



**TOWNSHIP OF WILMOT  
COUNCIL MEETING MINUTES  
MONDAY, AUGUST 25, 2014**

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

**Members Present: Mayor L. Armstrong, Councillors A. Junker, P. Roe, B. Fisher, J. Gerber,  
M. Murray**

**Staff Present: Chief Administrative Officer G. Whittington, Director of Clerk's Services  
B. McLeod, Deputy Clerk D. Mittelholtz, Director of Public Works G. Charbonneau,  
Director of Facilities and Recreation Services S. Nancekivell, Director of  
Development Services H. O'Krafka, Fire Chief M. Raine, Director of Finance R. Tse,  
Planner/EDO A. Martin, Senior MLEO D. Wallace, MLEO K. Way, MLEO D. Zeinstra**

- 1. MOTION TO CONVENE INTO CLOSED SESSION (IF NECESSARY)**
- 2. MOTION TO RECONVENE IN OPEN SESSION**
- 3. MOMENT OF SILENCE**

Following the Moment of Silence, Mayor L. Armstrong made note of the successful groundbreaking ceremony he and the other Members of Council had just attended for the Wilmot Splash Pad.

**4. ADDITIONS TO THE AGENDA**

**4.1 PUBLIC MEETING – REPORT NO. DS 2014-19 ZCA Application 05/14, Dundee Recycling**

**Letter of Support from Customer of Dundee Recycling**

**Planning Report from Zelinka Priamo Ltd. On Behalf Of Dundee Recycling**

**Resolution No. 2014-159**

**Moved by: A. Junker**

**Seconded by: B. Fisher**

**THAT the above documents received in regards to PUBLIC MEETING 7.1 REPORT NO. DS 2014-19  
be added to the Agenda.**

**CARRIED.**

**4.2 REPORTS – CLERKS – REPORT NO. CL2014-26 Country Paws Kennel**

**Letter of Support from Anne Wootton**

**Resolution No. 2014-160**

**Moved by: J. Gerber**

**Seconded by: M. Murray**

**THAT the above documentation received in regards to REPORTS – CLERKS – REPORT NO. CL2014-26 be added to the Agenda.**

**CARRIED.**

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

None disclosed.

**6. MINUTES OF PREVIOUS MEETINGS**

- 6.1 Council Meeting Minutes July 21, 2014  
Special Council Meeting Minutes August 11, 2014

**Resolution No. 2014-161**

**Moved by: P. Roe**

**Seconded by: M. Murray**

**THAT the minutes of the following meetings be adopted as presented:**

**Regular Council Meeting July 21, 2014, and;  
Special Council Meeting August 11, 2014.**

**CARRIED.**

**7. PUBLIC MEETINGS**

- 7.1 REPORT NO. DS 2014-19  
Zone Change Application 05/14  
Dennis Kropf / Steelgate Farms Inc.  
Part of Lot 3, Concession 3, Block A  
1092 Bridge Street

**Resolution No. 2014-162**

**Moved by: M. Murray**

**Seconded by: B. Fisher**

**THAT Zone Change Application 05/14 made by Dennis Kropf / Steelgate Farms inc., affecting Part of Lot 3, Concession 3, Block A not be approved.**

The following amendment to the motion was requested from Councillor A. Junker which was accepted by the mover and the seconder:

**THAT staff be directed to prepare an amendment to the Zoning By-law for Council's consideration to permit Zone Change Application 05/14, submitted by Dennis Kropf / Steelgate Farms Inc. located at Part of Lot 3, Concession 3, Block A.**

**CARRIED, AS AMENDED, UNANIMOUSLY.**

Mayor Armstrong 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 Armstrong 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 and the additions to the Agenda received concerning the report.

Mayor L. Armstrong asked if there were questions of a technical nature from Council. There were none.

Mayor Armstrong asked if the applicant wished to address Council.

