

Council Meeting Minutes**Regular Council Meeting**

August 22, 2022, 7:00 P.M.

Virtual Location

Members Present: Mayor L. Armstrong
Councillor A. Hallman
Councillor C. Gordijk
Councillor B. Fisher
Councillor J. Gerber
Councillor J. Pfenning

Staff Present: Director of Parks, Facilities, and Recreation Services, S. Jackson
Director of Corporate Services/Treasurer, P. Kelly
Director of Development Services, H. O'Krafka
Supervisor of IT, K. Jeffreys
Manager of Planning/EDO, A. Martin
Chief Administrative Officer, S. Chambers
ILS Program Manager, C. Tarling
Municipal Clerk, A. Flach
Planner, C. Miller
Asset Management Coordinator, L. Nanibush

1. MOTION TO CONVENE INTO CLOSED MEETING**Resolution No. 2022- 184**

Moved by: Councillor A. Hallman

Seconded by: Councillor J. Pfenning

THAT a Closed Meeting of Council be held on Monday, August 22, 2022 at 4:30 p.m. in accordance with Section 239 (2) (c) and (f) of the Municipal Act, 2011, to consider the following:

1. Fire Services - Needs Assessment - Section 239 (2) (c) - Land Acquisition/Disposition.

2. Grand River Conservation Authority Agreement - Section 239 (2) (f) - Solicitor-client Privilege.
3. Disposition of Land - Section 239 (2) (f) - Solicitor-client Privilege.

Motion Carried

2. MOTION TO RECONVENE IN OPEN MEETING

Resolution No. 2022- 185

Moved by: Councillor C. Gordijk

Seconded by: Councillor A. Hallman

THAT Council reconvenes in Open Session at 7:00 p.m.

Motion Carried

3. MOMENT OF REFLECTION

Before the start of the meeting, Mayor L. Armstrong recognized that the 2022 Municipal Election season has officially begun.

Throughout the evolution of the municipal electoral system, legislators have worked to bring about increased accessibility, fairness and transparency to elections.

The Mayor expressed gratitude for the opportunity as Canadians to participate in these municipal elections in a free and fair manner, while staff ensure that electoral integrity is achieved.

Wilmot Council has endorsed internet and phone voting system so electors can vote from the safety and convenience of their home or anywhere they happen to be during the voting period.

There will be 11 days during the voting period when residents will have access to voting for twenty-four hours a day. In-person voting days during this election will also be expanded from 1 to 4 days in voters' own wards.

Township staff, under the leadership of the Acting Clerk are working on putting together all the pieces so that electors of Wilmot will have **more days and more ways** to vote in this election.

The official election day is Monday, October 24th, so please watch the Township's website at wilmot.ca/elections and be engaged in 2022 Municipal elections.

4. TERRITORIAL ACKNOWLEDGEMENT

Councillor C. Gordijk read the Territorial Acknowledgement.

5. ADDITIONS TO THE AGENDA

One (1) Report item was added since the original agenda publication date of August 17, 2022 as follows:

- CAO-2022-05 - Draft Land Donation Policy - This is listed as Item 12.4 on the Agenda. PFRS-2022-28 - Pfenning Land Donation is now listed as Item 12.5.

6. ADOPTION OF THE AGENDA

Resolution No. 2022- 186

Moved by: Councillor C. Gordijk

Seconded by: Councillor B. Fisher

That the Agenda, as amended, for Monday August 22, 2022 be adopted.

Motion Carried

7. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

7.1 Councillor J. Pfenning - PFRS-2022-28 - Pfenning Land Donation

The land being donated is owned by Councillor Pfenning and her family.

8. MINUTES OF PREVIOUS MEETINGS

Resolution No. 2022- 187

Moved by: Councillor C. Gordijk

Seconded by: Councillor J. Pfenning

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

- July 18, 2022 Regular Council Meeting; and,
- July 18, 2022 Closed Meeting of Council.

Motion Carried

9. PUBLIC MEETINGS

9.1 DS-2022-17 - Zone Change Application 07/22 - Tyler and Kristy Zimmer – 3151 Sandhills Road

C. Miller, Planner, explained staff is seeking approval of a temporary use to allow for two (2) homes on the subject property while the new home is being built.

