

Council Meeting Minutes

Council Meeting

Date: May 29, 2023, 6:00 P.M.

Location: Council Chambers - Hybrid
60 Snyder's Road West
Baden, Ontario
N3A 1A1

Members Present: Mayor N. Salonen
Councillor S. Cressman
Councillor K. Wilkinson
Councillor H. Sidhu
Councillor L. Dunstall
Councillor S. Martin

Staff Present: Chief Administrative Officer, S. Chambers
Director of Corporate Services/Treasurer, P. Kelly
Fire Chief, R. Leeson
Director of Infrastructure Services, J. Molenhuis
Director of Development Services, H. O'Krafka
Supervisor of IT, K. Jeffreys
Manager of Planning and Economic Development, A. Martin
Manager of Finance/Deputy Treasurer, A. Romany
Deputy Clerk, C. Curtis
Manager of Community Services, M. O'Krafka
Manager of Legislative Services/Clerk, J. Bunn
Administrative Clerk, Candice Greenley
Desktop Support Technician, R. Ubhi
Planner, Cameron Miller
Manager of Municipal Law Enforcement, E. Merritt

1. MOTION TO CONVENE INTO CLOSED MEETING

There was no Closed Meeting on May 29, 2023.

2. MOTION TO CONVENE IN OPEN MEETING

Moved by: Councillor S. Cressman

Seconded by: Councillor L. Dunstall

THAT Council convene in Open Session at 6:00 p.m.

Motion Carried

3. MOMENT OF REFLECTION

May 28 to June 3 is AccessAbility Week in Canada. This week is an important opportunity for us to reflect on the progress made and the work that still needs to be done to improve accessibility and inclusivity for all Canadians, regardless of their abilities.

The month of June holds great significance for a number of important issues in Canada.

June is Indigenous History Month in Canada. As we head into June it's important to take a moment to reflect on the rich cultural heritage and history of the Indigenous peoples who have called this land home for thousands of years. We must acknowledge the deep and lasting impact of colonialism, residential schools, and systemic racism on Indigenous communities. The Township of Wilmot continues our commitment to towards learning, reconciliation, and healing.

We must also take this time to recognize and appreciate the ongoing contributions of Indigenous peoples to our society, from art and culture to science and technology. Let us take this opportunity to learn, listen, and engage with Indigenous perspectives, and strive for a future where all people are treated with the respect, dignity, and equality.

June is also recognized as Pride Month in Canada, a time to acknowledge and celebrate the diversity of the 2SLGBTQ+ community. Communities across the country will come together to show their support and promote acceptance, equality, and inclusivity.

The Township of Wilmot has implemented policies to ensure that our services and facilities are accessible to all members of the community, regardless of gender identity or sexual orientation. The Township also works with and promotes organizations like Spectrum, Waterloo Region's Rainbow Community Space, which raises awareness about the challenges and discrimination faced by

the 2SLGBTQ+ community and encourages education and understanding among all members of our community.

As we celebrate Pride Month in Canada, the Township of Wilmot reaffirms our commitment to creating a more inclusive and accepting society for all.

The Township of Wilmot will raise the Progress Pride rainbow flag at the Administrative Complex on Thursday, June 1 as a symbol of solidarity with the 2SLGBTQ+ community.

4. TERRITORIAL ACKNOWLEDGEMENT

Councillor H. Sidhu read the Territorial Acknowledgement.

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

5.1 Councillor L. Dunstall - ZCA-06/22, Petersburg Sand Company Inc./IBI Group, 1856 Snyder's Road East, DS-2023-06

Councillor L. Dunstall declared a Pecuniary Interest on Item 12.1 of the agenda. Please visit [Registry of Disclosure of Pecuniary Interest](#) for further details.

6. ADDITIONS TO THE AGENDA

The following items have been added to the Agenda:

- Item 10.1 - Waterloo Oxford Students re: Environmental Issues
- Item 13.1 - Correspondence from Julie Neves, Chair, Stop Petersburg Sand Pit Inc.
 - Correspondence from Julie Neves Chair Stop Petersburg Sand Pit Inc (addendum)

7. ADOPTION OF THE AGENDA

Item 16 was moved to Item 8.

THAT the Agenda as presented for May 29, 2023, be adopted as amended.

