



**TOWNSHIP OF WILMOT
COUNCIL MINUTES
MONDAY, JANUARY 13, 2014**

**AD HOC BUDGET ADVISORY COMMITTEE MEETING
WILMOT COMMUNITY ROOM
5:30 P.M.**

**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, Curator/Director of Castle
Kilbride T. Loch, Planner/EDO A. Martin**

1. MOTION TO CONVENE INTO CLOSED SESSION (IF NECESSARY)

2. MOTION TO RECONVENE IN OPEN SESSION

3. MOMENT OF SILENCE

Mayor L. Armstrong asked that during the moment of silence those in attendance think of the Reiner family during this difficult time and the family on Waterloo Street who lost their home in a fire this weekend.

4. ADDITIONS TO THE AGENDA

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

None disclosed.

6. MINUTES OF PREVIOUS MEETINGS

6.1 Council Meeting Minutes December 9, 2013

Resolution No. 2014-01**Moved by: P. Roe****Seconded by: A. Junker****THAT the minutes of the following meetings be adopted as presented:****Regular Council Meeting December 9, 2013.****CARRIED, AS AMENDED.**

Council concurred with Councillor A. Junker's request concerning the addition of his comments concerning speed acceleration on Highway 7&8 approaching the Peel Street / Haysville Road intersection, which was later confirmed by MTO, be added to the minutes.

7. PUBLIC MEETINGS**8. PRESENTATIONS/DELEGATIONS****8.1 Gary Goeree, President, The Community Players**

Mr. Goeree introduced himself and gave a brief history of the organization which is approaching its thirty year anniversary. He summarized their past activities and gave an inside view of what all is involved when preparing for a show. He verbalized the groups appreciation for the loyal and enthusiastic audience within and beyond Wilmot Township and spoke of how The Community Players gives back to the community by supporting various charities and community endeavors. He acknowledged the partnership and working relationship that the organization has had with the Township and provided thanks to Council for what they have been given which allows the productions to occur. He concluded with his appreciation of staff and for them making things happen in bringing the magic of theatre to the community.

Councillor A. Junker provided Council with an anecdotal account of the first production by The Community Players, then known as the Trinity Community Players, where he was an advisor to the youth and part of the back stage crew. He commented on how much the productions have changed over the years and that it was great to have been a part of the early years.

Councillor J. Gerber thanked Mr. Goeree for attending the meeting and for his kind words. He remarked that the productions are always very well done and he has enjoyed the introduction of the studio theatre.

Mr. Goeree added that The Community Players is glad to have the New Hamburg Arena remain a facility and that the organization will be working to improve the theatre experience further.

Mayor L. Armstrong remarked that he is consistently amazed by the productions and the transformation of the facility to the extent that the arena is made to feel like a real theatre. He then presented Mr. Goeree with a certificate of congratulations and appreciation for The Community Players for their thirty year anniversary and for their contributions to the community.

**8.2 Hugh Handy, Associate, GSP Group Inc.
Zone Change Application for 190 and 198 Brewery Street, Baden****8.2.1 REPORT NO. DS 2014-01
Zone Change Application 03/13
Will-O Homes / GSP Group Inc.
Part of Lot 15, Concession South of Snyder's Road
190 and 198 Brewery Street, Baden**

Resolution No. 2014-02**Moved by: J. Gerber****Seconded by: M. Murray**

THAT Zone Change Application 03/13 made by Will-O Homes and GSP Group Inc. affecting Part of Lot 15, Concession South of Snyder's Road be approved to place the subject lands within Zone 11 (Open Space) and Zone 4a (Residential Row), subject to the following:

- 1. The maximum number of dwelling units shall be 31,**
- 2. A minimum of 3 off-street parking spaces shall be provided per dwelling unit,**
- 3. That units with their rear wall parallel to the south property line and facing Hastings Court (Units 27-31 on the concept plan dated September 23, 2013) shall be a maximum of one storey, and;**
- 4. The property line setbacks shall be as illustrated on the concept plan dated September 23, 2013.**

CARRIED, AS AMENDED.

The Planner/EDO highlighted the report and advised Council that since the writing of the report, the Ministry of the Environment acknowledged the Record of Site Condition and a clearance letter was received from the Region of Waterloo indicating that a Holding Zone provision was no longer necessary.

Councillor B. Fisher stated some concerns he had regarding the development such as not having sufficient time to review all of the information in the report, the potential disruption to a large number of neighbours where other similar developments in Baden have had very few neighbours, that many neighbours are expressing concern over the development and that the peer review phrasing of "generally satisfactory" did not increase his confidence regarding the hydrogeological assessment for the development. He recommended that the report be deferred to a later date.