**Gregory Stewart, Legal Counsel for the Applicant**

Mr. Stewart advised Council of the applicant's position that the Zone Change Application meets the requirements of the Township's Zoning By-law as an expansion of legally zoned business which does not require an Official Plan Amendment for either the Township of Wilmot or the Region of Waterloo. He described the physical location of the property with regards to the surrounding roads and neighbouring properties and the visual impact the operation would largely be blocked from those locations with the presence of the woodlot and the natural topography. He stated that the operation is on a property that is zoned Agricultural Zone 1 that has been granted a previous Zone Change Amendment that made the operations compliant at that time. He asserted that the expansion only is what requires a Zone Change Amendment.

Mr. Stewart advised Council that the property is 150 acres and that only 4.2 acres would be affected by the Zone Change Application. He further stated that a site plan agreement would be required and that the Regional By-law for salvage yards would be applicable to the operation. He confirmed that provincial policy and the applicable Official Plans would not support the application only if the recycling operation was new to this location. He quoted section 10.19.1 and 10.19.2 of the Township's Official Plan which would make such an expansion permissible without an amendment to the Official Plan. He then stated that the Zone Change Application under discussion meets the requirements of those sections of the Official Plan.

Mr. Stewart stated that no concerns regarding this operation have been raised from by-law enforcement, no complaints have ever been made and there is no nuisance created by the operation. He further stated how the only residential area near the operation is well separated by an agricultural area. He expanded on the land use compatibility requirement of section 6.1 in the Official Plan and how this operation is compliant. He commented that the business does not have a negative effect on the surrounding agriculture or agri-business, does not create noise, dust or vibration and does not create any sight line issues.

Mr. Stewart concluded his presentation by reiterating that the current location is a good location for this business with no adverse effect on the surrounding area or environment. He stressed that the impact of denying the application could include loss of employment opportunities, loss of a needed service to the area and loss in taxes.

**Stephen Kropf, 268 Fennell Street, Plattsville**

The applicant, Mr. Kropf, advised Council that the company has sold over 14,000 tons of material which translates to approximately 700 tons per year being kept out of the land fill in addition to the tires which are also diverted from the land fill.

Mayor L. Armstrong asked if there were any questions from Council. There were none.

Mayor Armstrong asked if anyone else wished to address Council.

**James Jackson, 1335 Bridge Street**

Mr. Jackson spoke on the merit of the business and the amount of tin and other metals seen being recycled at the facility. He expressed that this is a business which has grown and should be allowed to grow as it is a safe operation which is run properly. He advised Council of how farming has changed since he first lived in the area which was a quiet, horse drawn operation and has now changed to a twenty-four/seven, loud business.

**Jeff Bell, 523 County Road 10, Listowel**

Jeff advised Council of the cleanliness of the operation and ease of access. He noted that this operation provides good competition for the much larger businesses in the industry which keeps the rates at a fair price.

**Bob Burnett, 2069 Huron Road**

Mr. Burnett stated for Council that Dundee Recycling does a good job, does a clean job and that the people in attendance support the business.

**John Musselman, 1362 Carmel-Koch Road**

Mr. Musselman stated his opinion that the presentation from the applicant's representative should have convinced Council to approve the application. He also stated that the residents are in favour of the application.

**Bill Hines, 46 Catherine Street**

Mr. Hines advised Council that he and his children enjoy going to the facility to learn about recycling. He stated that he has known the applicants for many years and that they assist in keeping the community clean by recycling.

In response to questions posed by Mr. Jackson, Mayor L. Armstrong explained the Public Meeting process and that Council will make a decision on the recommendation presented by staff after the Public Meeting has been closed and that those in attendance will know how Council voted by a show of hands during the vote.

**Larry Ehnes, 46 Jacob Street, Tavistock**

Advised Council that he has seen Township vehicles patronize the business and that Council should therefore vote in favour of the application.

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

Councillor A. Junker requested an amendment to the motion which was accepted by the mover and seconder.

Mayor L. Armstrong responded to Councillor J. Gerber regarding his inquiry as to environmental controls on the property by stating that the response from the Region will likely address the environmental aspects of the application.

