



**TOWNSHIP OF WILMOT
COUNCIL MINUTES
MONDAY, MARCH 3, 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, Manager of Accounting P. Kelly**

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

Mayor L. Armstrong requested that those in attendance remember people that are suffering here and around the world.

- 4. ADDITIONS TO THE AGENDA**
- 5. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT**

Councillor B. Fisher declared a conflict with Item 6.1.

6. MINUTES OF PREVIOUS MEETINGS

6.1 Council Meeting Minutes February 10, 2014

Resolution No. 2014-35

Moved by: M. Murray

Seconded by: P. Roe

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

Regular Council Meeting February 10, 2014.

CARRIED.

Councillor B. Fisher declared a conflict of interest with the February 10th Council Minutes, specifically reference to the Public Meeting for Official Plan Amendment Application 01/13 Zone Change Application 08/13 Labreche Patterson & Associates Inc. / Westcap Development Inc.296, 302 and 308 Snyder's Road East / Brubacher Street, Baden because he is an adjacent property owner and did not take part in the discussion or subsequent voting thereof.

7. PRESENTATIONS/DELEGATIONS

7.1 Grants to Groups

Mayor L. Armstrong presented the municipal grant cheques and extended his appreciation for the works done by those organization in attendance.

8. PUBLIC MEETINGS

8.1 REPORT NO. DS 2014-07 Zone Change Application 01/14 Safeguard Homes Ltd. Part of Lot 12, Plan 16 Part 2, Plan 58R-16067 Charlotta Street/Christian Street, Baden

Resolution No. 2014-36

Moved by: P. Roe

Seconded by: B. Fisher

THAT Zone Change Application 01/14 made by Safeguard Homes Ltd. Affecting Part of Lot 12, Plan 16, being Part 2, Plan 58R-16067 be denied.

CARRIED.

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.

Mayor Armstrong asked if the applicant wished to address Council.

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

Registered Delegations

Larry Stuart, 60 Miller Street

Mr. Stuart provided Council with a written submission that summarized his views regarding the application (attached as Appendix A).

The Planner/EDO clarified for Council that the OMB decision referenced by the delegate was in regards to a previous application and that the subject application is not a multi-family rental unit, that it is a semi-detached residence.

In response to Mr. Stuart, the Planner/EDO confirmed that there are no provisions within the Planning Act or Zoning By-law to prevent anyone from renting a residential unit, but the application is asking for the allowance of separate ownership of each dwelling unit. Further, the Planner/EDO stated that the recent applications from the developer have been for units that have been sold rather than rented by the developer.

Derek Snyder, 174 Charlotta Street

Mr. Snyder thanked Council for the opportunity to express his views on the application. He asserted that this application is for a multi-family home and that the applicant knew, when he bought the property, that it was zoned for a single family residence but is simply attempting to gain a higher profit. He requested that Council deny the application. He concluded by noting that the applicant was not in attendance at the meeting.

Mayor L. Armstrong informed Council that the applicant has paid an application fee to the Township and the Region which covers the administrative costs relative to the application.

Mayor Armstrong asked if anyone else wished to address Council. There were none.

Mayor L. Armstrong asked if there were questions of a technical nature from Council.

In response to Councillor A. Junker, the Planner/EDO responded that site plan control is only relative to multi-family units so there would be no architectural control with a semi-detached unit. He confirmed that the current plan shows two separate garages for the development.

The Director of Development Services advised Councillor J. Gerber that it is always in the best interest of the Township for Council to make decisions in regards to Zone Change Applications that are consistent with land use planning policy.

The Director of Development Services responded to Councillor J. Gerber regarding the previous OMB decision by stating that decision made at the OMB are based on the property as it is existing currently, based on scale of the development and the background of the board Member. He further clarified on the contributions made by the Planner/EDO at the OMB hearing was the only professional planner in attendance, although he was there as a representative of the Township, he provided planning knowledge in response to comments from the applicant and those opposed to the application.

The Planner/EDO advised Council that prior to the OMB hearing being discussed Council did not have a written interpretation of the Official Plan policies with respect to land use compatibility and housing forms. The recent report with respect to Brewery Street contained this interpretation for use in future planning decisions.

Councillor P. Roe noted for Council that the motion made to deny the application was based on the single-family dwelling zoning designation and the fact that the application is for one of three lots which was created from a previously larger lot.

Mayor L. Armstrong asserted his opinion that there are very few differences between a semi-detached dwelling and a single family home.

Councillor P. Roe rebutted Councillor J. Gerber's comments regarding the zone change being sought by stating that there is very little difference between the application being considered today and the previous application by the same developer for this lot.

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.