The Planner/EDO indicated that all materials were posted on the website prior to December 20, that a memo was provided to Council on the same day, that the current planning report has been posted on the website since January 7th, and that the materials in the report had been previously made available to Council. He advised Council that professional engineers generally cannot give a one-hundred percent guarantee in regards to such studies but two separate engineering firms concluded that they do not anticipate any issues with respect to ground water. He noted that the concerns of the neighbours were discussed in the report highlighting that history would suggest that property values surrounding new developments do not decrease, that landscaping would address the perceived privacy issues, and that the report details how the development conforms to the Township and Regional Official Plans. He provided further examples of developments that were surrounded by single family dwellings.

Councillor P. Roe provided his support of the comments made by Councillor B. Fisher by stating that Council received a lot of information to review in a very short time, even though it had been presented previously, more time would be required to ensure full understanding of the matter as it stands currently. He also recognized that time constraints may be a factor if approval was delayed. The Planner/EDO reiterated the timing of the posting of the information and that the only new information in the package was the staff report summarizing what Council had already received.

Councillor B. Fisher requested that a motion be made to defer the report to the next Council Meeting and the following motion was made:

Resolution No. 2014-01**Moved by: B. Fisher****Seconded by: P. Roe****THAT Report DS 2014-01 be deferred to the Council Meeting scheduled on February 10, 2014.****DEFEATED.**

Mr. Handy introduced himself to Council and expressed his view that the developers have attempted to be proactive and responsive to the concerns of Council and residents. He agreed that Council has received a lot of information but that it has been available for a long period of time. He advised that his colleagues were available to discuss some of the technical aspects of the development and the studies that have been conducted. He also stated that the developer has been as cooperative as possible and will continue to be throughout the design stage. It is the desire of the developer to successfully integrate into the surrounding area. He concluded by stating that this is not an uncommon type of development for this sort of area.

At the request of Mayor L. Armstrong the Planner/EDO outlined the three options available to Council. The first option is to approve the application and notification would be sent to the surrounding neighbours of the approval and that they have twenty days to appeal. The second option would be to deny the approval and the applicant would receive notification and have the same twenty days to appeal. The last option would be to defer the decision at which time the applicant would have the ability to appeal to the Ontario Municipal Board for failure to make a decision within one hundred and twenty days of application. He concluded by stating that with either option, if no one appeals, the process would simply continue as per Council's Resolution.

Councillor J. Gerber asked Councillors B. Fisher and P. Roe what information would be needed for them to make a decision.

The Director of Development Services provided clarification that the purpose of the peer review was to provide Council with a level of comfort regarding the engineer's report in relation to water in the area. The Planner/EDO added that the selection of the peer review firm was from suggestions from the Region as to who they have used previously and then contacting the firms to ensure the best firm was selected for this review.

In response to Councillor J. Gerber's inquiry, Councillor B. Fisher stated that his concerns revolve around potential water issues and the use of the phrase "generally satisfactory" in the peer review. He further reiterated his concern that he was unaware of the postings on the website for the report. The Planner/EDO commented on the peer review's purpose of addressing the water concerns and the outcome of the review was the same as with the first engineer. As to the notification about the posting on the website, the Planner/EDO stated that a memo including the direct url to the material was circulated to Council in their mailboxes as has been the practice with all previous reports.

Mayor L. Armstrong reiterated regarding the engineer's report concerning water that it had been reviewed as requested by Council by an impartial third party with the intention of providing a level of comfort for Council making the decision concerning the application.

Councillor P. Roe responded to the inquiry of Councillor J. Gerber by stating that what he would require to make a decision concerning this matter would be the opportunity to review the material more fully which he has not had the opportunity to do. The Planner/EDO reminded Council that despite the size of the report it is only the actual staff report which is new.

Mayor L. Armstrong advised Council that the material has been available but if Council had not reviewed it is not the fault of staff.

Sharon Horst, 193 Brewery Street

Ms. Horst advised Council that she did receive notice of the report on December 16. However, she disagreed with the timing and delivery method since it was during the Christmas holidays and if a person did not have the internet or a printer that they would not be able to access it. She advised that although it was stated that hard copies would be available at the Township Office, residents would be unlikely to obtain such a copy and that it should have been delivered. She discussed the impact of the drawings in the report and that they provide a powerful impact in advising residents of what they will be seeing at the development. She quoted a portion of the letter from the GSP Group Inc. regarding compatibility and expressed her opinion that she does not agree with it. She concluded her comments by stating that her concerns relative to the development's access being across from her driveway was not addressed by the applicant.