Resolution No. 2022- 188

Moved by: Councillor B. Fisher

Seconded by: Councillor J. Pfenning

THAT Council approve Zone Change Application 07/22 by Tyler & Kristy Zimmer to permit, as a temporary use, two dwellings for a period of up to 18 months, subject to the following:

1. That the implementing by-law specifically limit occupancy to only one dwelling at any time.

Motion Carried

9.2 PWE-2022-34 - Queen Street Municipal Drain 2022 – Engineer's Report

P. Kelly, Director of Corporate Services/Treasurer, introduced the report indicating the petition for this municipal drain was received previously and Headway Engineering was appointed on August 23, 2021 under Section 4 of the Drainage Act to prepare an engineering report.

S. Brickman, Headway Engineering, presented the engineer's report including a map of the drainage system and the lots affected. He discussed the engagement that took place which comprised an onsite meeting, two (2) petitioner meetings, and a public information meeting between October 2021 and May 2022. He reported the existing drainage system is a private one and for the most part, is an open channel with an uncontrolled configuration approaching the outlet. The watershed is approximately 19.28Ha and drains toward the east. The existing drainage system is not a municipal drainage system, and lands and roads within the watershed do not currently have a secured outlet within the context of the Drainage Act. As well, the existing drainage system on the Apple property conflicts with development plans. Mr. Brickman's recommendation is to construct a new drainage system (under the Drainage Act) to drainage standards typical for arterial roads (i.e., 1 in 25-year rainfall event or 213m

of 750mm to 900mm diameter pipe). He provided the total estimated cost for the new drain is \$319,700 along with the breakdown of that cost.

C. and D. Huber expressed concerns that the box culvert will not accommodate all of the flow from the municipal drain and indicated they feel the municipal drain should be extended to Alder Lake as what is currently proposed only addresses the needs of the developer.

In response, S. Brickman stated he did look all the way down to Alder Lake but feels the location of the proposed drain has the ability to accommodate the flow and is a sufficient outlet as per the requirements of the Drainage Act. He added the proposed drain will have virtually no impact on the wetland.

In terms of ponding, Mr. Brickman commented there is ponding near Queen Street but the petition did not identify any areas upstream so he had to focus on what was in the petition as that is where the authority lies.

J. Graham from the Region of Waterloo confirmed Regional staff are already analyzing the ditching that is in place on Queen Street to see what is required in order to make improvements towards the drain.

Resolution No. 2022- 189

Moved by: Councillor J. Pfenning

Seconded by: Councillor C. Gordijk

THAT the Engineer's Report dated June 28, 2022 for the Queen Street Municipal Drain 2022 for improved drainage for Queen Street (Regional Road 12) and parts of Lots 6 & 7, Concession 3, Block A, Township of Wilmot be received; and further,

THAT the Engineer's Report be considered in accordance with Section 42 of the Drainage Act; and further,

THAT the Provisional Bylaw to adopt the Report be given first and second reading if the petition remains valid after consideration of the Report; and further,

THAT the date for the Court of Revision be scheduled for September 12, 2022 with Mayor Les Armstrong, Councillor Angie Hallman and Councillor Barry Fisher appointed as members for the Court of Revision.

Motion Carried

9.3 DS-2022-18 - ZCA-06/22, Petersburg Sand Company Inc./IBI Group, 1856 Snyder's Road East

A. Martin, Manager of Planning and Economic Development Services, explained the purpose of the report and stated the report summarizes all the comments received to-date. He indicated the technical documents are still under review and consideration will be given to any further public comments including agency comments.

M. Hodgkinson (Applicant), Petersburg Sand Company, Inc., provided rationale for the request for the zone change amendment and outlined all the work that has been done with various engineers to protect the water supply and to mitigate dust. He stated they have done their due diligence to ensure the gravel pit will not pose any danger to the area and has worked with Township staff to ensure safety with the trucks entering and leaving the gravel pit.