- 8.2 REPORT NO. DS 2014-08
Zone Change Application 02/14
Lisa and Kimberley Winn
Part of Lot 53, Plan 1293
Parts 1 and 2, Plan 58R-2539
425 Huron Street, New Hamburg**

Resolution No. 2014-37

Moved by: B. Fisher

Seconded by: J. Gerber

THAT Zone Change Application 02/14 made by Lisa and Kimberley Winn, affecting Part of Lot 53, Plan 1293, being Part 1 and 2, Plan 58R-2539 be approved to permit a dwelling unit to be located within an accessory structure, and to increase the maximum area and height of an accessory structure to 148m² and 6.0m respectively.

CARRIED.

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.

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.

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

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

9. REPORTS

- 9.1 CAO – no reports**

- 9.2 CLERKS**

- 9.2.1 REPORT NO. CL 2014-06
RFP 2013 – 33 Legal Counsel For The Township of Wilmot**

Resolution No. 2014-38**Moved by: P. Roe****Seconded by: A. Junker**

THAT Miller Thomson LLP be awarded the Contract for legal counsel for The Township of Wilmot for a three (3) year term affective April 1st, 2014.

CARRIED.

The Director of Clerk's Services highlighted the report.

In response to Councillor J. Gerber, The Director of Clerk's Serviced advised that exact annual amount for legal services tend to be unknown as unforeseen events can occur in addition to the predictable, annual legal services a municipality would require. She further advised Council that the fees for the recommended firm are lower than the other short-listed firm.

9.3 FINANCE**9.3.1 REPORT NO. FIN 2014-11
Honorariums and Expenditures of Council Members and
Council Appointees for the Year Ended December 31, 2013****Resolution No. 2014-39****Moved by: M. Murray****Seconded by: A. Junker**

THAT Finance Report FIN 2014-11, prepared by the Director of Finance, be adopted.

CARRIED.

The Director of Finance highlighted the report.

**9.3.2 REPORT NO. FIN 2014-12
Treasurer's Statement – Development Charges Reserve Funds****Resolution No. 2014-40****Moved by: M. Murray****Seconded by: A. Junker**

THAT the Development Charges Statement for the year ended December 31, 2013, prepared by the Director of Finance, be received for information purposes.

CARRIED.

The Director of Finance highlighted the report.

9.4 PUBLIC WORKS**9.4.1 REPORT NO. PW-2014-02
Repairs to Bridge No. 37/B-OXF
Oxford-Waterloo Road**

Resolution No. 2014-41**Moved by: A. Junker****Seconded by: B. Fisher**

THAT the quotation submitted by Theo Vandenberg Construction Inc. for repairs to Structure No. 37/B-OXF located on Oxford-Waterloo Road, in the amount of \$133,539.65, net of the HST, be accepted.

CARRIED.

The Director of Public Works highlighted the report and added that the Township of Blandford-Blenheim had approved the award of the tender at an earlier Council meeting.

The Director of Public Works responded to Councillor M. Murray's inquiry concerning costs by explaining that the construction cost estimate is \$165,000 and Wilmot will be responsible for fifty percent of the costs for the project but that the full cost of the project is shown in the 2014 Budget. The CAO added that the justification sheet for the project presented to the Ad Hoc Budget Advisory Committee explains the sources of funding which shows Blandford-Blenheim funding the other half of the project.

Further to Councillor M. Murray's questions, the Director of Public Works clarified that the remaining portion of the project's costs are for engineering, tender advertising and other incidental costs.

9.5 DEVELOPMENT SERVICES**9.5.1 REPORT NO. DS 2014-06
January Building Statistics****Resolution No. 2014-42****Moved by: M. Murray****Seconded by: P. Roe**

THAT the January 2014 Building Statistics be received for information.

CARRIED.**9.6 FACILITIES AND RECREATION SERVICES****9.6.1 REPORT NO. PRD 2014-02
Accessibility Advisory Committee
2013-2014 Accessibility Report****Resolution No. 2014-43****Moved by: M. Murray****Seconded by: P. Roe**

THAT report PRD 2014-02 regarding the 2013-2014 Facility Tour Report Summary undertaken by the Accessibility Advisory Committee, be received for information.

CARRIED.

The Director of Facilities and Recreation Services highlighted the report.

9.6.2 REPORT NO. PRD 2014-03

Tender 2014-02, Supply Parks Maintenance Tractor and Attachments

Resolution No. 2014-44

Moved by: M. Murray

Seconded by: J. Gerber

THAT Brant Tractor be awarded Tender 2014-02 to supply a New Steiner 440 Diesel LC tractor with Deluxe Cab and Attachments, for the bid price of \$36,310.51 plus HST.

CARRIED.

