



**TOWNSHIP OF WILMOT
COUNCIL MINUTES
MONDAY, JULY 21, 2014**

**CLOSED COUNCIL MEETING
WILMOT COMMUNITY ROOM
6:15 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, 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, Curator/Director of Castle Kilbride T. Loch, Senior
MLEO D. Wallace, MLEO K. Way, MLEO D. Zeinstra, Manager of Accounting P.
Kelly, Assistant Curator S. Gropp**

1. MOTION TO CONVENE INTO CLOSED SESSION

Resolution No. 2014-137

Moved by: M. Murray

Seconded by: A. Junker

**THAT a Closed Meeting of Council be held on Monday, July 21, 2014 at 6:15 p.m. in accordance
with Section 239 (2) (b) and (c) of the Municipal Act, 2001, for the purposes of considering the
following matters:**

- 2 (b) personal matters about an identifiable individual**
- (c) a proposed or pending acquisition or disposition of land.**

CARRIED.

2. MOTION TO RECONVENE IN OPEN SESSION

Resolution No. 2014-138

Moved by: B. Fisher

Seconded by: P. Roe

That we reconvene into Open Session of Council at 7:00 p.m. in the Council Chambers.

CARRIED.

3. MOMENT OF SILENCE

Mayor L. Armstrong requested that the people present think of those affected by the recent air tragedy for Flight 17.

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 June 23, 2014****Resolution No. 2014-139**

Moved by: A. Junker

Seconded by: M. Murray

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

Regular Council Meeting June 23, 2014.

CARRIED.

7. PUBLIC MEETINGS**7.1 REPORT NO. CL2014-21**

**Country Paws Kennel
Request to Lift Kennel Licence Conditions
1881 Carmel-Koch Road, St. Agatha
Township of Wilmot**

Resolution No. 2014-140

Moved by: A. Junker

Seconded by: M. Murray

THAT Report No CL2014-21 be received for information.

CARRIED.

Mayor L. Armstrong announced that this is a public consultation being held pursuant to By-law No. 2008-01 to consider a request from Glenda Rutherford of Country Paws Kennels located at 1881 Carmel-Koch Road to have the licence conditions placed on the kennel lifted. He advised that the adjacent property owners within 150 meters of the subject property had been notified of the request and will be given an opportunity to provide comment on the request.

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 Deputy Clerk highlighted the report.

Mayor L. Armstrong asked the registered delegations if they wished to address Council.

Russ Straus, 2400 Notre Dame Drive, St. Agatha

Mr. Straus expressed to Council his strong opposition to the lifting of the kennel licence conditions despite his love for dogs. He advised Council that he dislikes living next to a kennel with forty eight dogs and he reminded Council that they granted the increase in dogs allowed at the kennel with the imposed conditions that had been negotiated and agreed upon by the kennel owner and the kennel neighbours who oppose the kennel. He noted to Council that, as per the agreement, he did not complain about noise from the kennel provided the schedule in the licence conditions were adhered to. He suggested that the noise is intolerable when the dogs are allowed outside which was extended to a longer period of time by Council in 2008.

Mr. Straus advised Council that he is of the opinion that the kennel licence conditions should not be amended unless the kennel owner and the opposing neighbours reach a new agreement. He expressed his belief that information from other municipalities relative to dog kennels is invalid, that the fact that no other kennels have licence conditions imposed on them is irrelevant and that the comments from the Humane Society are hearsay.

With regards to his new house, Mr. Straus notified Council that he built it in the new location because of the restrictions on when the dogs could be allowed outside. He stated that the Township notifications are circulated to those who are most affected by the kennel and that their comments should carry the most weight when making the decision.

Mr. Straus responded to Councillor B. Fisher by stating that the noise levels are "okay" when inside their home.

At Mayor L. Armstrong's request, Mr. Straus agreed to provide his statement in writing to the Clerk. The statement is attached as Appendix 'A.'

