

**TOWNSHIP OF WOOLWICH
COMMITTEE OF THE WHOLE MINUTES
August 9, 2016
7:00 p.m.
Council Chambers, 2nd Floor
24 Church Street West, Elmira**

Present: Mayor Shantz
Councillor Merlihan
Councillor Hahn
Councillor Bauman
Councillor Martin
Councillor Shantz

Public Resolution to Move into Closed Session - (5:30 P.M. in Council Chambers)

MOVED BY Councillor Martin

SECONDED BY Councillor Bauman

THAT the Council of the Township of Woolwich convenes in closed session on Tuesday, August 9, 2016 in the Councillors' Office in accordance with Section 239 (2) (d) of the Municipal Act, for discussion of labour relations or employee negotiations, regarding union negotiations. And Section 239 (2) (b) of the Municipal Act, for discussion referring to personnel matters about an identifiable individual, including municipal or local board members, regarding personnel matters and Committee Appointments.

...CARRIED

Resolution to Reconvene in Open Session (7:00 P.M. in Council Chambers)

MOVED BY Councillor Bauman

SECONDED BY Councillor Martin

THAT Council reconvenes in open session.

...CARRIED

Disclosures of Pecuniary Interest

Mayor Shantz declared a pecuniary interest with respect to Report E58-2016: Preliminary Staff Recommendation Regarding Declaring a Portion of Front Street in St. Jacobs as Surplus Land. Her spouse is working on that project.

Councillor Martin expressed a pecuniary interest with respect to the Planning Public report for Wellington Fertilizer as Mr. Brubacher is a family member.

Items to Come Forward from Closed Session

Union Negotiations

MOVED BY Mayor Shantz

SECONDED BY Councillor Martin

THAT the Council of the Township of Woolwich approves the Memorandum of Agreement between the Township of Woolwich and CUPE Local 1542 for a three year collective agreement period from January 1, 2016 to December 31, 2018, including the following percentage wage adjustments: 1% for 2016, 1.1% for 2017 and 1.2% for 2018;

AND FURTHER THAT Council authorizes the Mayor to sign the amended collective agreement on behalf of Council;

AND FURTHER THAT Council approves the same increases for non-union staff.

...CARRIED

Ad Hoc Committee

MOVED BY Councillor Shantz

SECONDED BY Councillor Merlihan

THAT Council appoint the following persons to the Breslau Community Park Ad Hoc Advisory Committee:

Dave Nichol
Sonya Willsher
Bill Smith
Kristy Smith
Jeff Barnard
Grace Sudden
Terri-Ann Kuntz

..... CARRIED

Planning Public - 7:00 P.M.

Councillor Bauman read the following introduction:

This meeting constitutes the formal public meeting required under Section 34 of the Planning Act. The meeting is for information purposes only and no decisions will be made at this time. The applications will be brought forward at a future meeting of the Committee of the Whole when staff has had an opportunity to review all submissions and prepare recommendations. All those in attendance will be given an opportunity to speak. Interested parties are invited to sign the appropriate signup sheet in the lobby, if they wish further notification with respect to the applications. Individuals are requested to submit a written outline of any oral submissions made at the Public Meeting to the Township Clerk.

Zoning Amendment

If a person or public body that files an appeal of a decision of the Council of the Township of Woolwich in respect of the proposed zoning by-laws does not make oral submissions at a public meeting or make written submissions to the Council of the Township of Woolwich before the proposed zoning by-law amendments are passed:

- a) *the person or public body is not entitled to appeal the decision of the Township of Woolwich to the Ontario Municipal Board; and*
- b) *the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.*

Councillor Bauman declared the public meeting to be open and asked staff to review the first application.

Report E53-2016 - Zone Change 10/2016 (Robert Brubacher, Wellington Fertilizer)

Dan Kennaley, Director of Engineering and Planning Services, introduced the application regarding 7021 Side Road 5 West. He provided an overview of the application noting that the applicant is proposing to amend site specific provisions and increase the area of operation. Councillor Bauman invited members of the public to speak to the application if interested.