8. MINUTES OF PREVIOUS MEETINGS

Moved by: Councillor S. Martin

Seconded by: Councillor H. Sidhu

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

- May 8, 2023 Regular Council Meeting

- May 16, 2023 Special Council Meeting

Motion Carried

9. PUBLIC MEETINGS

9.1 Official Plan Amendment Application 01/23 and Zone Change Application 01/23, Schneider Family and rare Charitable Research Reserve, Wilmot Line and Carmel-Koch Road, DS-2023-08

Council asked and received answers from staff on the following:

- Parking facilities and road signage at the site; and
- What is the liability to the municipality for 12 parking spaces.

Stephanie Sobek-Swant, agent, rare Charitable Reserve, provided a booklet "[rare REVIEW Spring-Summer 2023](#)" to members of Council and gave a high-level overview of the application.

Council discussed the importance of having on-site parking at the location to ensure the liability of insurance and the safety of children.

Ms. Sobek-Swant discussed the purpose of the site and the intention to not have school groups attend the site.

Council asked for clarification on parking and the use of lands at other rare Charitable Research Reserve locations, and if they noticed an increase of patrons at the Blair Facility.

Council asked Staff what the next steps are to create a solution that works for both the applicants and staff.

Ms. Sobek-Swant discussed the proposal and the requirements of the municipality for the applicant to donate the land to the Township of Wilmot.

A member of Council discussed their support of on-site parking at the location.

Kevin Thomason spoke in support of the Official Plan Amendment Application. Mr. Thomason does not support a parking lot at the location.

Council discussed the applicability of the proposed area to become a parking lot.

Mr. Thomason discussed the challenges and issues for parking and the surrounding area.

Roger Suffling spoke in support of the Official Plan Amendment Application. Mr Suffling does not support a parking lot at the location.

Kae Elgie provided a PowerPoint presentation. Ms. Elgie spoke in support of the Official Plan Amendment Application.

Greg Michalenko spoke in support of the Official Plan Amendment Application. Mr. Michalenko does not support a parking lot at the location.

Margaret Schneider circulated correspondence to Council. Ms. Schneider spoke in support of the Official Plan Amendment Application and does not support a parking lot at the location.

Dianne Ensing circulated correspondence to Council. Ms. Ensing spoke in support of the Official Plan Amendment Application. Ms. Ensing supports informal roadside parking remain at the location.

Deb Swidrovich spoke in support of the Official Plan Amendment Application. Ms. Swidrovich does not support the proposed parking lot at this location.

Mayor Salonen asked if there were any people in-person or electronically who wished to address Council. There were none.

Mayor Salonen asked a second time if there were any people, in-person or electronically who wished to address Council.

There were none.

A member of Council discussed the parking at existing nature sites in Wilmot and the need to standardize parking at all locations.

Moved by: Councillor K. Wilkinson

Seconded by: Councillor H. Sidhu

THAT Report DS 2023-008 be received for information.

Motion Carried

9.2 ZCA-02/23, St. George's Anglican Church, 11 Byron Street, New Hamburg, DS-2023-07

Council asked and received answers from Staff on the following:

- If there was interest in enlarging the backyard property

Mayor Salonen if there were any persons in the audience who wanted to address Council on this matter. There were none.

Mayor Salonen asked for a second time if there were any persons in the audience who wanted to address Council on this matter. There were none.

Moved by: Councillor L. Dunstall

Seconded by: Councillor S. Martin

THAT Council approve Zone Change Application 02/23 made by St. George's Anglican Church, affecting Part of Lot 2, Smith's Plan, to rezone a portion of the subject property from Zone 3 (Residential) to Zone 12 (Institutional) and to reduce the required rear yard setback from 7.5 metres to 2.7 metres.

Motion Carried

10. PRESENTATIONS

10.1 Waterloo Oxford Students re: Environmental Issues

Mayor Salonen discussed conversations between the Region of Waterloo and Township Staff on finding solutions to waste on Snyder's Road West.

Council asked and received answers from the Waterloo Oxford Students:

- Discussed existing e-waste businesses in Wilmot Township; and
- The difficulty in finding a place to discard of e-waste in Wilmot Township.

Moved by: Councillor K. Wilkinson

Seconded by: Councillor L. Dunstall

THAT Staff be directed to provide a report to deal with e-waste, which includes consultation with local affected agencies; and

THAT Staff bring forward a report to place benches, e-waste receptacles, and garbage cans in key areas in Wilmot Township.