Jim Groothuis, 48 Hastings Court

Mr. Groothuis asked Council if the development is a fit with the neighbourhood and if the development needs so many units. He disagreed with the classification of the single story units due to the walkout basements giving the appearance of two stories. He concluded his discussion by asking where a resident would go for restitution if a problem with water arises.

Mayor L. Armstrong advised Council and the residents in attendance that the Grand River Conservation Authority has evaluated the development as well and that they also do not anticipate any issues.

In response to Councillor J. Gerber who reiterated Mr. Groothuis's questions regarding restitution in the event of a future problem, the Planner/EDO advised that the development agreement would make the developer responsible and following that, the condominium corporation would take on such responsibility in their agreement. The Director of Development Services added that part of the peer review included the clause that the "Township may rely on the engineer's opinion if needed" which provides some legal recourse.

Ken Jackson, 190 Tannery Street

Mr. Jackson provided his opinion that the Planner would be incorrect regarding property values increasing as he feels backing on to a green space would be more appealing than backing on to a new development. He inquired as to whether the study took into account the extraordinary amount of water in the area as illustrated in the map he provided to Council at a previous meeting and if the standard study would provide the answers for the questions being asked.

Mayor L. Armstrong took a moment to remind Council of what was previously on the property. Mr. Jackson then replied that the structure amounted to a smaller percentage of the green space.

9. REPORTS**9.1 CAO – no reports**

9.2 CLERKS

**9.2.1 REPORT NO. CL2014-02
Township of Wilmot
Integrity Commissioner
2013 Report**

Resolution No. 2014-04

Moved by: P. Roe

Seconded by: A. Junker

THAT the Township of Wilmot Integrity Commissioner's Report for 2013 be received for information purposes.

CARRIED.

9.3 FINANCE

**9.3.1 REPORT NO. FIN 2014-04
Development Charges Study Consultant Selection**

Resolution No. 2014-05

Moved by: M. Murray

Seconded by: B. Fisher

THAT the consulting services for the completion of a Development Charges Background Study be awarded to Watson & Associates Economists Ltd. For an upset limit of \$28,500.00 (net of HST rebate).

CARRIED.

The Director of Finance highlighted the report.

9.4 PUBLIC WORKS – no reports

9.5 DEVELOPMENT SERVICES

**9.5.1 REPORT NO. DS 2014-02
December 2013 Building Statistics**

Resolution No. 2014-06

Moved by: M. Murray

Seconded by: P. Roe

THAT the December 2013 Building Statistics be received for information.

CARRIED.

The Director of Development Services highlighted the report.

**9.5.2 REPORT NO. DS 2014-03
Street Name Confirmation
Deerfield Extension, Petersburg**

Resolution No. 2014-07

Moved by: P. Roe

Seconded by: A. Junker

THAT the Clerk be directed to complete the necessary notices and by-law amendments to rename a portion of Deerfield Avenue in Petersburg as Deerfield Extension to reflect the use of this street name since approximately 1987.

CARRIED.

The Planner/EDO highlighted the report.

9.6 FACILITIES AND RECREATION SERVICES – no reports

9.7 FIRE

**9.7.1 REPORT NO. FI 2014-01
Quarterly Activity Report**

Resolution No. 2014-08

Moved by: P. Roe

Seconded by: B. Fisher

THAT the Fire Department Activity Report for the fourth quarter of 2013 be received for information purposes.

CARRIED.

The Fire Chief responded to the inquiry from Councillor P. Roe regarding the Tanker Shuttle Accreditation by advising Council that the company providing the necessary training was unavailable to complete it in 2013. The training is now scheduled to occur in May 2014.

9.8 CASTLE KILBRIDE – no reports

10. CORRESPONDENCE

10.1 Grand River Conservation Authority – GRCA Current, December 2013

10.2 Grand River Conservation Authority – GRCA Current, January 2014

10.3 Grand River Conservation Authority – GRCA Planning, Permit and Inquiry Revised Fees Effective February 1, 2014

10.4 Grand River Conservation Authority – Grand Actions, November/December 2013

Resolution No. 2014-09

Moved by: A. Junker

Seconded by: B. Fisher

THAT Correspondence items 10.1 and 10.4 be received for information.

CARRIED.

11. BY-LAWS

- 11.1 2014-01 Interim Levy By-law. January 13, 2014
- 11.2 2014-02 Fees and Charges By-law, January 13, 2014

Resolution No. 2014-10**Moved by: M. Murray****Seconded by: A. Junker**

THAT By-law Nos. 2014-01, and 2014-02 be read a first, second and third time and finally passed in Open Council.

CARRIED.

