8. PRESENTATIONS/DELEGATIONS

9. REPORTS

9.1 CAO –no reports

9.2 CLERKS

**9.2.1 REPORT NO. CL2009-23
2010 Council Meeting Schedule**

Resolution No.2009-183

Moved by: T. Broda

Seconded by: P. Roe

That the following Council meeting schedule be adopted:

**Monday January 11, 2010
Monday January 25, 2010**

July 19, 2010

February 1, 2010

August 9, 2010

**March 8, 2010
March 22, 2010**

**September 13, 2010
September 27, 2010**

**April 12, 2010
April 26, 2010**

**October 4, 2010
October 18, 2010**

**May 10, 2010
May 31, 2010**

**November 1, 2010
November 22, 2010**

**June 14, 2010
June 28, 2010**

December 6, 2010 (Inaugural).

CARRIED.

- 9.2.2 REPORT NO. CL 2009-24
Royal Canadian Legion, Branch 532
Request for Exemption under the By-law for the Management and
Regulation of Municipal Parks and Facilities**

Resolution No.2009-184

Moved by: L. Armstrong

Seconded by: P. Roe

That Council ratifies an exemption to By-Law 2007-10, a By-Law to provide for the Management and Regulation of Municipal Parks and Facilities within the Township of Wilmot, to allow for extended occupancy of Norm S. Hill Park beyond closure (11:00 p.m.) to 12:00 a.m. on September 11 and 12, 2009 for Royal Canadian Legion, Branch 532.

CARRIED.

- 9.2.3 REPORT NO CL 2009-25
Award of Tender
By-law Enforcement Vehicle**

Resolution No.2009-185

Moved by: L. Armstrong

Seconded by: E. Fung

That the tender submitted by Wendell Motor Sales Ltd. of Kitchener for a 2010 Dodge Grand Caravan Cargo Van in the amount of \$24,171.99 (net of GST rebate), be accepted and further;

That the funds be allocated as forecasted within the 2010 Capital Budget.

CARRIED.

Councillor T. Broda inquired as to the reason for the variance in pricing. The Senior Municipal Law Enforcement Officer explained that all tenders met the specifications and that some exceeded the specifications.

9.3 FINANCE

- 9.3.1 REPORT NO. FIN 2009-26
Venhuizen Tile Drain Loan Application**

Resolution No.2009-186

Moved by: L. Armstrong

Seconded by: P. Roe

That the Tile Drain Loan Application for property located at Part Lot 9, RP58R803, Parts 1 and 2, Baden, designated as Roll Number 3018 030 005 10500, be approved at the requested amount of \$19,300, subject to availability of provincial funding.

CARRIED.

9.4 PUBLIC WORKS – no reports

9.5 DEVELOPMENT SERVICES

9.5.1 Building Statistics

Resolution No.2009-187

Moved by: T. Broda

Seconded by: L. Armstrong

That the Building Statistics for the month of August 2009 be received for information purposes.

CARRIED.

**9.5.2 REPORT NO. PB 2009-24
Highway 7 & 8 Transportation Corridor
Planning and Class EA Study – Preferred Corridor**

Resolution No.2009-188

Moved by: E. Fung

Seconded by: P. Roe

That Report PB 2009-24 be received for information and forwarded to the Highway 7 & 8 Transportation Corridor project team.

That the Township of Wilmot express support for the “Existing Corridor” option through the New Hamburg Settlement Area; and,

That the Township of Wilmot encourage MTO to explore all options for longterm corridor improvements with a focus on safety and community impact and not solely on speed of traffic within the corridor.

CARRIED.

The Director of Development Services highlighted the report.

Mayor W. Roth responded to Councillor L. Armstrong’s comments regarding MTO and the redoing of intersections along the Highway 7 & 8 corridor by stating that his comments would not be in the report but that they would be relayed in conversation.

Councillor P. Roe suggested that the interchanges for the four lane highways could be roundabouts which are sufficient and use less land.

9.6 FACILITIES AND RECREATION SERVICES

**9.6.1 REPORT NO. PRD-2009-10
WRC Phase 2 – Approval of Preferred Design**

Resolution No.2009-189

Moved by: L. Armstrong

Seconded by: E. Fung

That PRD-2009-10 be endorsed.