**8. PRESENTATIONS/DELEGATIONS****9. REPORTS****9.1 CAO****9.1.1 REPORT NO. CAO 2014-03  
Waterloo Regional Economic Development Strategy (WREDS)  
Update Report****Resolution No. 2014-163****Moved by: P. Roe****Seconded by: B. Fisher**

**THAT Wilmot Township approve in principle the Waterloo Region Economic Development Strategy (WRDES) and the creation of the Waterloo Region Economic Development Corporation (WREDC) as described in Report CAO 2014-03; and**

**Further that staff be directed to continue to work in partnership with the Region of Waterloo and the other Area Municipalities to develop associated implementation and transition plans with a target WREDC commencement date of January 2016, subject to Council approval of the future implementation and transition process.**

**CARRIED.**

The CAO highlighted the report.

Mayor L. Armstrong advised that this project is beneficial to the local municipalities and will resolve some of the challenges certain municipalities may be facing.

**9.2 CLERKS****9.2.1 REPORT NO. CL2014-26  
Country Paws Kennel  
Request to Lift Kennel Licence Conditions  
1881 Carmel-Koch Road, St. Agatha  
Township of Wilmot****Resolution No. 2014-164****Moved by: B. Fisher****Seconded by: J. Gerber**

**THAT Council approves the request to lift the kennel licence conditions concerning scheduled hours for outdoor access for Country Paws Kennel.**

**CARRIED, AS AMENDED, UNANIMOUSLY.**

The Deputy Clerk highlighted the report.

Mayor L. Armstrong asked if anyone wished to address Council.

**Russ Straus, 2400 Notre Dame Drive**

Mr. R. Straus advised Council of his opinion that the letters received in support of the kennel are illustrating that the kennel is a good kennel with the conditions in place. He noted the comments from the OSPCA are suggesting that the schedule is acceptable. He characterized the expansion of the kennel since its inception as greatly altering his environment and that it is getting worse. He stated that he was unaware of any concerns from the kennel owner until the recent letter from the Township was received. He questioned the validity of the observations made by the Municipal Law Enforcement Officers since only half of the time was spent when the dogs were permitted outside. He suggests further study is needed with the hours as they are. He presented a proposal to enter into negotiations with the kennel owner and the opposing neighbours and that Council defer the decision for two months.

#### **Jay Churchill, 1896 Carmel-Koch Road**

Mr. Churchill also suggested that the observations by Township staff were misleading due to the hours present at the location and that none were during weekend hours. He stated that the kennel owner was making this request for the sole benefit of the dogs but that the dog owners have had no issues with their dogs while at the kennel. He stated that the experts, the OSPCA, have no issues with the schedule. He reiterated the earlier comments that he too was surprised by the letter from the Township and that he was unaware of any issues on the part of the kennel owner.

Mr. Churchill responded to Councillor J. Gerber's questions regarding noise levels by stating that it is quieter when the dogs are inside. Councillor J. Gerber commented that the objections to the hours of observation due to the fact that the dogs are indoors is contradictory to the comments heard at the last meeting where it was expressed that the noise is still excessive when the dogs are indoors.

The Director of Clerk's Services added that the two Officers who attended the property did so during the course of the duties throughout their work week (being Monday to Friday) and that they were instructed to observe for noise at different times of the day.

#### **Linda Churchill, 1896 Carmel-Koch Road**

Mrs. Churchill suggested that the presence of the vehicles on the quiet rural road of Carmel-Koch would have notified the kennel owner or the kennel customers of the presence of Township staff or Council which would have tipped off the kennel owner to keep the dogs quiet, thereby negating the value of the monitoring. She stated that the reason for the lack of complaints during the work week despite the noise they heard is because they were leaving for work and would not be around to be bothered by the noise.