Bob Black, RBA Planning Consultants

Mr. Black spoke on behalf of applicant and provided an overview of the reasoning in determining the proposed zone change to the Wellington Fertilizer Company, owned and operated by Mr. Brubacher. He noted that the property is recognized as a legal farm-related use by the Township through zoning and By-law 1-2012, and it is also subject to site plan control. Mr. Black further mentioned that an opportunity has come along to mix and bag other granular products (particularly icing salt) in the slower months of June, July and August, which will then result in the operation providing more jobs for community members. He stated that the existing fertilizer plant can easily accommodate the salt mixing without any changes to the plant or the addition of any new equipment.

In response to the questions presented by Council, Mr. Black said the beef lot is the prime agricultural use, and the farm-related use is the mixing, bagging and supplying of fertilizer to farmers which takes up .07 hectares of the 22.5 hectares. Mr. Black along with Mr. Brubacher affirmed that the scales are not for public use.

Darren MacMillan

Mr. MacMillan explained that he lives on a property adjacent Mr. Brubacher's property and expressed his concern about various aspects of the fertilizer storage. He stated that there is lots of garbage from the fertilizer, power outages, airborne emissions he has trouble accessing the side road from his home due to truck traffic. Further, Mr. MacMillan said he has fire and safety concerns with the fertilizer operations. He noted that a week before there was a fire on the property which created further worry in relation to the expansion of Mr. Brubacher's company.

Fire Chief Rick Pedersen indicated that the nature of the fire was the result of an unapproved burn; however, firefighters used the water source and put the fire out quickly. He also notified Council that on February 24, 2014 the property did meet the Fire Code and any previous concerns have been dealt with and the property is being monitored by the Fire Department.

There were no further delegations. Since there was nothing further with respect to this application, Councillor Bauman declared this portion of the public meeting to be closed and asked staff to review the next application.

Report E54-2016 - Zone Change 11/2016 (Aden Brubacher)

Mr. Kennaley introduced the application regarding 1220 Halm Road noting that a letter of concern was received from a neighbour in regard to onsite operations. In response to an inquiry, Mr. Kennaley reported that the paint booth is still operating; it has not been shut down because the owner applied for a zone change and the operation is allowed to continue pending the outcome of the rezoning process. Councillor Bauman invited members of the public to speak to the application if interested.

Bob Black, RBA Planning Consultants

Mr. Black spoke as a representative for the applicant and provided a brief overview of what the applicant is asking for in relation to the paint booth and the overall operation of the property. He then emphasized that the use complies with Ministry of Environment and Climate Change (MOECC) standards, and the proposal also complies with the Township's Official Plan, the Regional Official Plan, and Provincial Policy Statements.

Tom Snyder

Mr. Snyder informed the Council that Mr. Brubacher is his neighbor and stated that since the shop has been open it has been a great asset to the community.

Mark Demandt

Mr. Demandt indicated that part of his corner lot backs into Mr. Brubacher's lot. He said he has issues with on-farm businesses and is upset no one is regulating this farm. Mr. Demandt stated that when someone becomes a direct competition with manufacturing companies in town, it starts to become unfair. He submitted for the record his desire to understand who is checking on the on-farm industries and providing training to them.

There were no further delegations. Since there was nothing further with respect to this application, Councillor Bauman declared the public meeting to be closed.

Proclamations

None.

Presentations

None.

Delegations

Report E58-2016: Preliminary Staff Recommendation Regarding Declaring a Portion of Front Street in St. Jacobs as Surplus Land

Mayor Shantz left the meeting due to a pecuniary interest.

Brian Shantz, Brian Shantz Limited

Mr. Shantz provided an overview of the application on behalf of the property owner.

In response to a Council inquiry, Mr. Kennaley replied that there is a certain amount of risk that the property owners must take on eventually, since the Township cannot have a rezoning application prior to the sale of land due to conflict of interest. The land must first be declared surplus then sold before the rezoning application can be processed.