D. Barrett (Agent for the Applicant), IBI Group, provided an overview of the studies that have been done in support of this project which were: an agriculture impact assessment including a soil study; an archaeology and cultural heritage study; dust and air quality study; hydrogeological study; environmental impact study; noise study; and a transportation impact study. Mr. Barrett also spoke to the various mitigation measures that will be used based on design techniques and recommendations from the various studies. His presentation included how the requirements for notice were met; information about the zone change application process and the ARA application process which includes a consultation phase for both; a map of the proposed site; an existing conditions plan illustrating the property as it is today; and an operational plan where extraction will occur (phases 1 to 4). He highlighted that processing will be limited in phase 4 due to the proximity to neighbours. He also advised the rehabilitation plan anticipates implementing progressive rehabilitation.

J. Neves appeared on behalf of her family including M. and A. Alves. J. Neves stated objections to the zone change because of the negative impacts to the quality of life for neighbours. She cited concerns with the air quality due to dust and silica; issues with noise and the vibrations of the trucks that operate very early in the morning; and safety and environmental concerns, especially the negative impact of the water runoff.

E. Halley indicated he opposes the gravel pit as he is worried about the negative impacts on the neighbours, particularly since Snyder's Road is

already overloaded with trucks. Since Mr. Halley was experiencing technology issues which made it difficult to hear his delegation, Mayor L. Armstrong requested that he send a written submission outlining all of his concerns to the Clerks Office.

J. Bearinger stated he and his family are concerned about the loss of farmland; noise from the trucks passing over the railroad tracks and the cumulative effect along Snyder's Road; and the inability to protect the significant wetlands located in the middle of the site. He provided his opinion that rehabilitated pits are not suitable for farming and will only create an unproductive crater on the property. He suggested the pit is unnecessary as there are sufficient amounts of sand available elsewhere. He asked Council to do everything in their power to protect farmland.

B. and W. Bechthold expressed concern the new pit will further increase traffic on Snyder's Road, particularly since there are already three (3) pits within a two (2) kilometre stretch of that road. They cited issues with safety because of debris from the trucks and the speed at which they are traveling; dust; the negative impact on home values; noise that starts at 5:30am on the weekdays and as early as 6am on the weekends; safety; and odors and residue seeping into the water system from open pits. They requested that Council wait for one of the existing pits to close before opening another one.

D. Mota indicated her family moved to this area for the countryside and expressed concerns regarding the safety of children along Snyder's Road and the noise from the truck traffic. She suggested that three (3) pits along Snyder's Road is enough.

C. and D. Koprivica stated their number one (1) concern is the safety of the children as they have witnessed trucks passing school buses on Snyder's Road which has not been addressed despite having reported the issue to the school board. Their second concern is the health and wellbeing of their family from dust particles and requested a health study be done by a healthcare professional. Finally, they cited the noise which starts at 6am on weekends. The cumulative effect is the enjoyment of their property is compromised.

S. Bechthold indicated he is concerned about the environmental damage that will be done since there is a wetland in the middle of the field. He also questioned why the berm has been clearcut and how this will cause noise concerns for him and his family from the trucks travelling across the

railroad tracks and from the pit itself. He also cited safety concerns for the school buses that use this route.

S. Kurevija expressed concerns about the negative impact of the pit to the flora and fauna, and requested Council to consider the residents.

Resolution No. 2022- 190

Moved by: Councillor B. Fisher

Seconded by: Councillor C. Gordijk

THAT Report DS 2022-018 be received for information.

Motion Carried

10. PRESENTATIONS - NONE

11. CONSENT AGENDA

Resolution No. 2022- 191

Moved by: Councillor C. Gordijk

Seconded by: Councillor J. Pfenning

THAT the recommendation for Consent Item 11.1 be approved.

Motion Carried

11.1 ILS-2022-20 - Noise Exemption for 2167 Snyder's Road East

THAT Report ILS-2022-20 be received for information; and,

THAT a Noise By-law Exemption for 2167 Snyder's Road East, Petersburg on September 10, 2022, be granted

Motion Carried

12. REPORTS

12.1 COR-2022-28 - Asset Management Plan Update 2022

L. Nanibush, Asset Management Coordinator, introduced the report and Israr Ahmad from PSD Citywide, the consultant on the project.