Linda and Jay Churchill, 1896 Carmel-Koch Road, St. Agatha

Mrs. Churchill notified Council that she is only attending this meeting because the noise from the kennel is a problem, a nuisance and is stressful. She stated that she was told no other changes would be made to the kennel licence conditions. She notified Council that they have made no complaints regarding the kennel with the exception of two calls in the spring of 2014 since they felt the noise was excessive.

Mrs. Churchill questioned why staff and the Mayor would meet with the kennel owner regarding this request but that the Township made no effort to meet with the neighbours in opposition to the kennel. She suggested that the kennel is in contravention of the Township's Noise By-law. She expressed that Council and the kennel owner should adhere to the agreement made with the neighbours in opposition to the kennel. She concluded by noting for Council that the kennel owner included the schedule for hours the dogs were allowed outside by the 2003 Council Resolution not the updated 2008 Council Resolution.

Mr. Churchill expressed to Council that when the dogs are indoors that it is not quiet either. He noted that when the dogs are dropped off and picked up by their owners that the animals are making noise. He wanted to ensure that Council recognized that this is a temporary, boarding Council not a breeding kennel.

Mr. Churchill noted that he has made few or no complaints to uphold the agreement made with the kennel owner. He stated that Country Paw's claims to be the only kennel with licence conditions is irrelevant. He stated that he has no idea on the operations of other kennels. He further stated that no one knows what it is like to live next to a kennel. He concluded by stating that he has a contract with the kennel owner which he intends to ensure is upheld.

Mayor L. Armstrong asked if the applicant wished to address to Council.

Ms. Rutherford provided a handout to Council which was distributed. She noted that the handout illustrates the schedule allowing the dogs outside from 2003 and 2008. She read from the handout which has been attached as Appendix 'B.'

Ms. Rutherford clarified for Councillor B. Fisher that the dogs are allowed outside in small groups at different times during the schedule. She also stated that some dogs are louder than others and may tend to bark more.

Mayor L. Armstrong asked if anyone wished to speak on the application.

Mr. Straus addressed Council again with regards to the fact that Ms. Rutherford appeared at a Public Meeting regarding the building of his new house and had it noted that he is choosing to build closer to her kennel. He agreed that the kennel existed before the new home was built but that he had lived at the property across the road from the kennel long before it began operations. He argued that he was not aware that the kennel would be raised during the Public Meeting for his house so he therefore disagrees with Ms. Rutherford's comments relative to that meeting.

In response to Councillor P. Roe, Mr. Straus stated that in 2008 he enlisted the services of an acoustical engineer to mitigate the noise from the kennel and subsequently built a berm which has not provided much assistance with regards to noise. He then stated that he is trying to get along with the neighbours but that it does not seem to be reciprocal. Councillor P. Roe then suggested that perhaps the berm would have decreased some sound within the spectrum but not all.

In response to Councillor B. Fisher, the Senior MLEO stated that the Township has other kennels that are similar in size and larger but that no noise complaints have been received.

The Deputy Clerk suggested to Council that a comparison chart for other kennels in Wilmot Township can be included with the August 25th report which would include proximity information to neighbouring properties and complaint information with respect to noise.

Mr. Straus noted staff's comments concerning the lack of complaints for other kennels by stating that no complaints have been made regarding Country Paws Kennel for the past six years but that if the kennel licence conditions are removed that it would result in complaints.

Councillor J. Gerber asked Mr. Straus and the Senior MLEO to theorize why this kennel seems to generate complaints while others do not. Mr. Straus stated that he cannot speak with regards to other kennels. The Senior MLEO reiterated that other kennels which are significantly larger do not generate complaints. He then explained that all calls regarding noise that are received by the Municipal Law Enforcement Officers are followed up and that all kennels are inspected annually.

Councillor P. Roe advised Mr. Straus that in the absence of the conditions imposed by Council that any agreement that may exist between himself and the kennel owner would still exist.

Mr. Straus concurred with Councillor P. Roe, stating he is not a lawyer, but that he could not guarantee that Council would not become involved with regards to this matter.

Mayor L. Armstrong requested that the line of discussion cease in the event that the matter of the agreement becomes a civil, legal matter.