MOVED BY Councillor Hahn

SECONDED BY Councillor Merlihan

THAT the Council of the Township of Woolwich directs Staff to provide public notice, in accordance with Section 7 of the Sale and Disposition of Township Land By-law (86-2013), concerning Council's intent to pass a resolution to declare a portion of Front Street, west of Isabella Street in St. Jacobs, as surplus land and to close the road permanently (if required) for the purpose of transferring the land to Sprucelawn Apartments for Seniors Inc. as a lot addition to the property at 33 Front Street in St. Jacobs.

...CARRIED

Mayor Shantz returned to the discussion.

Report R11: Elmira Splash Pad

Ann McArthur, Director of Recreation and Facility Services, introduced the Elmira Splash Pad Report and noted that an extension has been granted meaning the Splash Pad must be completed by the end of June 2017. She answered Council's questions about the report noting that 100 to 300 people is considered high capacity for the Splash Pad. She further advised that she is not sure on the cost of savings for the Splash Pad at this point.

Shelly Martin and Kelly Meissner

Ms. Martin and Ms. Meissner presented the Elmira Splash Pad Proposal, and provided insight on the good responses the Committee received following the Splash Pad survey that hundreds of citizens participated in. Ms. Martin further stated that the Splash Pad brings benefits such as physical fitness, healthy lifestyle, community engagement and divergent play amongst children and youth of the community. Further, the Delegation added that the proposed Splash Pad can accommodate all persons with abilities and disabilities. Ms. Martin then affirmed that this will help grow Elmira's accessible environment.

The Delegation then pointed out that there are potentially two different types of water systems that the Committee was considering using: a recirculation system which requires substantial maintenance, or a drain-away system which requires less maintenance.

In response to a Council inquiry, Ms. Meissner stated that many municipalities that have tried to charge a fee for use have not been successful.

Tony DeJongh of ABC Recreation addressed Council's question in relation to the water operation and explained that the Splash Pad would be run by a controller with set hours of operations. He added that the Splash Pad proposal contains three zones; each zone has its own activation device which activates particular features in that zone. The representative from ABC Recreation explained that the hours of operation can be changed to accommodate water bans. With all the different sequences included, the devices will operate at different times, which will make sure that water is not be wasted.

A majority of Council verbally indicated support for locating the Splash Pad in Bolender Park in Elmira. However, many concerns came up with regards to the operational and capital costs, and the water system to be used.

Councillor Shantz requested a recorded vote for each clause of the recommendation voted on.

MOVED BY Mayor Shantz

SECONDED BY Councillor Merlihan

THAT Council's preferred location for the Splash Pad is Bolender Park in Elmira.

Opposed

Councillor Shantz

In Favour

Councillor Bauman

Councillor Hahn

Councillor Martin

Councillor Merlihan

Mayor Shantz

...CARRIED

MOVED BY Mayor Shantz

SECONDED BY Councillor Merlihan

THAT Council does not support the provision of Capital dollars for the construction of the Splash Pad in Elmira:

Opposed

Councillor Hahn

Mayor Shantz

In Favour

Councillor Bauman

Councillor Martin

Councillor Merlihan

Councillor Shantz

...CARRIED

In response to a Council inquiry, Mr. Kennaley indicated that Acting Manager of Engineering Jared Puppe will communicate with the Grand River Conservation Authority (GRCA) about the "pump and dump" question. Staff will also double check regarding possible implications of Bolender Park being in the floodplain and what can and cannot be constructed.

Councillor Bauman gave direction to Staff to come back with the operating costs and to do a geotechnical survey of the area. Councillor Bauman also directed staff to check back with the

GRCA about floodplain restrictions or concerns. Councillor Bauman closed the discussion and announced that the discussion will resume at the August 23rd Council meeting.

**Council took a 5 minute break.*

Unfinished Business

None.