I. Ahmad spoke to the 2022 requirements for Ontario municipalities to have an asset management policy and plan in place between 2022 and 2025 as per Ontario Regulation 588/17 (O. Reg. 588/17). As such,

Township staff and PSD Citywide have been working on developing the foundational elements of an effective asset management plan (AMP). As a result of this work, an asset management policy was approved in 2018 and a comprehensive AMP has been developed that meets and exceeds the requirements of O. Reg. 588/17.

He reported the following elements have been identified: core assets for infrastructure; current levels of service for core assets; and lifecycle costs for current levels of service and growth impacts. He provided some key data by services regarding the Township's assets including asset valuation, asset condition, and long-term needs. The asset condition was based on both assessed condition and age-based analysis. He advised the AMP tries to dedicate funding at the program level to do regular condition assessments and emphasized the importance of reinvesting in assets but conceded the typical reinvestment levels are substantial and much higher than most municipalities can achieve. He explained the importance of closing the funding gaps between target and actual reinvestment rates using permanent and predictable funding sources including property taxation revenue, water and wastewater rate revenues, the Canada Community Benefits Fund, and the Ontario Community Infrastructure Fund. He suggested two (2) funding level scenarios to help close the gap and the explained the impact of each scenario. Finally, I. Ahmad presented his recommendations and the rationale for them.

In response to the question as to how other municipalities are handling the requirement to have an asset management policy and AMP in place, P. Kelly, Director of Corporate Services/Treasurer, stated every municipality is undertaking to address this requirement and Wilmot staff is keeping an eye on what others are doing to find additional funding to reach the target levels. He added the data staff is collecting will drive what percentage increase is appropriate to reach target funding levels. He also pointed out there is an important distinction between stormwater and wastewater as stormwater has no dedicated funding so there is a need to do a stormwater fee structure.

With respect to the impact on the tax levy, I. Ahmad stated that to reach 100% over 5 years would require a 2.6% increase annually and that percentage would decrease from there over 20 years to 0.7%.

Resolution No. 2022- 192

Moved by: Councillor C. Gordijk

Seconded by: Councillor J. Pfenning

THAT Report COR 2022-028 Asset Management Plan Update 2022 be received; and further,

THAT Council approve the Township of Wilmot Asset Management Plan, as presented; and further,

THAT the approved Asset Management Plan be forwarded to the Ministry of Infrastructure in accordance with O. Reg. 588/17 and be posted to the Township's official website.

Motion Carried

12.2 COR-2022-29 - Truth and Reconciliation Day – September 30, 2022

P. Kelly, Director of Corporate Services/Treasurer, stated the purpose of the report is to secure funding for the proposed community-based events and staff training to recognize Truth and Reconciliation Day on September 30, 2022. He reported that staff has worked with local Indigenous communities to plan appropriate activities for the day which will include flying the Every Child Matters Flag at the Township's Administrative Complex during the month of September.

Resolution No. 2022- 193

Moved by: Councillor A. Hallman

Seconded by: Councillor J. Pfenning

THAT Report COR 2022-029, regarding the proposed community and staff activities for Truth and Reconciliation Day be received for information purposes; and further,

THAT Council authorize a funding allocation of \$2,000 from the 2022 Council Special Events Operating Budget to support the event costs and honorariums.

Motion Carried

12.3 DS-2022-16 - Zone Change Application 03/22, Dundee Recycling, 1092 Bridge Street

A. Martin, Manager of Planning and Economic Development Services, provided an overview of the report and noted only one property owner has expressed some concerns. He assured Council that staff have met onsite with the owner of the property (the Applicant) to work through the issues

and staff will work to ensure recommendations are addressed via the site plan process. He confirmed the Region of Waterloo agrees with the recommendations regarding the environmental and noise studies.

With respect to the water issue mentioned by the concerned property owner, A. Martin responded that a spills containment plan for the current site is in place and the expanded operation will require the same containment strategy to be built and approved both locally and by the Region. He added that maintenance will also be required by the Region.