#### **Tom Straus, 1836 Carmel-Koch Road**

Mr. T. Straus stated that he has lived in the area of the kennel for his entire life and has been a property owner there for two and half years. He is greatly concerned about the level of noise pollution emitted from the kennel if the restrictions are removed. He stated that businesses must not be allowed to emit noise pollution. He recommended a delay in deciding on the motion until a formal noise study could be conducted and the neighbours be allowed to meet with the kennel owner again. He asked Council what countermeasures will be put into place to protect him and what neighbours could do to protect themselves from noise pollution.

#### **Stacy Straus, 1836 Carmel-Koch Road**

Mrs. Straus stated that she is self-employed, working from home and that with the restrictions in place she finds the noise levels bearable. She expressed concerns that the time during when her children are outside and in the front yard the noise from the kennel is louder. She requested a more quantifiable measure of the noise levels as the past two months are not representative of usual noise. She stated that the fall and winter are louder due to the absence of foliage and the measurements should be taken at that time. She reiterated that the OSPCA has not expressed any concerns with the schedule and that the customers are happy with the service as it exists. She concluded by noting that the lifting of the

conditions would cause her family to loose enjoyment of their property, loss of family time and loss of value to their property.

#### **Glenda Rutherford, 1881 Carmel-Koch Road**

Mrs. Rutherford provided Council with photos she had taken of the vegetation located immediately to the east of the solid board fence which depicted lots of thick and high vegetation including some surviving cedars. She advised Council that it would be impossible for her to know when the Township vehicles were located on the road. She noted that she was twice visited (unannounced) by the Clerk's Department and was unaware of the approaching vehicles. At those times the dogs were outside and this is during the busiest time of the year for her kennel. She suggested that this is an emotional issue for herself and the neighbours. She stated that the Township has an eleven page by-law concerning dogs and kennels but that her kennel always seems to face to challenges where others do not and for no apparent reason given the extra measures she has taken and extra inspections she has undergone. She concluded by stating that she would like to be treated the same as all other kennels.

In response to Councillor P. Roe, Mrs. Rutherford confirmed that she is not asking to increase the number of dogs under her kennel licence.

In response to Councillor J. Gerber, Mrs. Rutherford expressed her opinion that a deferral and negotiations would not be productive given that she had been served by their legal counsel. Her legal counsel responded to the initial correspondence and no further response has been given.

Councillor P. Roe expressed regret that legal counsel had to be involved between the two parties and that he had hoped a working relationship could exist. Mrs. Rutherford advised that she is acting on the advice of her counsel and that the neighbours did complain during the scheduled hours despite the agreement.

Mr. R. Straus advised Council that his lawyer did not serve the kennel owner as no statement of claim was made and the letter merely asked that she reconsider her request. He reiterated his surprise at the request from the kennel owner to have the conditions lifted as he believed everything was satisfactory with their agreement. He stated that he contacted the lawyer believing that once the conditions are lifted that it will become unbearable. He stated that all the neighbours are frustrated and that they would like to find a way to make this arrangement work for everyone. He stated again that the lifting of the schedule will create terrible conditions for the neighbours affected. He advised that the agreement made was amicable and legally enforceable. He concluded by stating that he believes they can find a solution but that they currently co-exist because of the conditions.

In response to Mayor L. Armstrong, Mr. R. Straus listed the neighbours to the kennel property which included himself, Mr. and Mrs. Churchill, and other members of his family in the vicinity. He questioned why other kennel neighbours do not have problems and he countered what he felt was the general perception that he and the other neighbours are bullies. He stated that he owns all the property surrounding the kennel. He stated that his son who owns property beside Ms. Banbury does not hear the kennel and questioned the validity of her letter of support with regards to noise. He noted the great effort he has taken to try and curb the noise and to co-exist with the kennel. He concluded by stating that the proposed location for planting the replacement shrubs would be approximately one foot between the fence and the property line.

The Deputy Clerk provided for Council's consideration the various options available for noise studies and the costs involved which would be between \$2,500 to \$5,000 or more for a noise study or the certification and procurement of equipment for Municipal Law Enforcement Officers to be able to use sound measuring devices which would cost several thousand dollars for equipment, software and accessories.