Consent Items

MOVED BY Councillor Merlihan

SECONDED BY Mayor Shantz

THAT the following Consent Agenda items be approved:

1. WHEREAS capitalized terms not defined herein have the meanings ascribed thereto in the FIT contract, Version 3.1;

AND WHEREAS SPN LP 4 (the "Supplier") has entered into a FIT Contract to construct and operate a Rooftop Solar Facility (the "Project") on 25 Oriole Pkwy E (the "Lands") in the Township of Woolwich (the "Local Municipality") under the Province's FIT Program;

AND WHEREAS the Supplier previously requested that the Council of the Township of Woolwich ("Council") indicate by resolution Council's support for the construction and operation of the Project on the Lands of all Projects with the same Renewable Fuel anywhere in the Township of Woolwich and Council did provide such support in a prior resolution.

AND WHEREAS the Supplier requested that the Council indicate, by a resolution dated no earlier than June 10, 2015 (the "New Resolution"), Council's continued support for the construction and operation of the Project on the Lands;

AND WHEREAS where a New Resolution is received in respect of a Project, the Supplier will be recognized as fulfilling the requirements under Section 2.4(d)(vii) of the FIT Contract, which may result in the Supplier being offered Notice to Proceed in accordance with the terms of the Supplier's FIT Contract;

NOW THEREFORE BE IT RESOLVED THAT):

Council of the Township of Woolwich supports the construction and operation of the Project on the Lands.

The resolution's sole purpose is to enable the Supplier to achieve Notice to Proceed under its FIT Contract and may not be used for the purpose of any other form of municipal approval in relation to the FIT Contract or Project or for any other purpose.

2. WHEREAS capitalized terms not defined have the meanings ascribed thereto in the FIT Contract to construct and operate a Rooftop Solar Facility (the "Project") on 1625 Kossuth Rd., Cambridge ON N3H 4R6 (PIN # 22253-0086) (the "Lands") in the Township of Woolwich (the "Local Municipality") under the Province's FIT Program;

AND WHEREAS the Supplier previously requested that the Council of the Township of Woolwich ("Council") indicate by resolution Council's support for the construction and operation of the Project on the Lands or all Projects with the same Renewable Fuel anywhere in the Local Municipality, and Council did provide such support in a prior resolution.

AND WHEREAS the Supplier requested that the Council indicate, by a resolution dated no earlier than June 10, 2015 (the "New Resolution"), Council's continued support for the construction and operation of the Project on the Lands;

AND WHEREAS where a New Resolution is received in respect of a Project, the Supplier will be recognized as fulfilling the requirements under Section 2.4(d)(vii) of the FIT Contract, which may result in the Supplier being offered Notice to Proceed in accordance with the terms of the Supplier's FIT Contract;

NOW THEREFORE BE IT RESOLVED THAT:

Council of the Township of Woolwich supports the construction and operation of the Project on the Lands.

This resolution's sole purpose is to enable the Supplier to achieve Notice to Proceed under its FIT Contract and may not be used for the purpose of any other form of municipal approval in relation to the FIT Contract or Project or for any other purpose;

AND FURTHER THAT the following Consent Items be received for information:

- Council Mail Folder Items
- Minutes for TAG - May 12, 2016
- St. Jacobs BIA Board of Management Minutes - June 7, 2016
- Notice of Study Completion (Breslau Secondary Plan)
- Downtown Elmira BIA Meeting Minutes - June 1, 2016

...CARRIED

Staff Reports and Memos

Report E44-2016: Amendment to Traffic and Parking By-law 70-2006 - Schedule Update

Mr. Kennaley stated that Appendix D needs to be adjusted and he will ensure the amendment is in place when Council considers the formal adoption of the by-law at its meeting on August 23rd.

MOVED BY Councillor Martin

SECONDED BY Councillor Merlihan

THAT the Council of the Township of Woolwich adopts by By-law, the revisions attached as Schedule "A" to Report E44-2016 to amend Schedules "1", "9", "11", "12", "18", "23" and "25" of the Traffic and Parking By-law #70-2006 to reflect the changes that have occurred as a result of development within the Township;

AND FURTHER THAT Council approves an amendment to the Traffic and Parking By-Law to reduce the speed limit from 80km/hr to 60km/hr on Halm Road from 362m South of Maryhill Road to 750m South of Maryhill Road in the vicinity of the Halm Road Mennonite Parochial School.

...CARRIED

Staff was asked to review all school areas in the Township to ensure that speed limits are reduced at all schools. This item was to be added to the Outstanding Activity List.