Motion Carried

11. CONSENT AGENDA

Moved by: Councillor K. Wilkinson

Seconded by: Councillor S. Martin

THAT Items 11.1, 11.2 and 11.3 be approved.

Motion Carried

11.1 Erb Road Shelter Fire Protection Agreement, FS-2023-01

THAT Report FS 2023-01 regarding the Erbs Road Shelter Fire Protection Agreement between the Township of Wilmot and the City of Waterloo be approved; and further,

THAT Waterloo Fire Rescue will provide fire protection and emergency medical response protection to the Erbs Road Shelter at 1003 Erbs Road; and further,

THAT Wilmot Fire Department will be responsible for fire prevention, fire investigation, and public education for residents and staff located at the Erbs Road Shelter at 1003 Erbs Road.

11.2 Appointment of Drainage Engineer related to West Nith Petition for 1089 Huron Street in the North Part Lot 27, Concession South of Bleams Road, COR-2023-40

THAT Report COR-2023-40 be received; and further,

THAT Council appoint K. Smart Associates Limited as the Engineer to make an examination of the area, in accordance with Section 8 of the *Drainage Act, R.S.O 1990*.

11.3 Noise By-law Exemption – 1323 - 103 Queen St (Cottage Lane), New Dundee, COR-2023-39

THAT a Noise By-law Exemption be granted for 1323 – 103 Queen Street (Cottage Lane), New Dundee on June 3rd, 2023.

12. REPORTS

12.1 ZCA-06/22, Petersburg Sand Company Inc./IBI Group, 1856 Snyder's Road East, DS-2023-06

Councillor L. Dunstall declared a Pecuniary Interest on Item 12.1 of the agenda. Please visit the Registry of Disclosure of Pecuniary Interest for

further details.

Council asked and received answers from Staff on the following:

- Average vehicular speed limits captured in the Traffic Report; and
- Portion of property south of the tracks remains Zone 1, and which enforcement tools are in place to ensure compliance.

Mike Hodgkinson, Applicant, and Mike Hodgkinson, Agent, provided a high-level overview of the project and is supportive of the recommendation.

Julie Tavares Das Neves read Louise Lalonde's delegation letter.

Jan Atkinson spoke in opposition of the Zone Change Application.

Council asked for clarification from Staff regarding the School Boards' comments on this application.

Steven Bechthold spoke in opposition of the Zone Change Application.

The meeting recessed at 8:53 p.m. and resumed at 9:00 p.m. at the call of the Mayor with all members present.

Bernice and Warren Bechthold spoke in opposition of the Zone Change Application.

Maria Alves spoke in opposition of the Zone Change Application.

Stephanie Goertz spoke in opposition of the Zone Change Application.

Pam Mahoney, speaking on behalf of herself, James Mahoney, and Faye Mahoney, spoke in opposition of the Zone Change Application.

Julie Tavares Das Neves spoke in opposition of the Zone Change Application.

Cameron Cotton-O'Brien, Donnelly Law, spoke in opposition of the Zone Change Application and discussed Interim Control By-laws.

Council asked and received answers from Mr. Cotton-O'Brien on the following:

- Clarification on Bill 97 and if an ICBL can be appealed;
- Shared costs of OLT hearings;

- What percentage of aggregate cases that go before the Ontario Land Tribunal are successful; and
- Council requested clarification on the breakdown of fees for legal and expert fees.

Council asked and received answers from Staff if the Township's By-law's are out-of-sync with the provincial standards.

Council asked and received answers from Staff on Interim Control By-Laws, and what amount of control the Township has on the front portion of the property.

Edward "Ned" Halley spoke in opposition of the Zone Change Application.

Staff discussed access to cross the CN rail tracks.

Chris Scullion discussed concerns with the methods of the air and noise studies.

Council requested clarification on Mr. Scullion's professional credentials.

Council asked and received answers from Mr. Scullion regarding testing air quality in Petersburg.

Council asked and received answers from Staff regarding the outcomes of a three-to-six-month air study in Petersburg, and the impact it would have on Council jurisdiction.

Council asked and received answers from Staff on the following:

- Supply and demand in the Provincial Policy Statement;
- Vertical zoning in Wilmot;
- How storage of recycled asphalt and concrete is impacted by vertical zoning; and
- If there are any conditions for transferring a licence for a gravel pit.

Councillor Wilkinson requested a recorded vote.