Councillor J. Gerber requested if the kennel owner could provide a speculation as to why other kennels do not generate the same concerns from neighbours regarding noise. Ms. Rutherford suggested that other kennels may have neighbours which are more tolerable. She noted that when she has discussed this matter with other kennel owners and operators that they do not understand how or why this problem would exist. With regards to the discussions with the neighbours who have problems with the kennel she said that she did try to discuss the matter but that it was difficult for her to express her side of the situation. She cited her opinion that it is not fair to the animals to have the schedule and it is not fair to

her given the level of intolerance she is experiencing. She concluded by stating that she would be willing to compromise but is unsure if a compromise could be reached.

Mrs. Churchill asked if she could address Council further. She noted that the schedule and inspections regarding the kennel were from 2003 and that conditions may have changed since then. She questioned how objective the inspections concerning noise are by suggesting that the By-Law Enforcement vehicle could be seen by the kennel owner during this time and it would be obvious why they are there. She asked Council to consider these opinions when reading staff's observations. She stated her opinion that more consideration is being given to the dogs rights then to the neighbours rights. She concluded by stating that this is very stressful and that she should not have to be tolerant any longer.

Mr. Churchill also asked to address Council again. He stated that his impression of the negotiations in 2008 were that they were all very cooperative and that Ms. Rutherford's portrayal is not reflective of what happened.

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.

8. PRESENTATIONS/DELEGATIONS

9. REPORTS

9.1 CAO – no reports

9.2 CLERKS

9.2.1 REPORT NO. CL2014-22

**Petition from Stephen and Linda Lichti
for Municipal Drainage Works
South Part of Lot 26, Concession South of Bleams Road
New Hamburg, Township of Wilmot**

Resolution No. 2014-141

Moved by: B. Fisher

Seconded by: J. Gerber

THAT the Township of Wilmot accept the Petition for Municipal Drainage Works received from Stephen and Linda Lichti for the South Part of Lot 26, Concession South of Bleams Road, and authorize the Clerk to proceed accordingly under The Drainage Act.

CARRIED.

9.2.2 REPORT NO. CL2014-23

**Appointment of Engineer
Petition for Municipal Drainage Works
Lot 15, Concession North of Bleams Road
1748 Wilmot Centre Road, Baden
Township of Wilmot, Regional Municipality of Waterloo**

Resolution No. 2014-142**Moved by: M. Murray****Seconded by: B. Fisher**

THAT Dietrich Engineering of 515 Dotzert Court, Waterloo be appointed as the Engineer relative to the Petition from Wiebe Nauta for 1748 Wilmot Centre Road, Baden, Lot 15, Concession North of Bleams Road, and authorize the Clerk to proceed accordingly under The Drainage Act.

CARRIED.

**9.2.3 REPORT NO. CL2014-24
By-law Enforcement
Quarterly Activity Report
April to June 2014**

Resolution No. 2014-143**Moved by: M. Murray****Seconded by: P. Roe**

That the Enforcement Activity Report for April 1, 2014 to June 30, 2014 be received for information purposes.

CARRIED.

The Senior Municipal Law Enforcement Officer highlighted the report.

In response to Councillor A. Junker the Senior MLEO and the Fire Chief both confirmed that the fires that occurred earlier this year on Peel Street and on Huron Road have not yielded any comments concerning Municipal Law Enforcement or have had any further involvement from the Township Fire Department.

The Senior MLEO confirmed for Councillor P. Roe that noise calls are often in relation to large private parties in which case the police are called as they occur on weekends or after office hours. He stated that some calls are regarding barking dogs which are usually short in duration.

Mayor L. Armstrong responded to Councillor J. Gerber's questions concerning fires from earlier in 2014 by stating that some difficulties in communication have occurred concerning the status of fires that have involved the Fire Marshal's Office or the police as the Township required them to expand on the responses given.

The Senior MLEO clarified for Councillor J. Gerber that the MOE is currently compiling information concerning decibel levels for different industries and different types of noise but currently nothing exists with relation to dog kennels specifically.