E55-2016: Preliminary Staff Recommendation Regarding Declaring Adam Street in St. Jacobs Surplus

Councillor Bauman presented a brief overview of the report and commented that he spoke to one of the property owners and they were not in favour of moving forward which supports staff's decision. Councillor Bauman further noted that a resident will be coming forward at the August 23rd Council meeting as a Delegation with regard to this report.

MOVED BY Councillor Merlihan

SECONDED BY Councillor Shantz

THAT the Council of the Township of Woolwich direct Staff not to proceed with the process of providing public notice in accordance with Section 7 of the Sale and Disposition of Township Land By-law (86-2013) because Council does not want to declare Adam Street as surplus land and to close the road permanently for the reasons outlined in Report E55-2016.

...CARRIED

E59-2016: Concrete Driveway Deficiencies in Maryhill

Staff presented the report. In response to inquiries, Council was informed that all the driveways in Maryhill will be completed in September, but the holdback money does not cover the full cost of this work. However, staff set funding aside to make sure the project does not exceed the 2016 Budget. The residents will be notified immediately this week once staff has engaged the contractor.

MOVED BY Councillor Shantz

SECONDED BY Councillor Hahn

THAT the Council of the Township of Woolwich, in accordance with Report E59-2016, awards the concrete driveway repairs to P.W. Concrete Limited for the removal and replacement of eight concrete driveways along Isley Drive and Notre Dame Avenue in Maryhill due to deficient workmanship resulting from Contract 2013-06 at a total cost of \$46,381.19 including H.S.T. rebate;

AND FURTHER THAT Council apportions the remaining Maintenance Holdback from Contract 2013-06 to the cost of the required repair work;

AND FURTHER THAT Council authorizes an exemption from By-law 71-2015 (the Purchasing By-law), Section 13, which requires sealed quotations for goods and services over \$40,000.00

...CARRIED

E60-2016: Authorization to Hire One-Year Contract to Assist with Engineering Section Projects

Mr. David Brenneman, Chief Administrative Officer, introduced the report and provided a brief overview on the background of the report. Mr. Brenneman further stated that the proposed one year contract position will help ensure there is enough expertise and knowledge in the Engineering Section, and will ensure that the Township can still finish off work for the Asset Management Plan.

In response to a Council inquiry, Mr. Kennaley said Staff wishes to present the Development Charges Amendment in the 2017 Budget Deliberations, since the contract person would be working strictly on growth-related projects to ensure that the Acting Manager of Engineering can focus on the Engineering and Planning Services Asset Management Plan component by next year.

Richard Petherick, Director of Finance/Treasurer, noted that this position needs to be added in the Developmental Charges Amendment in order for it to be put into the 2017 budget.

MOVED BY Councillor Martin

SECONDED BY Councillor Shantz

THAT the Council of the Township of Woolwich, in accordance with Report E60-2016, authorizes the hiring of a one year contract person to assist with Engineering Section projects within the Engineering and Planning Services Department.

...CARRIED

Other Business

Verbal Update on Heidelberg Park Pavilion

In relation to the Heidelberg Park Pavilion, Ms. McArthur indicated that she met with the Heidelberg Recreation Association, and is seeking Council's support to be able to move forward with the project. Further she noted that she was looking for a recommendation and resolution in order to get the required permit for the project.

Council gave direction to staff to proceed with the Heidelberg Park Pavilion project.

Outstanding Activity List, as of August 5, 2016

Council added the review of speed limits in all school zones to the list.

Correspondence

Request to Fly Lions Club International Flag

Council agreed to support the Lions Club by flying their international flag at the Woolwich Memorial Centre. Mayor Shantz said she will be in touch with the Lions to set an exact date for this to occur.

Public Notice

None.

Notice of Closed Meetings

None.

Notice of Motion

None.

Adjournment

MOVED BY Councillor Shantz
SECONDED BY Councillor Martin
THAT the meeting be adjourned.

...CARRIED

Sandy Shantz

Mayor

Valrie Hummel

Clerk