CARRIED.

The Director of Facilities and Recreation Services highlighted the report.

Councillor T. Broda expressed concerns raised by the public regarding accessibility in the Phase II drawings and inquired as to whether the Accessibility Committee's comments would be communicated to Council. The Director of Facilities and Recreation Services assured Council that accessibility has been addressed in Phase II and that any major accessibility concerns would be brought to Council. Mayor W. Roth also confirmed that accessibility will be provided.

Councillor L. Armstrong added that the final drawings will be coming to Council before proceeding with the tendering process.

The Chief Administrative Officer verified that information from the Accessibility Committee would be relayed to Council.

Councillor P. Roe offered that the conceptual plans show that Phase II is accessible.

**9.6.2 REPORT NO. PRD-2009-11
Tender for Paving of the Huron Street Parking Lot in New Hamburg**

Resolution No.2009-190

Moved by: P. Roe

Seconded by: L. Armstrong

That the tender from Steed and Evans, for the preparation and paving of the public parking lot on Huron Street in New Hamburg for the bid price of \$132,420.00 plus GST not be approved, and further, that the Township re-tender the project in the spring of 2010.

CARRIED.

The Director of Facilities and Recreation Services highlighted the report.

Mayor W. Roth commented that the GRCA has encountered a similar situation.

In response to Councillor T. Broda, Mayor W. Roth cautioned against the legalities of upsetting the tendering process.

Councillor L. Armstrong concurred with Mayor W. Roth.

Councillor P. Roe offered that the Township prefers to have more than one bidder.

In response to Councillor T. Broda's inquiry regarding the affects of HST, the Director of Finance confirmed that there are no details available yet but that there will be no affect until July 1, 2010.

The Director of Facilities and Recreation Services added that the project would go to tender in February, 2010, so that it may begin in the spring when the asphalt plants begin operations.

9.7 FIRE – no reports

9.8 CASTLE KILBRIDE**9.8.1 REPORT NO. CK-09-09
Quarterly Activity Report
(April, May and June 2009)****Resolution No.2009-191****Moved by: E. Fung****Seconded by: P. Roe**

That the Castle Kilbride Activity Report for the months of April, May and June 2009 be accepted for information purposes.

CARRIED.

The Curator/Director of Castle Kilbride highlighted the report.

Councillor E. Fung noted that Heritage Wilmot had a very extensive list of projects. He thanked the Curator/Director and her staff for their help.

Councillor P. Roe agreed with Councillor E. Fung adding that the exhibits and projects have been excellent this summer.

10. CORRESPONDENCE

- 10.1 The Corporation of the Town of New Tecumseth – Resolution Regarding the Harmonization of Taxes**
- 10.2 Region of Waterloo – Council Info, August 20, 2009**
- 10.3 Association of Municipalities of Ontario – Ontario Government Consultation – Safeguarding and Sustaining Ontario’s Water Resources for Future Generations**
- 10.4 Township of Madawaska Valley – Resolution Regarding Home Care Services**
- 10.5 Grand River Conservation Authority – GRCA Minutes, August 2009**
- 10.6 The Corporation of The Township of Wellesley – Resolution Regarding Giant Hogweed Spraying Initiative**
- 10.7 Association of Municipalities of Ontario – Survey on Active Transportation Policy in Ontario**
- 10.8 Ministry of Municipal Affairs and Housing – Municipal Performance Measurement Program**

Resolution No.2009-192**Moved by: L. Armstrong****Seconded by: P. Roe**

That The Corporation Township of Wilmot supports the resolution from The Corporation of the Town of New Tecumseth as attached.

CARRIED.

Councillor E. Fung expressed that he understood and appreciated the support for the resolution but that he is concerned that it speaks not to impact on municipalities but on township tax policy

Resolution No.2009-193**Moved by: P. Roe****Seconded by: L. Armstrong**

That The Corporation of The Township of Wilmot supports the resolution from The Township of Madawaska Valley as attached.

CARRIED.

Mayor W. Roth clarified to Council that home care is a Regional concern with independent providers.

Councillor P. Roe stated that he would like the province to be asked to provide more assistance.