Moved by: Councillor H. Sidhu

Seconded by: Councillor S. Cressman

THAT Council approve Zone Change Application 06/22 made by Petersburg Sand Company Inc./IBI Group, affecting Part of Lot 5, Concession North of Snyder's Road, to rezone the subject lands as follows:

1. in part from Zone 1 (Agricultural) to Zone 14 (Extractive Industrial) with site specific provisions permitting the importation of concrete and asphalt for recycling,
2. in part from Zone 1 (Agricultural) to Zone 11 (Open Space) with site specific provisions limiting uses to an Arboretum, Wildlife Sanctuary, and accessory uses,
3. on the lands south of the CN railway, to permit an access route to an extractive industrial operation north of the CN railway, and
4. on the lands north of the CN railway, to permit buildings or structures, not including a dwelling unit, to be erected provided access is maintained through joint property ownership fronting on, or by way of a right-of-way to, a municipally maintained public road.

and,

THAT the Township request that the Ministry of Natural Resources and Forestry, in addition to comments provided by the Region of Waterloo dated November 25, 2022:

1. not issue the ARA license until such time as the CN railway has approved final construction of the private railway crossing and the necessary agreement with CN and the property owner has been completed to the satisfaction of CN,
2. modify Note 5, under the heading Noise of the Operation Plan Notes (Sheet 3 of 5) to require the 3.0m berm to be constructed at the same time as the construction of the pit entrance, and
3. advise the Township of Wilmot if any changes are made to the ARA plans from those dated as follows:
 - a. Existing Conditions (revised November 24, 2022)
 - b. Operational Plan (revised November 24, 2022)
 - c. Operational Plan Notes (revised November 24, 2022)
 - d. Rehabilitation Plan (revised November 24, 2022)
 - e. Cross-sections (revised November 24, 2022)

In favour (4): with Mayor Salonen,
Councillor S. Cressman, Councillor
H. Sidhu and Councillor S. Martin

Against (1): Councillor Wilkinson

Conflict (1): Councillor Dunstall did not vote due to a declared conflict of interest.

Motion Carried

Moved by: Councillor K. Wilkinson

Seconded by: Councillor S. Martin

THAT Staff be directed to prepare an information report, in the next two-to-four weeks, that highlights potential uses of an Interim Control By-law and Site Plan Control and how existing Wilmot policies and by-laws can regulate the establishment of aggregate pit operations.

Motion Carried

12.2 Bamberg Creek, Jananna, and Koch-Leis Municipal Drains, COR 2023-38

Kevin Thomason discussed environmental concerns regarding the Drainage Act.

Cory Kittel requests that Staff and Drainage Engineers listen to residents affected by this municipal drain, and discussed public engagement being omitted from the Drainage Report.

Council asked and received answers from Staff:

- The process for the next steps of the Drainage Report; and
- If the Meeting to Consider the Report could take place at the end of June.

Moved by: Councillor H. Sidhu

Seconded by: Councillor S. Cressman

THAT Council suspend the rules of the Procedure By-law to continue the meeting past 11 p.m.

Motion Carried

Moved by: Councillor S. Cressman

Seconded by: Councillor L. Dunstall

THAT Council receive report COR-2023-20 as information; and

THAT the Engineer's Report dated April 28, 2023, for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain for the construction of a new municipal drain from two locations on the North Part of Lot 10, Concession 3, Block B and extending downstream to its outlet into the Koch-Leis Drain and the Bamberg Creek, and for improvements to portions of the Koch-Leis Drain, and the Bamberg Creek be accepted; and further,

THAT the Clerk be directed to schedule a Meeting to Consider the Report.

Motion Carried

12.3 Land Acquisition - Public Works Operations Centre 1065 Gingerich Road, Baden, IS-2023-13

Council asked and received answers from Staff regarding:

- If there will be reporting on the condition of the land; and
- If there any concerns with salt storage and runoff.

Moved by: Councillor S. Martin

Seconded by: Councillor L. Dunstall

THAT the Mayor and Chief Administrative Officer be authorized to execute all necessary agreements and documents required to complete the transaction for the purchase of 1065 Gingerich Road, Baden.

Motion Carried

12.4 Proposed New Provincial Planning Statement (PPS) 2023, DS-2023-09

Kevin Thomason spoke in opposition to the proposed Provincial Planning Statement and supportive of the Township's report to be forwarded to the Ministry of Municipal Affairs and Housing.