In terms of the plantings on the berm, A. Martin stated the outcome of the study did not require what the Applicant is ultimately planning to put in place but it will be a requirement for these plantings to be in place for the life of the operation. He conceded that enforcement is more difficult but there is clear direction in the site plan to have the berm and the plantings in place.

Resolution No. 2022- 194

Moved by: Councillor J. Pfenning

Seconded by: Councillor J. Gerber

THAT Council approve Zone Change Application 03/22 made by Dundee Recycling / Dryden, Smith & Head Planning Consultants, affecting Part of Lot 3, Concession 3, Block A, to amend the zoning of the property to expand the area permitted to operate a Recycling Depot, establish requirements for landscape buffering and berms, and to permit the operation of a Refreshment Vehicle or Refreshment Cart as an accessory use.

Motion Carried

12.4 CAO-2022-05 - Draft Land Donation Policy

S. Chambers, Chief Administrative Officer, spoke to the report concerning the Township's proposed land donation policy. She assured Council the public will have an opportunity to provide comment before a report is brought back to Council with a final draft of the policy for adoption. She stated the proposed policy will increase transparency and due diligence for proposed land donations, and such donations will adhere to various other criteria before being accepted by the Township.

Resolution No. 2022- 195

Moved by: Councillor J. Gerber

Seconded by: Councillor C. Gordijk

THAT Report # CAO-2022-05 regarding a proposed land donation policy be received for information; and further,

THAT staff be directed to post the draft land donation policy for a minimum of 60 days for public comment and report back to council with a final draft for adoption.

Motion Carried

12.5 PFRS-2022-28 - Pfenning Land Donation

Councillor J. Pfenning declared a conflict on this item. (The land being donated is owned by Councillor Pfenning and her family.)

S. Jackson, Director of Parks, Facilities and Recreation Services, presented the report regarding a land donation from the Pfenning family, which will benefit the community through an informal trails system along the Nith River. She advised staff has finalized work with the GRCA in order to move forward with the donation. She indicated the name was previously approved by Council.

Resolution No. 2022- 196

Moved by: Councillor C. Gordijk

Seconded by: Councillor J. Gerber

THAT Council approve the Pfenning land donation of 13.4 acres as described and depicted in Appendix “A” attached to this report; and further,

THAT Council approve the Cabcam land donation of 0.18 acres as described and depicted in Appendix “B” attached to this this report; and further,

THAT the Lands be named “The Andreas Pfenning Nature Preserve”.

Motion Carried

13. CORRESPONDENCE

- 13.1 Region of Waterloo Correspondence regarding the Land Needs Assessment

14. BY-LAWS

Resolution No. 2022- 197

Moved by: Councillor J. Pfenning

Seconded by: Councillor A. Hallman

THAT By-law Nos 2022-35 and 2022-36 be read a first, second and third time and finally passed in Open Council; and further,

THAT By-law No. 2022-38 be read a first and second time and provisionally passed in Open Council.

Motion Carried

- 14.1 By-law 2022-35 - Being a By-law to Further Amend By-law 83-35 to Permit the Use of a Recycling Depot
- 14.2 By-law 2022-36 - Being a By-law to Further Amend By-law 83-35 to Permit a Second Residential Building - Single Detached on Sandhills Road
- 14.3 By-law 2022-38 - Being a Provisional By-law for the Queen Street Municipal Drain

15. NOTICES OF MOTION - NONE

16. ANNOUNCEMENTS

Mayor L. Armstrong announced that after some personal reflection, and conversations with those closest to him, he has made the difficult decision to not seek a fourth term as Mayor of Wilmot Township.

Living in Wilmot Township since 1978, Mayor Armstrong reflected that he began serving the residents and businesses as a Councillor in 1985. After a brief time away from office, he returned to the Council table in 1998, where he served three consecutive terms, prior to being elected Mayor in 2010.

Mayor Armstrong indicated it has been his honour to have served as the Township's elected official for 28 years, and it has been a privilege to be Wilmot's Mayor for the last three consecutive terms. He stated he has been proud to have had the opportunity to work alongside so many talented and passionate

individuals and volunteer groups that make Wilmot Township the wonderful community it is today.