Resolution No.2009-194**Moved by: T. Broda****Seconded by: L. Armstrong**

THAT Correspondence items 10.2, 10.3 and 10.5 to 10.8 be received for information.

CARRIED.

At the request of the Mayor, the Clerk highlighted the Regional and lower tier response to the resolution received from Wellesley Township relating to Giant Hogweed.

In response to Councillor T. Broda, Mayor W. Roth confirmed that it is the property owners' responsibility if Giant Hogweed is found along the banks of the Grand River.

Councillor E. Fung inquired if the motion speaks to a proactive response to Giant Hogweed. The Clerk confirmed that it does.

Councillor P. Roe requested that the Mayor ensures a good discussion regarding this resolution at the up-coming Regional Council Meeting.

11. BY-LAWS**11.1 By-law 2009-34 Being a Tile Rating By-law****11.2 By-law 2009-35 to Authorize the Execution of the Infrastructure Stimulus Fund Contribution Agreement – Shade Street Bridge****11.3 By-law 2009-36 Being a By-law to Regulate Fences Within the Township of Wilmot****11.4 By-law 2009-37 Being a Comprehensive Amendment to the Zoning By-Law****Resolution No.2009-195****Moved by: L. Armstrong****Seconded by: P. Roe**

That By-law Nos. 2009-34, 2009-35, 2009-36 and 2009-37 be read a first, second and third time and finally passed in Open Council.

CARRIED.

12. NOTICE OF MOTIONS**13. QUESTIONS/NEW BUSINESS/ANNOUNCEMENTS**

- 13.1 Councillor L. Armstrong commented that staff did a good job in organizing and executing the grand opening for the New Hamburg Grandstand.
- 13.2 Councillor T. Broda also commended staff and the Mayor on the grand opening. He added that 2 temporary handicapped parking spaces near the Grandstand would be beneficial for the fall fair. Mayor W. Roth responded that signs can be installed but that it would not be enforceable.
- 13.3 The Director of Facilities and Recreation services confirmed that signage can be added to the ceiling cross beam to indicate where the washrooms are at the Grandstand.
- 13.4 Mayor W. Roth requested that staff investigate various traffic calming measures as part of the budget process to see what is most effective and that staff relay a message to the Waterloo Regional Police Services that citizens are concerned and would like speeding enforced on Forrest Avenue.
- 13.5 Councillor T. Broda made inquiries regarding the work being conducted on the Huron Street bridge; street lighting along Nafziger Road at the Wilmot Recreation Complex; the timeline for the west entrance to the Wilmot Recreation Complex; accessibility at the Wilmot Recreation Complex, and community usage of the electronic sign at the Wilmot Recreation Complex.

Mayor W. Roth commented that he will make inquiries about the Huron Street bridge at the Regional meeting tomorrow.

Council was advised by Mayor W. Roth that street lighting on Nafziger Road was a Regional matter and that it would not meet the standards for street lighting.

The Director of Facilities and Recreation Services responded that west entrance to the Wilmot Recreation Complex would be completed within the next couple of weeks.

The Director of Facilities and Recreation Services commented that the handicapped doors leading to and from the west ice pad have been evaluated as to which door should have the accessibility paddles and that the current set up meets the requirements. Mayor W. Roth directed staff to inquire as to the costs of moving the accessibility door.

Regarding the use of the electronic sign at the Wilmot Recreation Complex, the Director of Facilities and Recreation services responded by saying that policy does not include community events or posting as the sign would require changing on a constant basis.

- 13.6 Councillor E. Fung relayed that KW Ringette had used the Wilmot Recreation Complex and were very pleased with the facility and the staff.

14. BUSINESS ARISING FROM CLOSED SESSION

15. CONFIRMATORY BY-LAW

15.1 By-law No. 2009-38

Resolution No.2009-196

Moved by: L. Armstrong

Seconded by: P. Roe

THAT By-law No. 2009-38 to Confirm the Proceedings of Council at its Meeting Held on September 14, 2009 be introduced, read a first, second and third time and finally passed in Open Council.

CARRIED.

16. ADJOURNMENT

Resolution No.2009-197

Moved by: T. Broda

Seconded by: E. Fung

THAT we do now adjourn to meet again at the call of the Mayor

CARRIED.

Mayor

Clerk