9.7 FIRE – no reports

9.8 CASTLE KILBRIDE – no reports

10. CORRESPONDENCE

10.1 Grand River Conservation Authority – Grand Actions, January/February 2014

10.2 Grand River Conservation Authority – GRCA Current, February 2014

Resolution No. 2014-45

Moved by: P. Roe

Seconded by: M. Murray

THAT Correspondence Items 10.1 to 10.2 be received for information.

CARRIED.

10.3 City of Kitchener – City Council Resolution Regarding Bill 6, Great Lakes Protection Act, 2013

Resolution No. 2014-46

Moved by: B. Fisher

Seconded by: J. Gerber

WHEREAS there is an urgent and pressing need for a new, strong and effective law to protect and restore the Great Lakes and St. Lawrence River basin; and

WHEREAS 3 of Ontario's 4 great Lakes are in decline and provide more than 80% of the Province's drinking water; and,

WHEREAS over 95% of Ontario's agricultural land is in the Great Lakes basin and the health of the lakes contributes \$4.4 trillion to the economy in both Canada and the United States;

THEREFORE BE IT RESOLVED THAT the Ontario Legislature be requested to enact Bill 6, Great Lakes Protection Act, 2013 to protect and restore the health of the Great Lakes-St. Lawrence River basin; and,

BE IT FINALLY RESOLVED THAT a copy of this resolution be forwarded to the Premier of Ontario, the Ontario Minister of the Environment, Opposition Critics for the Environment, and the Association of Municipalities of Ontario.

CARRIED.

11. BY-LAWS

- 11.1 By-law No. 2014-09, Zone Change Application 01/14, Safeguard Homes Ltd., Part of Lot 12, Plan 16, Part 2, Plan 58R-16067, Charlotta Street/Christian Street, Baden
- 11.2 By-law No. 2014-10, Zone Change Application 02/14, Lisa and Kimberley Winn, Part of Lot 53, Plan 1293, Parts 1 and 2, Plan 58R-2539, 425 Huron Street, New Hamburg
- 11.3 By-law No. 2014-11, By-Law Respecting the Appointment of a Chief Building Official, Inspectors and Plans Examiners

Resolution No. 2014-47

Moved by: J. Gerber

Seconded by: A. Junker

THAT By-law Nos. 2014-10 and 2014-11 be read a first, second and third time and finally passed in Open Council.

CARRIED, AS AMENDED.

12. NOTICE OF MOTIONS

13. QUESTIONS/NEW BUSINESS/ANNOUNCEMENTS

- 13.1 2014 Annual Association of Municipalities of Ontario Conference

Resolution No. 2014-48

Moved by: A. Junker

Seconded by: B. Fisher

THAT Mayor Les Armstrong and Councillor P. Roe attend the AMO Conference in London from August 17th to 20th, 2014.

CARRIED.

- 13.2 Further to the comments made by the delegations for the earlier Public Meeting, Councillor J. Gerber noted his appreciation for the Director of Development Services in stating the facts regarding who staff is acting on behalf of when a Zone Change Application is received and when there is an OMB hearing. He further stated that he does not endorse any of the comments made regarding the integrity of Township staff.

Mayor L. Armstrong added to Councillor J. Gerber's comments by stating that staff is hired as experts in their field and that is how staff conducts themselves. He noted that the non-approval of the application is not the result of questioning staff's ability in the conduct of their duties.

Councillor P. Roe commented that he also feels it is not appropriate to question staff's integrity or intelligence.

The Director of Development Services advised Council that the applicant may apply repeatedly until an application is approved.

Mayor L. Armstrong stated that the comments made by the delegations regarding the nature of semi-detached homes is inaccurate.

The Director of Clerk's Services advised Council that the delegation did not provide written comments prior to the Meeting.

- 13.3 Councillor A. Junker advised Council of the annual Pancake Supper fundraiser for the new Dundee Board of Trade occurring on March 4, 2014.
- 13.4 Mayor L. Armstrong noted to Council that the new Hamburg Firebirds have ended their season with a very exciting game and that they had an excellent 2013-2014 season.

14. BUSINESS ARISING FROM CLOSED SESSION

15. CONFIRMATORY BY-LAW

15.1 By-law No. 2014-12

Resolution No. 2014-49

Moved by: A. Junker

Seconded by: M. Murray

THAT By-law No. 2014-12 to Confirm the Proceedings of Council at its Meeting held on March 3, 2014 be introduced, read a first, second, and third time and finally passed in Open Council.

CARRIED.

16. ADJOURNMENT (8:14 P.M.)

Resolution No. 2014-50

Moved by: P. Roe

Seconded by: B. Fisher

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

CARRIED.

Mayor

Clerk