Mr. R. Straus noted that the costs for the noise study were consistent with what he paid several years ago.

#### **Erik Kuttis, 2118 Wilby Road**

Mr. Kuttis advised that he is a customer and neighbour of the kennel but that he does not abut the property. He stated that he does occasionally hear dogs but that the noise emitted from wildlife and farming practices are louder. He expressed his belief that the majority of the customers were not aware of the conditions and that they may not be in favour had they known about the conditions. He stressed the importance of the kennels having a level playing field so that all kennels are consistent with the Township By-law. He suggested that if discussions do occur, that the restrictions be lifted as an evaluation of any changes in the noise levels.

The Director of Clerk's Services commented that the request for a noise study as a condition would set a precedent for all other kennel requests, that there is a cost factor to the study and cautioned Council on this suggestion.

Councillor P. Roe expressed his displeasure in the fact that the majority of the time spent observing the noise levels by staff was during times when the dogs were inside. He provided for Council an account of his own observations of the kennel that took place solely while the dogs would be outdoors and in a location where the kennel owner would not see his vehicle. His observations concluded that he heard nothing that would substantiate the claims of excessive noise and that many of the noises heard would at a much louder level than that of the kennel. He advised that he spoke to Mr. Straus and Mr. Churchill regarding the possibility of coming to an agreement with the kennel owner which he felt was a reasonable point of view on their part. He concluded by stating that the approval of recommendation does not preclude the neighbours and kennel owner from having further discussions.

Councillor B. Fisher stated that he came to the same conclusions as Councillor P. Roe during his visits to the area.

Councillor J. Gerber advised that he has no doubt that some noise is emitted from the kennel. He noted that the Municipal Law Enforcement Officers have no stake in the outcome of this process and would provide an unbiased assessment to assist in clarifying the issue. He reiterated the comments made in 2003 that suggested that a schedule may actually amplify the noise during the periods where the dogs are outside, similar to the way children react when let out for recess. He stated that he was in favour of making a decision and letting the neighbours and kennel owner discuss the matter further if they wish.

Mayor L. Armstrong suggested that an independent facilitator may be helpful in any discussions with the neighbours and the kennel owner.

Councillor P. Roe requested an amendment to the motion being that the requirement to install a hedge row conducive to the growing environment be deleted.

**9.2.2 REPORT NO. CL2014-27  
Lottery Licence Request  
Optimist Club of New Hamburg  
Moparfest Car Raffle**

**Resolution No. 2014-165**

**Moved by: M. Murray**

**Seconded by: P. Roe**

**THAT the application from the Optimist Club of New Hamburg be authorized for a raffle lottery licence for an automobile to be awarded at the annual Moparfest event on August 16, 2015 in addition to two early bird prizes with a total value of \$49,257.65;**

**AND FURTHER THAT the authorization to grant this raffle licence be conditional that the lottery be conducted in accordance with the Ministry of Consumer and Commercial Relations, the Lottery**



**Licensing Policy Manual Guidelines on lotteries and raffles and Township of Wilmot Lottery Licensing Policies.**

**CARRIED, AS AMENDED.**

**9.3 FINANCE**

**9.3.1 REPORT NO. FIN 2014-24  
Development Charges Background Study and By-law**

**Resolution No. 2014-166**

**Moved by: P. Roe**

**Seconded by: M. Murray**

**THAT report FIN 2014-24 regarding the Development Charges Background Study and By-law be endorsed.**

**CARRIED.**

The Director of Finance highlighted the report.