During his time on Council the Mayor reflected the list of achievements is fairly long but he provided a few key items that stand out in particular.

Fiscal Responsibility:

The Township has continued to grow in a fiscally responsible manner throughout Mayor Armstrong's time in office. As a community Wilmot has been debt free for the past several years, while continuing to make significant infrastructure investments to further grow and enhance Wilmot.

Wilmot Recreation Complex:

During his time on Council, the Township planned and built the [Wilmot Recreation Complex](#) (WRC), a state of the art, 163,000 square foot multi-use recreational facility; the recreational hub of Wilmot Township. This leading-edge facility was built and continues to operate in the absence of debt financing, and serves community members and visitors year-round.

Wilmot Employment Lands:

In early 2021, Wilmot Council formally recommended the approval of two industrial plans of subdivisions, collectively referred to as the Wilmot Employment Lands. These lands will bring employment and growth to our Township, providing so much to the future of Wilmot.

As Head of Council over the past 12 years, the Mayor has also been the Township's voice at the Region of Waterloo and to our peers at the Provincial and Federal level. He indicated he has enjoyed the opportunity to represent Wilmot, and work with some terrific individuals at the Region, Province and Federal Government. He has especially appreciated the teamwork amongst the four rural Townships in Wilmot, Woolwich, Wellesley, and North Dumfries. Together we have ensured that our rural communities and lifestyles are protected as a unique and critical piece of this Region and Province.

Mayor Armstrong also extended his sincere thanks and appreciation to the talented staff team that have supported him throughout his time on Council. Our team in Wilmot is dedicated to serving this community with professionalism and integrity. Wilmot staff work, day in and day out, to achieve our vision for a *cohesive, vibrant and welcoming countryside community*. He also extended a very special thank you to Elaine Bender, who has been by his side these past 12 years. Elaine is an exceptional individual, who brings brightness to each day and whom he will truly miss working with.

While he is stepping away, he stated he looks forward to watching from the sidelines as the Township continues to grow, and reminded future Mayors and Councillors that Council's job is to work with our talented staff and to engage the community to plan and prepare Wilmot for a better and brighter future.

Even though he is unsure what lies ahead for him personally, but will always look back on his time in office as one of the most rewarding aspects of his life. He closed by saying he holds this community close to his heart and wishes everyone the greatest success as we move forward.

The Mayor also announced that during the Council meeting, the Township received word that 2 people from a local long-term care facility have passed away. According to the Chief Executive Officer of the facility, these deaths were connected to a recent COVID-19 outbreak.

While we mourn this tragic loss, it is a reminder for everyone to remain vigilant as the COVID-19 pandemic is still present.

Though a number of key health indicators suggest less transmissions than at the height of the pandemic, it does remain present, even at reduced levels.

As such, citizens are strongly encouraged to continue:

- Wearing a mask based on their own personal risk assessment
- Engage in personal hand hygiene and cleaning practices
- Practice physical distancing where and when operationally feasible

We can all do our part to keep our community safe.

Members of Council expressed their appreciation for all of Mayor Armstrong's contributions to the Township, his deep belief in Wilmot as the best place to live and for his advocacy for the community during his time on Council. They thanked him for his 28 years of dedicated service.

17. BUSINESS ARISING FROM CLOSED SESSION

Resolution No. 2022- 198

Moved by: Councillor J. Gerber

Seconded by: Councillor C. Gordijk

THAT staff be directed to reject all bids received for the former Coal Lane located on Beck Street in Baden; and further,

THAT the disposition of said property be deferred until the new term of Council.

Motion Carried

18. CONFIRMATORY BY-LAW

Resolution No. 2022- 199

Moved by: Councillor J. Pfenning

Seconded by: Councillor C. Gordijk

THAT By-law No 2022-37 be read a first, second and third time and finally passed in Open Council.

Motion Carried

19. ADJOURNMENT

Resolution No. 2022- 200

Moved by: Councillor J. Pfenning

Seconded by: Councillor B. Fisher

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

Motion Carried