Council asked Staff when they can receive the statement from the Township of Wilmot.

Council asked and received answers from Staff when the deadline for submitting comments is.

Council asked and received answers on the MDS.

Mayor Salonen discussed comments the Region of Waterloo has provided to the Ministry of Municipal Affairs and Housing.

Moved by: Councillor S. Martin

Seconded by: Councillor H. Sidhu

THAT Report DS-2023-09 be forwarded to the Ministry of Municipal Affairs and Housing and posted to the Environmental Registry of Ontario (ERO posting 019-6813) as the Township of Wilmot's response to the Province's proposed new Provincial Planning Statement (PPS) 2023.

Motion Carried

12.5 Award of Contract – Lisbon Road Culvert Replacement, IS-2023-14

Moved by: Councillor L. Dunstall

Seconded by: Councillor K. Wilkinson

THAT Council award RFT 2023-03 to Ron Van Manen Trucking Inc. of Norwich, Ontario as per their tender submitted Thursday April 27th 2023 in the amount of \$181,736.64; and further,

THAT Ontario Community Infrastructure Fund (OCIF) funding, in the amount of \$185,000.00 be re-allocated from the Casselholme Crescent Reconstruction project savings towards the replacement of a 900mm culvert on Lisbon Road.

Motion Carried

13. CORRESPONDENCE

13.1 Correspondence from Julie Neves, Chair, Stop Petersburg Sand Pit Inc.

13.2 Correspondence from Northern Applied Sciences Inc. (addendum)

14. BY-LAWS

Moved by: Councillor S. Cressman

Seconded by: Councillor S. Martin

THAT By-Laws as attached to this Agenda be read a first, second and third time, and finally passed in Open Council.

Motion Carried

14.1 By-Law 2023-28 Being a By-law to authorize the execution of a Fire Protection Agreement between the Corporation of the Township of Wilmot and the Corporation of the City of Waterloo

14.2 By-Law 2023-26 Being a By-Law to Further Amend By-law no. 83-38 Being a Zoning By-law for the said Township of Wilmot (11 Byron St)

14.3 By-Law 2023-27 Being a By-Law to Further Amend By-law no. 83-38 Being a Zoning By-law for the said Township of Wilmot (1856 Snyder's)

15. NOTICE OF MOTIONS

There were no Notices of Motion for this meeting.

16. ANNOUNCEMENTS

Residents are invited to provide their feedback regarding the current Noise By-law through an online survey available until Friday, June 9, at 4:30 p.m. For more information and to access the online survey, please visit

wilmot.ca/ByLawReviews.

With construction and inspections nearing completion, the Township of Wilmot is thrilled to announce the grand opening celebration of the Mike Schout Wetlands Preserve, rain or shine, on Saturday, June 10, 2023, at 10:00 a.m. at the Wetlands located at 28 Smith's Creek Drive in New Hamburg. Get all the details at wilmot.ca/Wetlands.

More for the month of June

Seniors Month, celebrated annually, provides an opportunity to acknowledge the valuable roles that seniors play in shaping our community and communities

across the country. Through various events and activities, throughout Waterloo Region, Seniors Month aims to promote social inclusion, health and wellness, and intergenerational connections. For more information about events and activities for seniors in Wilmot, please visit wilmot.ca/ActiveLivingCentre

The Township is excited to celebrate Recreation and Parks Month in June. It is a time to celebrate and enjoy all the amazing outdoor spaces and activities that our community has to offer. Whether it's hiking the over 58 kilometers of trails in Wilmot, swimming and participating in recreational activities at the Wilmot Recreation Complex or picnicking in one of Wilmot's 24 parks with family and friends, there are endless opportunities to get active and enjoy our beautiful Township!

Councillor Martin reminded everyone Nith Valley Eco Boosters are currently recruiting for youth members.

Mayor Salonen discussed the Region of Waterloo Strategic Plan and provide information to residents how they can participate in the process.

17. BUSINESS ARISING FROM CLOSED SESSION

18. CONFIRMATORY BY-LAW

Moved by: Councillor S. Martin

Seconded by: Councillor L. Dunstall

THAT the Confirmatory By-Law, as attached to this agenda, be read a first, second and third time, and finally passed in Open Council.

Motion Carried

19. ADJOURNMENT

Moved by: Councillor S. Cressman

Seconded by: Councillor K. Wilkinson

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

Motion Carried