- 11.3 2014-03 Zone Change Application 03/13 Will-O Homes / GSP Group Inc., Part of Lot 15, Concession South of Snyder's Road 190 and 198 Brewery Street, Baden

Resolution No. 2014-11**Moved by: P. Roe****Seconded by: J. Gerber**

THAT By-law No. 2014-03 be read a first, second and third time and finally passed in Open Council, as amended.

CARRIED, AS AMENDED.

12. NOTICE OF MOTIONS**13. QUESTIONS/NEW BUSINESS/ANNOUNCEMENTS****13.1 December 22, 2013 Ice Storm**

Councillor P. Roe began the discussion of the Kitchener-Wilmot Hydro and Township response to the ice storm and subsequent power outages that occurred on December 22, 2014. He suggested that Kitchener-Wilmot Hydro review their criteria and process for clearing or pruning trees near hydro lines.

Mayor L. Armstrong confirmed that he would bring that suggestion to the other members of the Board for Kitchener-Wilmot Hydro but stated that they should also be commended for the excellent work performed in restoring power.

Councillor P. Roe concurred that they should be commended for the clean-up and staff dedication but that a better solution would be if the clean-up was not necessary due to outages caused by broken/fallen branches.

Councillor A. Junker expressed his preference to be included in the communications directly from Kitchener-Wilmot Hydro. He also stated that he felt a warming centre was warranted and that the criteria for establishing one should be reviewed. He concurred that the efforts to restore power on the part of Kitchener-Wilmot Hydro was excellent. Further to communications, he suggested that Kitchener-Wilmot Hydro update the website more frequently, especially if residents are directed there for more information,

and that greater efforts be given to ensure the accuracy of the announcements on the 570 News radio station.

Mayor L. Armstrong clarified for Council that Kitchener-Wilmot Hydro had some issues in determining where outages originated in some instances. He stated that he has discussed with staff the need for power generators and establishing warming centres. For the ice storm, discussions did occur regarding one site but it was not ideal for this purpose for various reasons. He expressed his opinion that the Wilmot Recreation Complex would be the ideal location for a warming centre and that outfitting it for that purpose should be addressed.

Councillor M. Murray stated that generators are required but come at a high cost. He suggested that this be addressed so that one or two facilities are equipped and/or upgraded each year until all necessary facilities are completed. He expressed his opinion that the Township was ill prepared which is not ideal given that residents look to their municipality for guidance and support during such events.

Mayor L. Armstrong concurred with Councillor M. Murray and suggested that the Wilmot Recreation Complex be equipped/upgraded first. The Director of Facilities and Recreation Services then provided Council with the details of what sort of generators currently exist at the Wilmot Recreation Complex, what they supply emergency power to and the duration.

Mayor L. Armstrong noted that generators can be sizeable investment and that some facilities require retrofitting to allow for portable generators.

The Fire Chief clarified the comments from Councillor M. Murray concerning the generators at the Fire Stations by stating that New Dundee can generate power for full operation of the facility but that the other stations can only operate certain essential equipment.

The CAO advised that staff have been reviewing the matter and that some items have been included in the proposed Ten Year Capital Plan. He clarified that one of the first needs is to ensure a facility has the ability to receive a portable generator. He confirmed that the CAOs in the Region are meeting to review the ice storm response and that the Region declares the warming centres.

In response to Councillor M. Murray, the CAO advised that the full Emergency Control Group was not called but that available staff did meet with the Mayor. He further advised that Kitchener-Wilmot Hydro will be requested to communicate directly with all of Council for such events.

Councillor M. Murray requested that Kitchener-Wilmot Hydro include descriptions of what their various acronyms and codes mean in their communications.

Councillor P. Roe reiterated his earlier opinion that proactive tree pruning during good weather is a more cost effective solution than reacting to the outages during such weather events. He suggested that Kitchener-Wilmot Hydro needs to determine what the most effective clearance is around hydro lines.

Mayor L. Armstrong added that branches are not the only area of concern as the accumulation of ice on the hydro lines can also cause outages.

14. BUSINESS ARISING FROM CLOSED SESSION

15. CONFIRMATORY BY-LAW

15.1 By-law No. 2014-04

Resolution No. 2014-12

Moved by: B. Fisher

Seconded by: A. Junker

THAT By-law No. 2014-04 to Confirm the Proceedings of Council at its Meeting held on January 13, 2014 be introduced, read a first, second, and third time and finally passed in Open Council.

CARRIED.

16. ADJOURNMENT (8:31 P.M.)

Resolution No. 2014-13

Moved by: P. Roe

Seconded by: J. Gerber

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

CARRIED.

Mayor

Clerk