**9.4 PUBLIC WORKS**

**9.4.1 REPORT NO. PW-2014-13  
Public Works Activity Report  
April - June**

**Resolution No. 2014-167**

**Moved by: B. Fisher**

**Seconded by: A. Junker**

**THAT the Public Works Department Activity Reports for the months of April, May and June 2014 be received for information**

**CARRIED.**

**9.5 DEVELOPMENT SERVICES**

**9.5.1 REPORT NO. DS 2014-18  
July Building Statistics**

**Resolution No. 2014-168**

**Moved by: A. Junker**

**Seconded by: M. Murray**

**THAT the July 2014 Building Statistics be received for information.**

**CARRIED.**

**9.5.2 REPORT NO. DS 2014-17  
362 Fairview Street, New Hamburg  
Riverbend Brownstones Inc.  
Requirement for Municipal Sidewalks on Bleams**

**Resolution No. 2014-169**

**Moved by: M. Murray**

**Seconded by: B. Fisher**

**THAT the Council accept the request of Riverbend Brownstones Inc. respecting the requirement for the construction of municipal sidewalks on Bleams Road West at this time.**

**CARRIED.**

The Director of Development Services highlighted the report.

The Director of Development Services advised Councillor B. Fisher that an estimate of the cost could not be given at this time as there may be challenges present that would affect it.

In response to Councillor J. Gerber, the Director of Development Services confirmed that the construction of the sidewalk would be a benefit to the neighbours and that they may have been requested by the community at a later time.

**9.6 FACILITIES AND RECREATION SERVICES**

**9.6.1 REPORT NO. PRD 2014-11  
Tender 2014-24 Softball Diamond Lighting Systems**

**Resolution No. 2014-170**

**Moved by: B. Fisher**

**Seconded by: M. Murray**

**THAT Tender 2014-24 to Design, Supply and Install Softball Diamond Lighting Systems at Sir Adam Beck Park, Baden and Norm S. Hill Park, New Hamburg, be awarded to Boshart Electric Ltd. For the bid price of \$131,176.55 net of the HST rebate.**

**CARRIED.**

**9.7 FIRE – no reports**

**9.8 CASTLE KILBRIDE – no reports**

**10. CORRESPONDENCE**

- 10.1 Grand River Conservation Authority – July/August 2014 Grand Actions**
- 10.2 Ministry of Municipal Affairs and Housing – 2013 Financial Information Return Certificate**
- 10.3 Grand River Conservation Authority – General Membership / Strategic Planning Meeting Minutes, May 23, 2014**
- 10.4 Grand River Conservation Authority – General Membership Meeting, June 27, 2014**
- 10.5 Grand River Conservation Authority – GRCA Current, July 2014**
- 10.6 Grand River Conservation Authority – GRCA Current, August 2014**

- 10.7 Ministry of Municipal Affairs and Housing – Ice Storm Assistance Program Eligibility
- 10.8 Pioneer Hi-Bred Limited – Letter of Support and Funding for Rural Emergencies

**Resolution No. 2014-171**

Moved by: P. Roe

Seconded by: A. Junker

THAT Correspondence Items 10.1 to 10.8 be received for information.

CARRIED.

**11. BY-LAWS**

- 11.1 By-law No. 2014-33, By-law to Remove Holding Provisions from the Steinmann Mennonite Church Cemetery expansion
- 11.2 By-law No. 2014-34, Development Charges By-law
- 11.3 By-law No. 2014-35, By-law to Provide for Advance Voting Dates

**Resolution No. 2014-172**

Moved by: J. Gerber

Seconded by: A. Junker

THAT By-law Nos. 2014-33, 2014-34 and 2014-35 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 Mayor L. Armstrong advised Council of the last Petersburg Breakfast in the Park for the season will be on September 7, 2014.

**14. BUSINESS ARISING FROM CLOSED SESSION**

**15. CONFIRMATORY BY-LAW**

- 15.1 By-law No. 2014-36

**Resolution No. 2014-173**

Moved by: A. Junker

Seconded by: J. Gerber

THAT By-law No. 2014-36 to Confirm the Proceedings of Council at its Meeting held on August 25, 2014 be introduced, read a first, second, and third time and finally passed in Open Council.

CARRIED.

**16. ADJOURNMENT**

**Resolution No. 2014-174**

**Moved by: B. Fisher**

**Seconded by: P. Roe**

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

**CARRIED.**

---

**Mayor**

---

**Clerk**