**9.2.4 REPORT NO. CL2014-25
Noise By-law Exemption Request
Rebecca Turner and Kyle Hillar
258 Wilmot Street, New Hamburg**

Resolution No. 2014-144**Moved by: P. Roe****Seconded by: M. Murray**

THAT an exemption to the Noise By-law as requested by Rebecca Turner and Kyle Hillar at 258 Wilmot Street in New Hamburg for the purpose of their wedding commencing Friday, August 29, 2014 at approximately 4:00 p.m. to 12:00 midnight, be granted.

CARRIED.

The Deputy Clerk highlighted the report.

9.3 FINANCE**9.3.1 REPORT NO. FIN 2014-21****Statement of Operations as of June 30, 2014 (un-audited)****Resolution No. 2014-145****Moved by: M. Murray****Seconded by: A. Junker**

THAT the Statement of Operations as of June 30, 2014, as prepared by the Manager of Accounting, be received for information purposes.

CARRIED.

The Manager of Accounting highlighted the report.

9.3.2 REPORT NO. FIN 2014-22**Capital Program Review as of June 30, 2014 (un-audited)****Resolution No. 2014-146****Moved by: A. Junker****Seconded by: J. Gerber**

That the Capital Program Review as of June 30, 2014, as prepared by the Manager of Accounting, be received for information purposes.

CARRIED.

The Manager of Accounting highlighted the report.

In response to Councillor A. Junker, the Director of Public Works advised that the Oxford-Waterloo Bridge opened during the last of week and that the Haysville Road works began on June 30 and will last approximately six to eight weeks.

The Director of Facilities and Recreation Services confirmed for Councillor A. Junker that the New Dundee Library is expected to be ready for occupancy during the last week of August or first week of September according to the most recent site meeting.

9.4 PUBLIC WORKS – no reports

9.5 DEVELOPMENT SERVICES

**9.5.1 REPORT NO. DS 2014-16
May – June Building Statistics**

Resolution No. 2014-147

Moved by: P. Roe

Seconded by: M. Murray

THAT the May and June 2014 Building Statistics be received for information.

CARRIED.

9.6 FACILITIES AND RECREATION SERVICES

**9.6.1 REPORT NO. PRD 2014-10
Facilities & Recreation Services Quarterly Activity Reports**

Resolution No. 2014-148

Moved by: B. Fisher

Seconded by: A. Junker

THAT the Facilities & Recreation Services Quarterly Activity Reports for the second quarter of 2014 be received for information

CARRIED.

9.7 FIRE

**9.7.1 REPORT NO. FI 2014-05
Quarterly Activity Report**

Resolution No. 2014-149

Moved by: P. Roe

Seconded by: M. Murray

THAT the Fire Department Activity Report for the second quarter of 2014 be received for information purposes.

CARRIED.

9.8 CASTLE KILBRIDE

**9.8.1 REPORT NO. CK2014-03
Quarterly Activity Report – April, May & June 2014**

Resolution No. 2014-150

Moved by: M. Murray

Seconded by: A. Junker

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

CARRIED.

The Curator/Director of Castle Kilbride highlighted the report and distributed a promotional post card detailing the summer events at the Castle.

10. CORRESPONDENCE

11. BY-LAWS

11.1 By-law No. 2014-30, By-law Respecting the Appointment of a Chief Building Official and Inspectors

Resolution No. 2014-151

Moved by: B. Fisher

Seconded by: J. Gerber

THAT By-law No. 2014-30 be read a first, second and third time and finally passed in Open Council.

CARRIED.

12. NOTICE OF MOTIONS

13. QUESTIONS/NEW BUSINESS/ANNOUNCEMENTS

14. BUSINESS ARISING FROM CLOSED SESSION

15. CONFIRMATORY BY-LAW

15.1 By-law No. 2014-31

Resolution No. 2014-152

Moved by: J. Gerber

Seconded by: P. Roe

THAT By-law No. 2014-31 to Confirm the Proceedings of Council at its Meeting held on July 21, 2014 be introduced, read a first, second, and third time and finally passed in Open Council.

CARRIED.

16. ADJOURNMENT (8:06 P.M.)

Resolution No. 2014-153

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